RICHMOND HILL

GEORGIA

Unified Development Ordinance

iZone | Interactive Zoning

Effective Date: June 6, 2017

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How to use this iZone Interactive Zoning Ordinance

iZone Document Features

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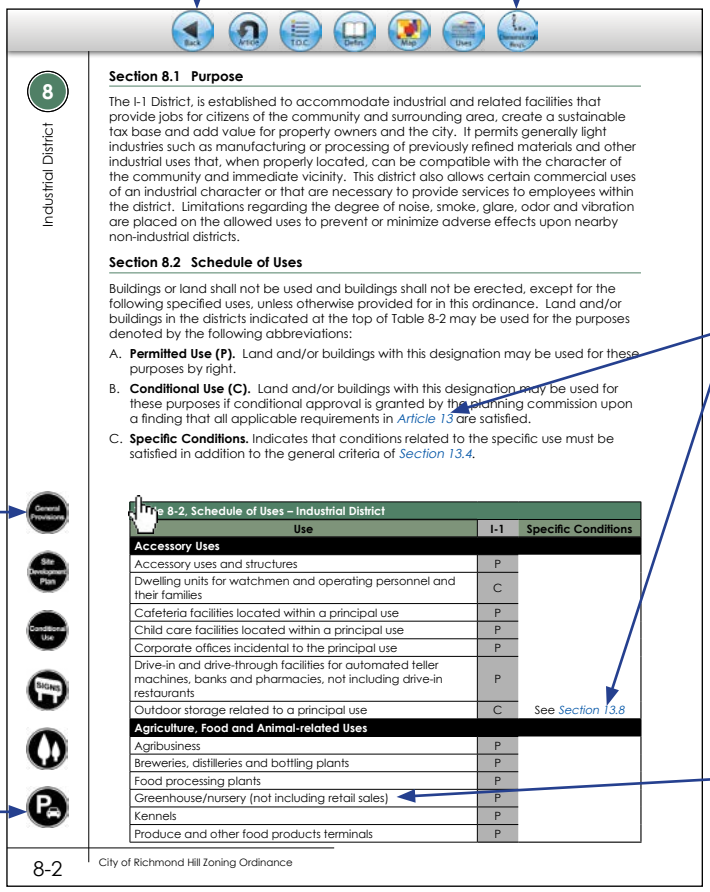

8 Industrial District

Section 8.1 Purpose

The I-1 District, is established to accommodate industrial and related facilities that provide jobs for citizens of the community and surrounding area, create a sustainable tax base and add value for property owners and the city. It permits generally light industries such as manufacturing or processing of previously refined materials and other industrial uses that, when properly located, can be compatible with the character of the community and immediate vicinity. This district also allows certain commercial uses of an industrial character or that are necessary to provide services to employees within the district. Limitations regarding the degree of noise, smoke, glare, odor and vibration are placed on the allowed uses to prevent or minimize adverse effects upon nearby non-industrial districts.

Section 8.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 8-2 may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in *Article 13* are satisfied.

C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Section 13.4*.

Table 8-2, Schedule of Uses – Industrial District

Use	I-1	Specific Conditions
Accessory Uses		
Accessory uses and structures	P	
Dwelling units for watchmen and operating personnel and their families	C	
Cafeteria facilities located within a principal use	P	
Child care facilities located within a principal use	P	
Corporate offices incidental to the principal use	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	P	
Outdoor storage related to a principal use	C	See *Section 13.8*
Agriculture, Food and Animal-related Uses		
Agribusiness	P	
Breweries, distilleries and bottling plants	P	
Food processing plants	P	
Greenhouse/nursery (not including retail sales)	P	
Kennels	P	
Produce and other food products terminals	P	

8-2 City of Richmond Hill Zoning Ordinance

References to Articles, Sections, Tables and Figures are italicized to indicate the hyperlink. After you have read the referenced section, you can click on the Previous View button to return to the page you were reading.

The buttons on the side of the page take you to commonly used features:
-General Provisions,
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-Signs,
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-Parking.

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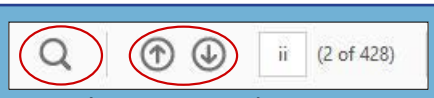

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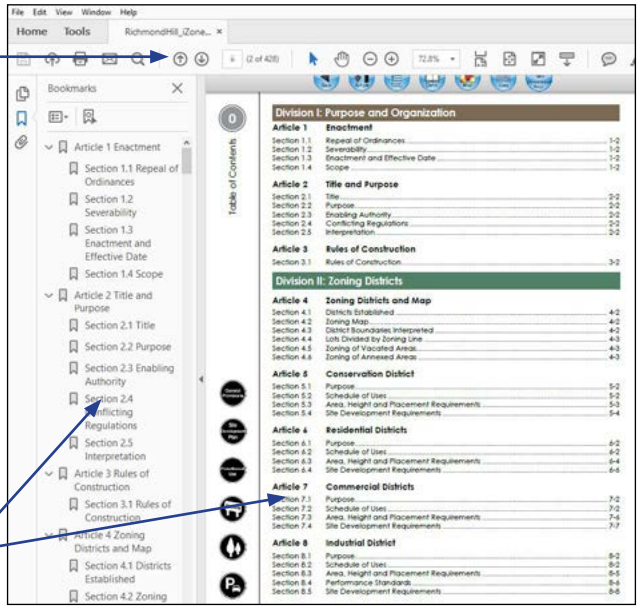

Click on bookmarks or anywhere in the Table of Contents to jump between sections.

Article 1
Enactment

1

Section 1.1 Repeal of Ordinances

A. The adoption of this Unified Development Ordinance shall have the effect of repealing and replacing the following previously adopted City of Richmond Hill ordinances in relevant part: Adult Entertainment (Chapter 10, Article II): Architectural Design (Chapter 18, Article VI): Soil Erosion, Sedimentation and Pollution Control (Chapter 34, Article IV); Floods (Chapter 48); Stormwater Management (Chapter 56); Subdivisions (Chapter 58); Telecommunications Antennas and Towers (Chapter 63); Trees (Chapter 67); Landscaping (Chapter 68); and Zoning (Appendix A).

B. The repeal of any language within the ordinance, or any expiration by virtue of any provision contained within the ordinance, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the regulation expired.

C. When any language which repealed another shall itself be repealed, the previous language shall not be revived without being approved as a text amendment to this ordinance, as detailed in *Article 19*.

Section 1.2 Severability

If any section, subsection, clause, provision of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of these regulations which is not invalid or unconstitutional. Where the provisions of this ordinance are in conflict with other ordinances, the most restrictive provisions shall be enforced.

Section 1.3 Enactment and Effective Date

In accordance with the authority granted by the Constitution of the State of Georgia as enacted by the Georgia General Assembly and Ratified by General Election, the City Council of Richmond Hill, Georgia, hereby ordains and enacts into law on June 6, 2017 the City of Richmond Hill Unified Development Ordinance. As part of this ordinance so enacted into law is "The Official Zoning Map of Richmond Hill, Georgia."

Section 1.4 Scope

This ordinance of the City of Richmond Hill:

A. Regulates the location, height, bulk, number of stories and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards and other open spaces; the density and distribution of population, and regulates the use of all land within the city;

B. The uses of buildings; structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, public activities;

C. The preservation of scenic areas, protection against floods, rising waters and erosion, and other purposes;

D. Creates districts for these purposes and establishes the boundaries for those districts;

E. Defines certain terms used in the ordinance;

F. Provides for the method of administration, appeal and amendment, enforcement, duties and the provision of penalties for violation.

Article 2
Title and Purpose

2

Section 2.1 Title

This ordinance shall be known as the "Unified Development Ordinance of the City of Richmond Hill, Georgia." The map referred to, which is identified by the title, shall be known as the "The Official Zoning Map of the City of Richmond Hill, Georgia."

Section 2.2 Purpose

The regulations and zoning districts established in this ordinance have been made for the purpose of promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the city. The regulations and arrangements of districts have been designed to lessen congestion in the streets; to secure safety from fire; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of water, sewer, schools, parks, roads, transportation facilities and other public requirements; to protect and enhance property values; to support the city's adopted comprehensive plan; and to encourage the most appropriate use of land throughout the city.

Section 2.3 Enabling Authority

A. The Richmond Hill City Council is authorized to adopt this Ordinance pursuant to the enabling authority contained in the Georgia Zoning Procedures Law,(O.C.G.A. 36-66-1 et. seq.), and all other relevant laws of the state of Georgia.

B. Whenever any provision of this Ordinance refers to or cites a section of the Georgia Code of Laws and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 2.4 Conflicting Regulations

Where the provisions of this ordinance are in conflict with other ordinances, the most restrictive provisions shall be enforced.

Section 2.5 Interpretation

In the interpretation and application of this Unified Development Ordinance, all provisions shall be considered as minimum requirements, liberally construed in favor of the city council, and deemed neither to limit nor repeal any other powers granted under state law. This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Article 3
Rules of Construction

3

Section 3.1 Rules of Construction

A. The words, terms and phrases used in this ordinance shall have the meaning assigned to them in *Article 32* - Definitions, except where the context clearly indicates a different meaning.

B. The following rules shall apply for construing or interpreting the terms and provisions of this ordinance:

1. ***Meanings and Intent.*** All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the purpose statements set forth throughout this ordinance. When a specific section of this ordinance gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.
2. ***Headings, Illustrations, and Text.*** In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
3. ***Lists and Examples.*** Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.
4. ***Computation of Time.*** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the city. References to days are calendar days unless otherwise stated.
5. ***References to Other Regulations/Publications.*** Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
6. ***Delegation of Authority.*** Any act authorized by this ordinance to be carried out by the planning director, zoning administrator or other city employee may be carried out by a designee of that employee.
7. ***Technical and Non-Technical Terms.*** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in a profession, trade or in law shall be construed and understood according to such meaning.
8. ***Public Officials and Agencies.*** All public officials, bodies, and agencies to which references are made are those of the City of Richmond Hill, unless otherwise indicated.
9. ***Mandatory and Discretionary Terms.*** The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.
10. ***Conjunctions.*** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
    a. "And" indicates that all connected items, conditions, provisions or events apply; and

b. "Or" indicates that one (1) or more of the connected items, conditions, provisions or events apply.

11. ***Tenses, Plurals, and Gender***. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

12. ***Measuring Distance.*** Unless specified otherwise, in those provisions that require separation between uses or properties, measurement of distance shall be from nearest property line to nearest property line.

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Article 4
Zoning Districts and Map

4

Section 4.1 Districts Established

The following zone districts are established:

Table 4-1, Zone Districts Established

Category	Designation	District Name
Conservation District	CP	Conservation-Preservation
Residential Districts	R-1	Estate Residential
	R-2	Low Density Single Family
	R-3	Moderate Density Residential
	R-4	Manufactured Home Residential
Commercial Districts	C-1	General Commercial
	C-2	Downtown Commercial
	C-3	Interchange Commercial
Industrial District	I-1	Light Industrial
Mixed Use Districts	MU-1	Neighborhood Mixed Use
	MU-2	Community Mixed Use
Planned Unit Development District	PUD	Planned Unit Development
Overlay Districts	FO	Ford Overlay
	GO	Gateway Overlay

Section 4.2 Zoning Map

A. **General.** The official zone district map designates the location and boundaries of the various zone districts established in this ordinance within the City of Richmond Hill. The official zone district map shall be kept on file in the office of the city clerk and be available for public inspection during normal business hours. The original official version of the map shall be identified by the signature of the mayor attested by the city clerk. It may be kept in either hardcopy or digital form. It shall be the final authority as to the status of the current zone district classification of land in the city.

B. Amendments. The city council may, at its discretion or upon formal application, amend the zoning map, in accordance with the amendment procedures of *Article 31*.

Section 4.3 District Boundaries Interpreted

A. Unless otherwise expressly stated in this ordinance, zone district boundaries shall be considered to be lot lines or the centerline of streets, alleys, railroad rights-of-way, streams and rivers, city limit boundaries, or such lines extended.

B. Where district boundaries are indicated as being set back from and parallel to a street, road, highway, railroad, stream or river, those boundaries, unless otherwise specifically indicated, shall be construed to be at the scaled distance from the center line of and parallel to such street, road, highway, railroad, stream or river.

C. When the street or property layout existing on the ground is inconsistent with that shown on the official zoning map, the planning director shall interpret the district boundaries.

Section 4.4 Lots Divided by Zoning Line

A. Where a zoning line divides a lot or where two (2) lots in different districts are combined, the entire lot shall be considered to be wholly within the more restrictive zoning district. Table 4-1 lists districts from most restrictive to least restrictive.

Section 4.5 Zoning of Vacated Areas

Whenever any street, alley or other public way within the city is vacated by official governmental action, and when the lands within those vacated lands attach to and become a part of lands adjoining the street, alley, or public way, those lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.

Section 4.6 Zoning of Annexed Areas

When land is annexed into the city, it shall be zoned R-1 until or unless the city council take action to classify it as another zone district.

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Article 5
Conservation District

5

Section 5.1 Purpose

The purpose of the Conservation Preservation District is to preserve and control development within certain land, marsh, water, and low-lying areas of this city. These areas serve as wildlife refuges, possess great natural beauty, are of ecological significance, are utilized for outdoor recreational purposes, or provide needed open space for the health and general welfare of the city's inhabitants. The regulations are designed to discourage encroachment of uses capable of destroying the undeveloped character of the district.

Section 5.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 5-2 may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in *Article 13* are satisfied.

C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Section 13.3*.

Table 5-2, Schedule of Use, Conservation District

Uses	CP, Conservation District	Specific Conditions
Agriculture and Animal-Related Uses		
Farm	P	
Timber production and harvesting	P	
Wildlife refuge	P	
Recreation and Leisure		
Amphitheater	C	
Golf courses/country clubs	C	
Outdoor commercial recreation	C	
Private dock or boathouse	C	
Private noncommercial outdoor recreation	C	
Public boat ramp	C	
Public parks/playgrounds	C	
Campground	C	
Public/Quasi-Public		
Cemeteries	C	
Government buildings and facilities	C	
Places of worship	C	See *Section 13.5*
Public utilities	C	
Wireless communication facilities and towers	C	See *Section 13.5*

Table 5-2, Schedule of Use, Conservation District		
Uses	**CP, Conservation District**	**Specific Conditions**
Accessory Uses		
Accessory uses and structures	P	
Panel antennae	C	
Other Uses		
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance, in accordance with the criteria specified in *Subsection 12.6 E.*	P/C	See *Subsection 12.6 E*

Section 5.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in Table 5-3 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 5-3, Schedule of Area, Height and Placement Requirements	
Requirements	**CP – Conservation Preservation District**
Lot Area, Width and Density	
Minimum lot area (sq. ft.)	21,780
Minimum lot width (ft.)	100
Setbacks (minimum ft.)	
Front	50
Rear	20
Side (interior)	30
Side (street)	50
Height and Coverage (maximum)	
Building coverage (%)	25
Impervious surface coverage (%)	35
Height (ft.)	35

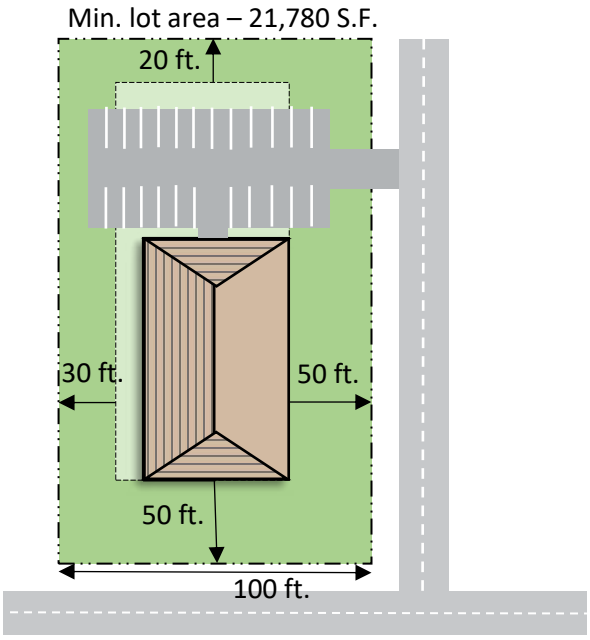

Figure 5-1: Conservation Preservation dimensional requirements

Section 5.4 Site Development Requirements

In addition to the requirements of this article, all development in the conservation districts shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article 11*

B. General Provisions, see *Article 12*

C. Conditional Use Requirements, see *Article 13*

D. Parking and Loading, see *Article 14*

E. Landscaping, Buffering and Tree Preservation, see *Article 15*

F. Signs, see *Article 16*

G. Development Plan Review, see *Article 17*

H. Stormwater Management and Sedimentation Control, see *Article 18*

I. Floodplain Management, see *Article 19*

J. Soil Erosion and Sedimentation Control, see *Article 20*

K. Subdivision Regulations, see *Division 4*

Article 6
Residential Districts

6

Section 6.1 Purpose

A. **R-1, Estate Residential District:** This is a low density residential district. The principal use of land is for single-family dwellings. Related recreational, religious and educational facilities needed to provide the basic elements of a balanced, safe, and attractive living environment are also permitted. These areas tend to be found in the central and northwestern areas of the city on relatively large parcels in locations where natural features pose limitations on layout and density, making them more conducive to larger lot subdivisions. Densities in this district will be less than two (2) units per acre.

B. **R-2, Low Density Residential District:** This is a low density residential district intended to create cohesive, single family, walkable neighborhoods at a density of approximately two and a half (2 ½) units per acre. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced, safe, and attractive living environment. These areas are intended to be defined and to be protected from the encroachment of uses not performing a function appropriate to the single-family residential environment.

C. **R-3, Moderate Density Residential District:** This district provides for the development of a full range of housing types at a moderate density in order to accommodate open space and recreational amenities within each development. Consistent with the city's comprehensive plan, the district provides for housing choice in the community where increased density would be compatible with existing development. Densities up to 10 units per acre are permitted to promote economically viable development on infill and redevelopment sites. The district may also be established as a transition zone between low density residential districts and nonresidential or mixed use districts.

D. **R-4, Manufactured Home Residential District:** This district provides for a single family residential environment on small lots or within planned communities to accommodate manufactured homes. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced, safe, and attractive residential area. Subdivisions may be developed at a density of approximately four (4) dwellings per acre, while manufactured home communities may contain up to seven (7) dwellings per acre.

Section 6.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 6-2 may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in *Article 13* are satisfied.

C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Section 13.4*.

Table 6-2, Schedule of Use, Residential Districts					
Uses	Residential Districts				Specific Conditions
	R-1	R-2	R-3	R-4	
Residential					
Assisted living facility			C		
Attached single family dwelling			P		
Bed and breakfast	C				See *Section 13.4*
Detached single family dwelling	P	P		C[1]	
Family day care home	C	C	C	C	See *Section 13.7*
Manufactured home community/ subdivision				C	
Multiple family dwelling			P		
Nursing home	C	C	C	C	
Personal care home	C	C			See *Section 13.6*
Retirement community			C		See *Section 13.6*
Two family dwelling			P		
Recreation and Leisure					
Adult day care	C	C	C	C	
Child care facilities	C	C	C	C	
Golf courses/country clubs	C	C	C	C	
Private noncommercial recreation	C	C	C	C	
Public parks/playgrounds	P	P	P	P	
Public/Quasi-Public					
Cemeteries	C	C	C	C	
Government buildings and facilities	C	C	C	C	
Places of worship	C	C	C	C	See *Section 13.5*
Pre-school nursery			C	C	
Schools (K-12)	C	C	C	C	See *Section 13.5*
Accessory Uses					
Accessory dwelling units	C	C			See *Section 13.6*
Accessory uses and structures	P/C	P/C	P/C	P/C	
Home occupations[2]	P/C	C	C	C	See *Section 13.6*
Other Uses					
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance	P/C				See *Subsection 12.6 E*

Table 6-2, Schedule of Use, Residential Districts					
Uses	Residential Districts				Specific Conditions
	R-1	R-2	R-3	R-4	
1 A detached single family home shall only be allowed on a lot as a replacement for an existing manufactured home that occupied that lot for a period of at least five (5) years. 2 If the planning director determines that a proposed home occupation will be apparent from the outside and may create a noticeable change to the neighborhood relative to factors such as visitors, deliveries, noise, hours of operation, odor or similar external effects, the use shall be reviewed as a conditional use, in accordance with *Article 13*. Otherwise, the home occupation shall be considered a permitted use, but still subject to the criteria of *Subsection 13.6 B*.					

Section 6.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in Table 6-3 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 6-3, Schedule of Area, Height and Placement Requirements							
Requirements		Residential Districts					
				R-3		R-4	
		R-1	R-2	Two family	Attached single family and multiple family	Individual lot	Within mfd. home community
Lot Area, Width and Density							
Lot area	Minimum sq. ft.	20,000	12,000	4,500[3]	-	8,500	4,900
Lot width	Minimum ft.	110	90	40[3]	-	60	50
Density (maximum units/ net acre)[4]		1.5	2.5	7	10[5]	-	
Setbacks (minimum ft.)[6]							
Front[7]		50	30	20	20	25	20
Rear		40	30	20	20	15	10
Side (interior)		25	20	10	20[8]	10	10
Side (street)		50	30	20	20	25	20
Height and Coverage (maximum)							
Building coverage (%)		35	35	35	45	35	40
Height (ft.)		40	35	35		35	
Floor Area (minimum sq. ft.)							
Ground level		1,500	1,200			1,000	720[9]
One-bedroom[10]		-	-	750		-	
Two-bedroom[10]		-	-	900		-	
Three-bedroom[10]		-	-	1050		-	

Table 6-3, Schedule of Area, Height and Placement Requirements

Requirements	Residential Districts					
			R-3		R-4	
	R-1	R-2	Two family	Attached single family and multiple family	Individual lot	Within mfd. home community
Additional bedrooms > 3[10]	-	-	150/addl. bedroom		-	

3 Minimum lot area and width applicable to each unit for two-family dwellings only.

4 Net acre shall be calculated as the total site acreage, less the area occupied by wetlands.

5 Maximum of five (5) attached single family units per building.

6 Setbacks shall be measured from the interior edge of drainage or utility easements located within a lot. As an alternative, easements may be located within dedicated common open space areas outside of platted lots.

7 If located on a private road, the setback shall be measured from the easement line or 30 feet from the center of the road, whichever is greater.

8 Minimum separation between ends of contiguous buildings within a development shall be 40 feet.

9 Minimum 20 ft. wide at the narrowest dimension.

10 Applies to two-family, attached single family and multiple family dwellings.

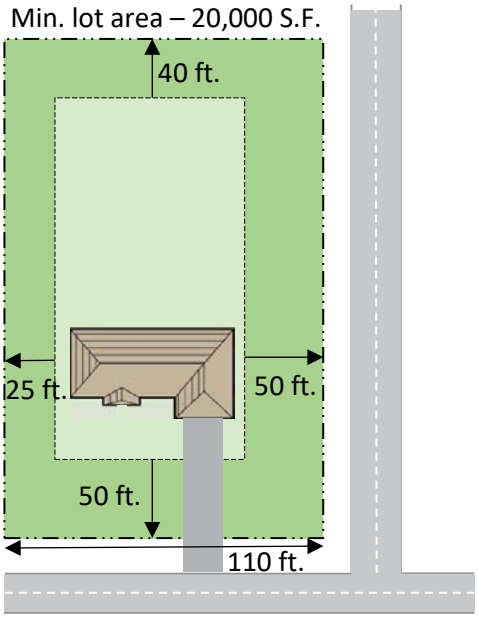

Figure 6-1: R-1 dimensional requirements

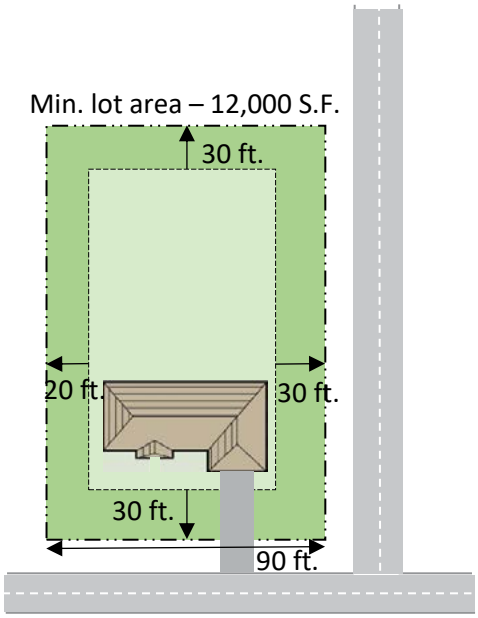

Figure 6-2: R-2 dimensional requirements

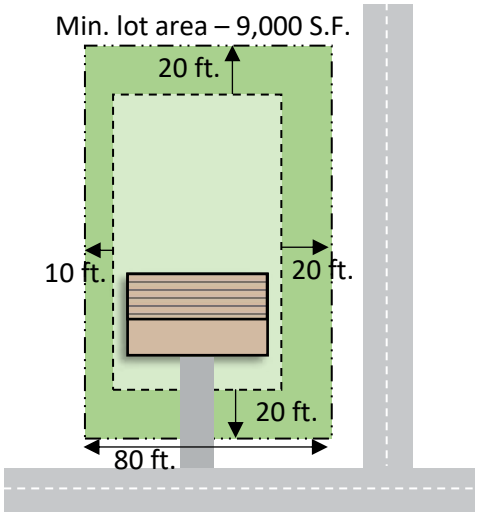

Figure 6-3: R-3 dimensional requirements (Two Family Residential)

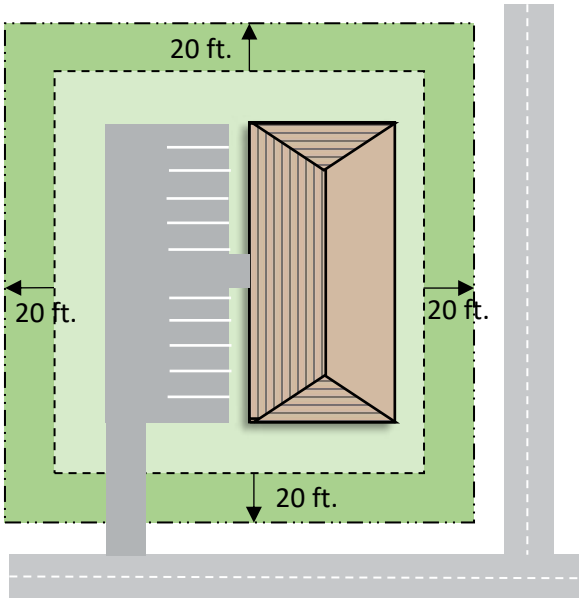

Figure 6-4: R-4 dimensional requirements (Two Family Residential)

Section 6.4 Site Development Requirements

In addition to the requirements of this article, all development in the residential districts shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article 11*

B. General Provisions, see *Article 12*

C. Conditional Use Requirements, see *Article 13*

D. Parking and Loading, see *Article 14*

E. Landscaping, Buffering and Tree Preservation, see *Article 15*

F. Signs, see *Article 16*

G. Development Plan Review, see *Article 17*

H. Stormwater Management and Sedimentation Control, see *Article 18*

I. Floodplain Management, see *Article 19*

J. Soil Erosion and Sedimentation Control, see *Article 20*

K. Subdivision Regulations, see *Division 4*

Article 7
Commercial Districts

7

Section 7.1 Purpose

A. **C-1, General Commercial.** The General Commercial zoning district is intended primarily to accommodate a range of retail and service uses serving the broader needs of the community and the motoring public. Large-scale retailers, auto-related businesses and similar uses not generally appropriate for other commercial districts will be permitted. While the district will be established primarily along arterial roadways, care should be taken to ensure compatibility with adjacent uses and minimize conflicts with traffic along abutting streets.

B. **C-2, Downtown Commercial.** The Downtown Commercial District is intended to protect and enhance the traditional, small-town character of Richmond Hill's historic core area. The district accommodates a mix of retail stores, offices, public spaces, residential uses and related activities that are mutually supportive and serve the needs of the community in a compact, pedestrian-oriented environment. Through the use of architectural standards and design requirements, the district establishes a cohesive identity based on the historic traditions of the city.

C. **C-3, Interchange Commercial.** This district is a specialized district intended to provide for those service uses mainly catering to the motoring public along the interstate highway system and other high volume roadways. Uses will be limited to auto-oriented uses and district boundaries will be confined to the immediate vicinity of interchanges and major intersections.

Section 7.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 7-2 may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in *Article 13* are satisfied.

C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Section 13.4*.

Table 7-2 Schedule of Uses: Commercial Districts

Use	Districts			Specific Conditions
	C-1	C-2	C-3	
Food, Drink, Entertainment and Hospitality				
Art gallery or studio	P	P		
Bars, taverns and nightclubs	C	C	C	See *Section 13.4*
Club or lodge, private	P	C		
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)	C	C	P	
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)	C		P	

Table 7-2 Schedule of Uses: Commercial Districts				
Use	Districts			Specific Conditions
	C-1	C-2	C-3	
Food catering service	P	P		
Golf club, sports complex	P			
Hotel/motel			C	See *Section 13.4*
Micro-brewery	P	P	P	
Performance theaters, concert halls		P		
Performing arts or martial arts school or studio	P	P		
Radio, television and recording studio	P			
Restaurant (standard), not including drive-thru	P	P	P	
Restaurant (drive-in or drive-through)	C		C	See *Section 13.4*
Restaurant (alcohol and/or entertainment)	C	C	C	See *Section 13.4*
Small-scale Inn		C		
Office, Financial and Business Services				
Business school	P	P		
Financial institutions	P	P	P	
Medical, dental or chiropractic office, including clinics and/or laboratory	P	P		
Office equipment sales and service	P	P		
Offices, general and professional	P	P		
Printing and photocopying establishments	P	P		
Research, development and testing laboratories		P		
Short-term lending or pay-day check cashing			C	See *Section 13.7*
Veterinary hospital	C			
Personal Services				
Ambulance service	P	P	P	
Barber shop, hair salon or spa	P	P		
Child care facilities, commercial preschools and nurseries	P	P		
Dress maker, tailor	P	P		
Dry cleaner, not including a dry cleaning plant	P	P		
Electronics repair	P	P		
Family day care home	P	P		
Health spa, fitness club, dance studio	P	P		
Kennels	C			See *Section 13.7*
Laundromat	P	P		
Mortuary or funeral home, not including crematorium	C			See *Section 13.7*

Table 7-2 Schedule of Uses: Commercial Districts				
Use	Districts			Specific Conditions
	C-1	C-2	C-3	
Optician and eyeglasses	P	P		
Pet grooming	P	P		
Photography studio	P	P		
Small engine repair	P		P	
Small item repair	P	P		
Tattoo parlor	C			
Public/Quasi-Public				
Cemetery	C			
Government buildings	P	P	P	
Hospital and medical centers	C	C		See *Section 13.5*
Library	P	P		
Museum, cultural facility	P	P		
Places of worship and customary related uses	P	P	P	
Publicly owned recreation center or other similar charitable institution		P		
Utility substations and subinstallations, including water towers	P	P	P	
Residential				
Upper floor dwelling above a street-level business (live/work units)	P	P		
Retail Uses				
Appliance sales and repair	P			
Auction houses	C			
Building materials and lumber supply	C			
Consumer fireworks retail sales facility (temporary)			C	See *Section 13.9*
Nurseries and greenhouses (including retail sales)	P			
Package store	C	C		See *Subsection 13.4 A.1*
Pawn shops	C			See *Section 13.7*
Planned shopping centers	P			
Planned shopping centers, not exceeding 50,000 sq. ft.		C		
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, not exceeding 5,000 square feet of floor area		P		

Table 7-2 Schedule of Uses: Commercial Districts				
Use	Districts			Specific Conditions
	C-1	C-2	C-3	
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, more than 5,000 but less than 20,000 sq. ft.		C		
Retail establishments whose principal activity is the sale of merchandise within an enclosed building of any size.	P			
Vehicle Sales, Service and Related Uses				
Auto parts and tire store	C		C	
Automobile, truck and trailer rental	P		P	
Automobile, trailer, truck, farm equipment, heavy equipment, manufactured home, boat, recreational vehicle or motorcycle sales	C		C	See *Section 13.7*
Parking garage, structure or lot, commercial (as principal use)		C		
Tire retreading service			C	
Truck stops			C	See *Section 13.7*
Vehicle repair, major	C		C	See *Section 13.7*
Vehicle repair, minor	C		C	See *Section 13.7*
Vehicle service stations	C	C	C	See *Section 13.7*
Vehicle wash facilities	C	C	C	See *Section 13.7*
Vehicle wash facilities for trucks and trailers			C	See *Section 13.7*
Accessory Uses				
Accessory uses and structures	P	P	P	
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies and similar uses (not including drive-through restaurants)	C	C	C	See *Section 13.9*
Outdoor display areas for retail establishments	C	C	C	
Outdoor seating areas for restaurant, taverns and similar establishments	P	C	P	See *Section 13.4*
Outdoor storage related to a principal use	C		C	See *Section 13.8*
Other Uses				
Self-storage facilities (indoor)			C	See *Section 13.7*
Panel antennae	C	C	C	
Public utility buildings and lands	C	C	C	
Uses of the same nature or class as uses listed in this district, but not listed elsewhere in this ordinance, in accordance with the criteria specified in *Subection 12.6 E*.	P/C	P/C	P/C	See *Subsection 12.6 E.*

Section 7.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in Table 7-3 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 7-3, Schedule of Area, Height and Placement Requirements

Requirements	Commercial Districts		
	C-1	C-2	C-3
Lot Area and Width			
Min. Lot Area (sq. ft.)	20,000	-	20,000
Min. Width (ft.)	100	-	100
Setbacks (min. ft.)			
Front	35	25	50
Rear	15	10	10
Side (interior)	15	20	10
Side (street)	35	25	50
Maximum Height and Lot Coverage			
Height (ft.)	40	40	105
Coverage (%)	60	70	60

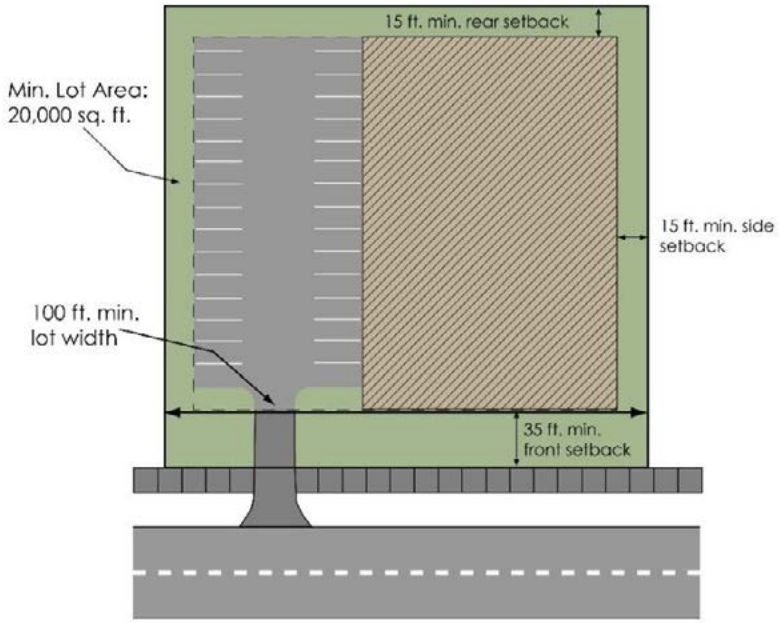

Figure 7-1: C-1 dimensional requirements

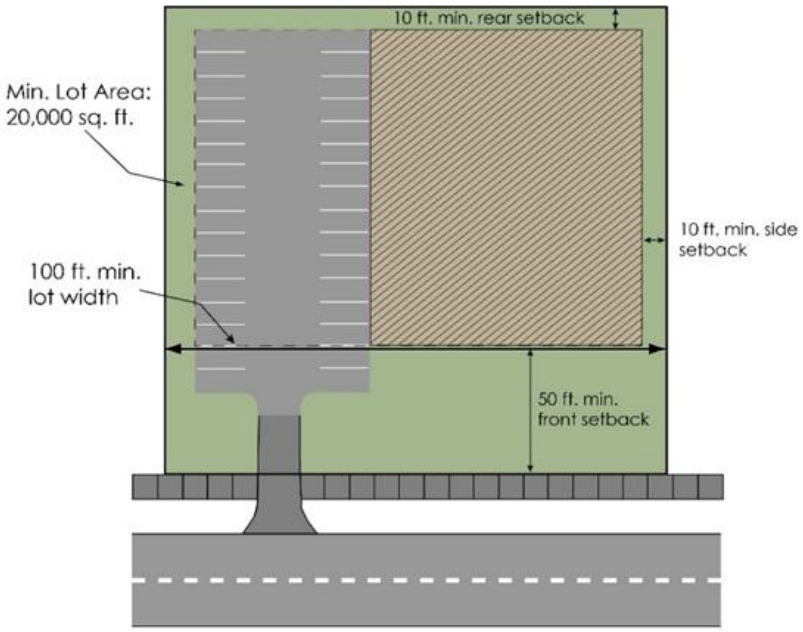

Figure 7-2: C-2 dimensional requirements

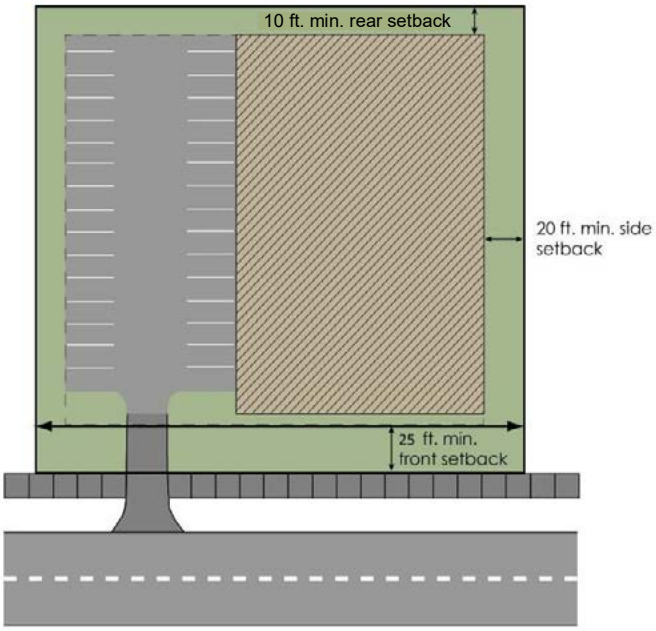

Figure 7-3: C-3 dimensional requirements

Section 7.4 Site Development Requirements

In addition to the requirements of this article, all development in the commercial districts shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article 11*

B. General Provisions, see *Article 12*

C. Conditional Use Requirements, see *Article 13*

D. Parking and Loading, see *Article 14*
E. Landscaping, Buffering and Tree Preservation, see *Article 15*
F. Signs, see *Article 16*
G. Development Plan Review, see *Article 17*
H. Stormwater Management and Sedimentation Control, see *Article 18*
I. Floodplain Management, see *Article 19*
J. Soil Erosion and Sedimentation Control, see *Article 20*
K. Subdivision Regulations, see *Division 4*

Article 8
Industrial District

8

Section 8.1 Purpose

The I-1 District, is established to accommodate industrial and related facilities that provide jobs for citizens of the community and surrounding area, create a sustainable tax base and add value for property owners and the city. It permits generally light industries such as manufacturing or processing of previously refined materials and other industrial uses that, when properly located, can be compatible with the character of the community and immediate vicinity. This district also allows certain commercial uses of an industrial character or that are necessary to provide services to employees within the district. Limitations regarding the degree of noise, smoke, glare, odor and vibration are placed on the allowed uses to prevent or minimize adverse effects upon nearby non-industrial districts.

Section 8.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 8-2 may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in *Article 13* are satisfied.

C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Section 13.4*.

Table 8-2, Schedule of Uses – Industrial District

Use	I-1	Specific Conditions
Accessory Uses		
Accessory uses and structures	P	
Dwelling units for watchmen and operating personnel and their families	C	
Cafeteria facilities located within a principal use	P	
Child care facilities located within a principal use	P	
Corporate offices incidental to the principal use	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	P	
Outdoor storage related to a principal use	C	See *Section 13.8*
Agriculture, Food and Animal-related Uses		
Agribusiness	P	
Breweries, distilleries and bottling plants	P	
Food processing plants	P	
Greenhouse/nursery (not including retail sales)	P	
Kennels	P	
Produce and other food products terminals	P	

Table 8-2, Schedule of Uses – Industrial District		
Use	**I-1**	**Specific Conditions**
Commercial Establishments		
Appliance sales and repair	P	See *Section 13.9*
Auction houses	P	
Business machine sales & service	P	
Consumer fireworks retail sales facility (permanent)	C	
Consumer fireworks retail sales facility (temporary)	C	
Glass sales & service	P	
HVAC sales & service	P	
Kennels	P	
Machinery and equipment sales & service	P	
Mail order businesses and fulfillment centers	P	
Pawn Shops	P	
Petroleum products sales	P	
Sexually oriented businesses	C	See *Section 13.4*
Construction		
Building materials and lumber supply	C	
Contractors' offices and shops (not including outdoor storage)	P	
Landscaping services	P	
Educational Services		
Schools, commercial and trade	P	
Schools, driving	P	
Training centers, engineering or sales	P	
Food Services		
Bars, taverns and nightclubs	C	See *Section 13.4*
Restaurants (standard), not including drive-thru	P	
Restaurants (alcohol and/or entertainment)	C	See *Section 13.4*
Manufacturing		
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials	P	
Manufacturing and assembly of automobiles, trucks, planes, ships and railways	C	
Building material manufacturing including milling, planning and joining	C	
Chemical manufacturing and storage	C	
Concrete or asphalt manufacturing	C	
Electronics manufacturing and assembly	P	
Machine, sheet metal and welding shops	P	
Metal stamping, pressing and buffing	C	
Oil refineries	C	
Paint, rust proofing and rust coating	C	

Table 8-2, Schedule of Uses – Industrial District		
Use	**I-1**	**Specific Conditions**
Sawmills	C	
Steel manufacturing	C	
Structural and steel fabrication	C	
Tool and die shops	P	
Mining		
Mineral Extraction Operations	C	
Motor Vehicle Services		
Auto parts and tire stores	P	
Automobile, trailer, truck, farm equipment, heavy equipment, manufactured home, boat, recreational vehicle or motorcycle sales	C	
Automobile, truck and trailer rental	P	
Tire retreading service	C	
Truck and trailer sales (new/used)	P	
Truck stops	C	See *Section 13.7*
Vehicle auctions	P	
Vehicle repair, major	C	See *Section 13.7*
Vehicle repair, minor	P	
Vehicle service stations	C	See *Section 13.7*
Vehicle wash facilities	C	See *Section 13.7*
Vehicle wash facilities for trucks and trailers	P	
Offices, Research and Technical Facilities		
Financial institutions	P	
Medical, dental or chiropractic office, including clinics and/ or laboratory	P	
Offices, general and professional	P	
Printing and photocopying establishments	P	
Radio, television and recording studios	P	
Research, development and testing laboratories	P	
Public Facilities		
Correctional facilities	C	
Government buildings	P	
Services		
Cleaning services	P	
Dry cleaning plants and commercial laundries	C	
Locksmith shops	P	
Pest control services	P	
Tool and equipment rental	P	
Repair shops, including small engine repair	P	
Transportation and Warehousing		
Airports	C	
Bottled gas storage and distribution	C	

Table 8-2, Schedule of Uses – Industrial District		
Use	**I-1**	**Specific Conditions**
Cartage, express and parcel delivery facilities	C	See *Section 13.8*
Freight and intermodal terminals	C	
Heliports and helipads	C	See *Section 13.5*
Moving companies	P	
Parking garage, structure or lot (as principal use)	P	
Self-storage facilities (indoor)	P	
Self-storage facilities (outdoor)	C	
Shipping container storage and sales	P	
Warehouses and distribution centers	C	
Wholesale businesses	P	
Utilities		
Power generating plants	C	
Public utility building and land	P	
Sewage treatment plants	C	
Solar Farms	P	
Telephone exchange buildings	P	
Utility substations and subinstallations, including water towers	P	
Wind energy conversion systems (single accessory)	C	See *Section 13.5*
Wind energy conversion systems (commercial)	C	See *Section 13.5*
Wireless communication facilities and towers	C	See *Section 13.5*
Waste Processing and Disposal		
Processing, storage, transfer, disposal or incineration of solid waste, hazardous waste or medical waste	C	See *Section 13.8*
Recycling collection and/or processing facility (non-hazardous)	P	
Sanitary landfills	C	
Other Uses		
Uses of the same nature or class as uses listed in this district, but not listed elsewhere in this ordinance, in accordance with the criteria specified in *Subsection 12.6 E*.	P/C	See *Subsection 12.6 E.*

Section 8.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in Table 8-3 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 8-3. Area, Height and Placement Requirements, Industrial District	
Requirements	**I-1, Industrial**
Lot Area and Width	
Minimum Lot Area (sq. ft.)	1 acre
Minimum Lot Width (ft.)	200
Minimum Setbacks (ft.)	
Front	50
Rear[1]	25
Side[1] (interior)	15
Side (street)	50
Maximum Height and Lot Coverage	
Height (ft.)	45
Coverage (%)	65
1 The minimum setback for a side or rear yard abutting a residential district shall be 100 feet.	

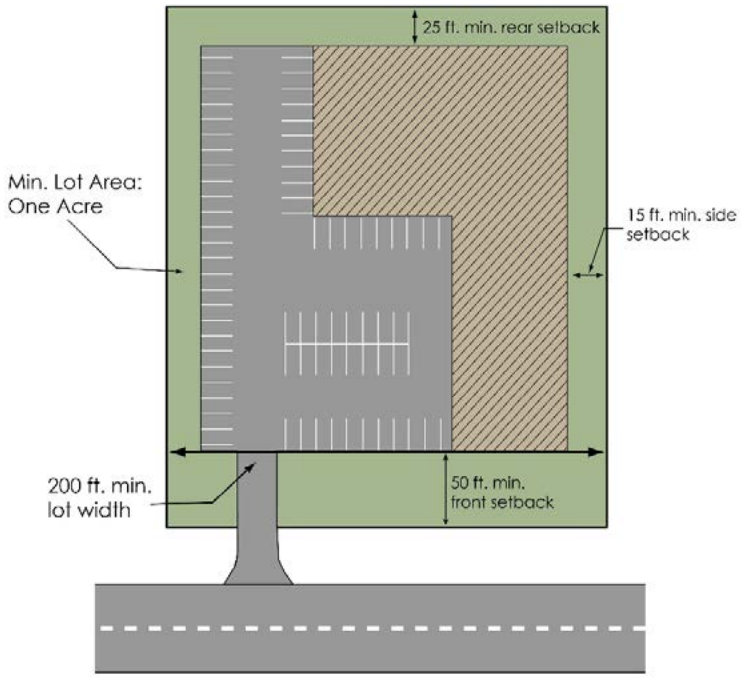

Figure 8-1: I-1 dimensional requirements

Section 8.4 Performance Standards

A. **Intent.** Performance standards are established for all permitted uses within the I-1 district and as guidance for the planning commission in considering conditional uses. The purpose of these performance standards is to permit potential industrial nuisances to be evaluated in a factual and objective manner, to ensure that industries will provide methods to protect the community from hazards and nuisances which can be prevented and controlled, and to protect industries from arbitrary exclusion from an industrial district.

B. **Nonconformity.** All existing industrial uses which conform to the use regulations of this ordinance but do not comply with these performance standards are hereby

classified as existing nonconforming uses. These uses may continue to operate; provided, the existing level of noncompliance with the performance standards is not increased. Additions, expansions, or changes in process shall not be permitted unless all applicable performance standards are met, including bringing prior nonconforming standards into compliance.

C. **Certification.** All applications for industrial rezoning and/or subsequent building permits shall be accompanied by a certification from a professional engineer registered in Georgia that the proposed use can meet the performance standards of this district. Further, the city may employ consultants to evaluate the environmental effects of such proposed use with respect to the performance standards. The cost of such verification shall be paid by the applicant.

D. **Standards.** The following standards shall apply to all uses, permitted or conditional, within the I-1 District:

1. ***Noise.*** Uses in this district shall not exceed the following decibel limits. Noise may be at property lines of the industrial use, or different land use districts as specified below.

Table 8-4, Sound Level Limits

Location of Measurement	Maximum Permitted Industrial Sound Level [1]
Residential lot lines and district boundaries	55/45dBA[2]
Non-residential lot lines and district boundaries	60dBA
Industrial boundary line	65dBA

1 The levels specified may be exceeded by 10dBA for a single period, not to exceed 15 minutes, in any one day. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1. 4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted response conducted in accordance with ANSI S1. 2-1962 "American Standard Method for the Physical Measurements of Sound.

2 Sound levels shall not exceed 55dBA between the hours of 7:00 a.m. and 9:00 p.m. and 45dBA between the hours of 9:00 p.m. and 7:00 a.m.

2. ***Glare and heat.*** No industrial use may cause heat at the lot line or district boundary to be so intense as to be a public nuisance or hazard. No such use may cause illumination at or beyond any residential district boundary in excess of 0.5 foot candles.

3. ***Odor.*** No light industrial use may release an odor that is detectable at the lot line.

4. ***Smoke.*** For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart, as published by the U.S. Bureau of Mines, shall be used. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

5. ***Vibration.*** No vibration shall be detectable beyond the property line.

E. **Continued enforcement.** The building inspector shall investigate any purported violation of performance standards and, if there are reasonable grounds, shall notify the planning commission and city council of the occurrence or existence of a probable violation. The city council shall cause the investigation of the alleged violation, for which it may employ qualified experts. If, after public hearing on due notice, it is found that a violation occurred or exists, a copy of the findings shall be forwarded to the planning commission and the violator. The violator shall pay for the services of any qualified experts employed by the city to advise in establishing a violation, if the city determines that a violation did exist.

F. **Cancellation of permits.** If, after the conclusion of the time granted for compliance with the performance standards, the city council finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

Section 8.5 Site Development Requirements

In addition to the requirements of this article, all development in the industrial districts shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article 11*

B. General Provisions, see *Article 12*

C. Conditional Use Requirements, see *Article 13*

D. Parking and Loading, see *Article 14*

E. Landscaping, Buffering and Tree Preservation, see *Article 15*

F. Signs, see *Article 16*

G. Development Plan Review, see *Article 17*

H. Stormwater Management and Sedimentation Control, see *Article 18*

I. Floodplain Management, see *Article 19*

J. Soil Erosion and Sedimentation Control, see *Article 20*

K. Subdivision Regulations, see *Division 4*

Article 9
Mixed Use Districts

9

Section 9.1 Purpose

The purpose of Mixed Use Districts is to permit and encourage a combination of multiple uses within a single compact development that enables walkability, reduces reliance on vehicular travel and promotes a more vibrant and interactive urban environment than traditional single-purpose developments. The mixed use districts established within this article are intended to accommodate different scales of development and levels of intensity.

A. **MU-1, Neighborhood Mixed Use District.** This district should be relatively small scale and compatible with surrounding residential neighborhoods. A variety of housing types is encouraged at moderate densities, along with some office, retail and service uses that are in harmony with the predominantly residential character of the district. Size limits are imposed to ensure that nonresidential uses remain appropriate to the district intent.

B. **MU-2, Community Mixed Use District.** This district allows and encourages intense, large-scale development that will support significant population segments of the community and provide meaningful employment opportunities. In addition to a blend of housing types, the district allows for large retail uses, general office buildings and a complementary range of services. Suitable locations for MU-2 development would include parcels adjacent to arterial streets and within reasonable proximity to freeway interchanges.

Section 9.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 9-2 may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in *Article 13* are satisfied.

C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Section 13.4*.

Table 9-2, Schedule of Uses, Mixed Use Districts

Use	Mixed Use Districts		Specific Conditions
	MU-1	MU-2	
Accessory Uses			
Accessory dwelling units	C	C	See *Section 13.6*
Accessory uses and structures	P	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	C	C	See *Section 13.9*
Home occupations[1]	P/C	P/C	See *Section 13.6*

Table 9-2, Schedule of Uses, Mixed Use Districts			
Use	Mixed Use Districts		Specific Conditions
	MU-1	MU-2	
Outdoor display areas for retail establishments	C	C	See *Section 13.7*
Outdoor seating areas for restaurants, taverns and similar establishments	C	C	See *Section 13.4*
Outdoor storage related to a principal use		C	
Wind energy conversion systems (single accessory)	C	C	See *Section 13.5*
Food, Drink, Entertainment and Hospitality			
Bars, taverns and nightclubs	C	P	See *Section 13.4*
Food catering service		P	
Hotel/motel		P	
Micro-brewery	C	P	See *Section 13.4*
Performance theaters, concert halls		C	
Performing arts or martial arts school or studio	P	P	
Radio, television and recording studio		P	
Restaurant (standard), not including drive-thru	P	P	
Restaurant (alcohol and/or entertainment)	C	P	
Health Care and Social Assistance			
Hospital and medical centers		C	See *Section 13.5*
Medical, dental or chiropractic office, clinic and/or laboratory	P	P	
Research, development and testing laboratories		C	
Office, Financial and Business Services			
Financial institutions	P	P	
Office equipment sales and service	P	P	
Offices, general and professional	P	P	
Printing and photocopying establishments	P	P	
Personal Services			
Barber shop, hair salon or spa	P	P	
Child care centers, commercial preschools and nurseries	P	P	
Dress maker, tailor	P	P	
Dry cleaner, not including a dry cleaning plant	P	P	
Electronics repair	P	P	
Health spa, fitness club, dance studio	P	P	
Laundromat	P	P	
Optician and eyeglasses	P	P	

Table 9-2, Schedule of Uses, Mixed Use Districts			
Use	**Mixed Use Districts**		**Specific Conditions**
	MU-1	**MU-2**	
Pet grooming	P	P	
Photography studio	P	P	
Small item repair	P	P	
Public/Quasi-Public			
Government buildings and facilities	P	P	
Places of worship and customary related uses	P	P	
Schools (K-12)	P	P	
Utility substation or subinstallation, incl. water towers	C	C	See *Section 13.5*
Recreation and Leisure			
Art gallery or studio	P	P	
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)		C	
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)		C	
Golf courses/country clubs		P	
Health/fitness clubs	P	P	
Performing arts, dance or martial arts school or studio	P	P	
Private noncommercial recreation	P	P	
Public parks/playgrounds	P	P	
Residential			
Assisted living facilities		C	
Attached single family dwelling	P	P	
Multiple family dwelling	C	P	
Personal care homes	C	P	
Retirement community		C	See *Section 13.6*
Two family dwelling	P	P	
Upper floor dwelling above a street-level business (live/work units)	P	P	
Retail			
Appliance sales and repair	P	P	
Nurseries and greenhouses, including retail sales		P	
Planned shopping centers		P	
Planned shopping centers, not exceeding 50,000 sq. ft.	C		

Table 9-2, Schedule of Uses, Mixed Use Districts			
Use	Mixed Use Districts		Specific Conditions
	MU-1	MU-2	
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, not exceeding 5,000 square feet of floor area	P		
Retail establishments whose principal activity is the sale of merchandise within an enclosed building of any size		P	
Vehicle Sales, Service and Related Uses			
Parking garage, structure or lot, commercial (as principal use)		C	
Vehicle service station	C	C	See *Section 13.7*
Vehicle wash facility	C	C	See *Section 13.7*
Other Uses			
Uses of the same nature or class as uses listed in these districts, in accordance with the criteria specified in *Subsection 12.6 E*.	P/C		See *Section 12.6*
1 If the planning director determines that a proposed home occupation will be apparent from the outside and may create a noticeable change to the neighborhood relative to factors such as visitors, deliveries, noise, hours of operation, odor or similar external effects, the use shall be reviewed as a conditional use, in accordance with *Article 13*. Otherwise, the home occupation shall be considered a permitted use, but still subject to the criteria of *Subsection 13.6 B*.			

Section 9.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in Table 9-3 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 9-3, Area, Height and Placement Requirements		
Requirement	MU-1	MU-2
Site Size[2]		
Minimum area (acres)	5	20
Maximum area (acres)	20	-
Minimum frontage	150	330
Minimum non-residential area[3] (%)	10 %	15%
Maximum non-residential area[3] (%)	20%	25%
Setbacks (minimum feet)[4]		
Front	-	-
Rear	-	-
Side (interior)	-	-
Side (street)	-	-

Table 9-3, Area, Height and Placement Requirements			
Requirement		**MU-1**	**MU-2**
Height and Coverage			
Maximum floor area ratio (FAR)[5]		.5	1.0
Building height (ft./stories)	Minimum	-	18/1
	Maximum	40/3	48/4
Maximum floor area (sq. ft.)	Gross leasable area/individual business	5,000	-
	Gross floor area/multi-tenant building	20,000	-
Maximum net density (units/acre)	All residential	10	14
Minimum open space (%)[6]		10	20

2 Refers to total project area to be developed.

3 Refers to area occupied by commercial, office or institutional uses and associated parking, not including required open space. Accessory business uses entirely within a principal use such as golf course pro shops, employee day care or hair salons for residents of a retirement community shall not be counted toward the non-residential area requirements.

4 Minimum setbacks shall not be applied to individual lots within the development; provided, all greenway and buffer requirements specified in *Article 15* shall apply to property abutting the perimeter of the mixed use development and any public street.

5 The ratio of total building floor area divided by total land area.

6 Required open space may include the following if generally accessible to all users of the mixed use development: parks, landscaped buffer areas, lakes, rooftop gardens, plazas, city squares, playgrounds and recreation areas, outdoor sports facilities, surface easements for drainage facilities and pedestrian walkways or paths; provided, the requirements of Section 9.4 shall be met.

Section 9.4 Additional Requirements

A. **Open Space.** Dedicated open space shall be provided in accordance with the following standards:

1. A minimum percentage of the gross land area, as specified in Table 9-3, shall be dedicated open space. A residential density bonus over and above the density otherwise allowed in the mixed use district may be approved by the city council; provided, the applicant increases the percentage of the total project area to be dedicated for open space. This bonus may be granted only if specifically requested by the applicant. Any such bonus shall consist of a one (1) percent increase in the allowable density for every one (1) percent of land area devoted to dedicated open space.
2. Dedicated open space land shall be shown on the preliminary plat or site plan and shall be labeled to specify that the land has been dedicated for open space purposes the land is permanently reserved for open space. The applicant shall convey the dedicated open space as a condition of plat approval through any of the following means, as approved by the city council:
   a. Deeded in perpetuity to the City of Richmond Hill;
   b. Reserved for common use or ownership of all property owners within the development by covenants in the deeds approved by the city attorney. A copy of the proposed deed covenants shall be submitted with the application;

c. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deeds and relevant corporate documents of the land trust shall be submitted with the application;

d. Deeded to a property owner's association within the development upon terms and conditions approved by the city attorney that will ensure the continued use and management of the land for the intended purposes. If this option is selected, the formation and incorporation by the applicant of one (1) or more appropriate property owners' associations shall be required prior to plat approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association shall be submitted with the application. The following shall be required if open space is to be dedicated to a property owners' association:

   i. Covenants providing for mandatory membership in the association and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each lot or unit;

   ii. The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;

   iii. The association shall have the authority to levy charges against all property owners to defray the expenses connected with the maintenance of open space and recreational facilities;

   iv. The applicant shall maintain control of dedicated open land and be responsible for its maintenance until development sufficient to support the association has taken place.

3. As an alternative to providing all required open space on site, if approved by the city council, the applicant may provide up to 50 percent of the required open space utilizing one of the following options:

   a. Dedication of an off-site parcel within the city limits; provided, the land is identified for open space or recreational purposes in an adopted city plan, the land is determined to be suitable for such purpose and the area of such land is at least equal to the area for which the transfer is requested; or

   b. Fees-in-lieu may be paid to the city for open space acquisition purposes.

4. Open space to be dedicated to the city shall have shape, dimension, character, location and topography to ensure appropriate public access and usability, and to accomplish at least two (2) of the following open space purposes:

   a. Natural resource conservation;

   b. Wetland and water course conservation;

   c. Selective forestry;

   d. Wildlife habitat;

   e. Recreation;

   f. Civic purposes; or

   g. Scenic preservation.

5. Dedicated open space features that are not dedicated to the city may be open to the general public or restricted to the residents of the development.
6. One hundred percent of all dedicated open space may be comprised of land within the 100-year flood plain, land with a natural slope in excess of 40 percent (as determined by standard slope computation methods) and/or nontidal wetlands; provided, such lands are integrated into the development and serve as an amenity for the development;
7. Streets, sidewalks, parking lots and other impervious surfaces shall be excluded from the calculation of required open space. However, lands occupied by tennis courts, basketball courts, swimming pools or similar common recreational amenities may be contained within dedicated open space; provided, such facilities shall not constitute more than 10 percent of the total required open space;
8. Up to 50 percent of the dedicated open space requirement may be satisfied with land covered by water or by stormwater detention or retention basins if the city determines that such a water body or basin constitutes an amenity that contributes to the character of the mixed use development and offers an active or passive leisure experience.
9. At least 50 percent of the dedicated open space within a mixed use development shall be usable for active and passive recreation including by way of example, but not limited to, walking, biking, playfields, picnicking, playgrounds, relaxation, and boating.
10. The dedicated open space shall not be included in subdivision lots designated for development or in lot size calculations but may be subdivided; provided, it remains undeveloped open space.

B. **Relationship to UDO.** Each proposal for development within a mixed use district is anticipated to be unique. Except as provided by this subsection, all mixed use development shall be subject to the applicable standards, procedures, and regulations of this ordinance. The development conditions submitted as part of the mixed use application, per *Subsection 9.5 C.4*, and approved by the city council, shall supersede these regulations, unless otherwise prohibited by law, and shall be vested per the ordinance in effect at the time of approval.

C. **Parking.** In order to support the concept of mixed use, as described in *Section 9.1*, the planning commission may recommend and council may approve modification of the minimum parking requirements of *Section 14.3* to facilitate shared parking, walkability and/or use of alternate transportation modes.

D. **Platting.** Platting requirements shall be in accordance with *Division 4* of this ordinance, Subdivision Regulations.

E. **Performance Guarantees.** Financial guarantees to ensure performance shall be provided in accordance with *Section 24.6* of this ordinance.

F. **Private Covenants and Restrictions.**

1. Covenants and restrictions for the property within any mixed use district are required and must be recorded with the office of the county clerk prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.

2. Covenants and restrictions shall:
   a. Be based on the conditions attached to the approved mixed use district application;
   b. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
   c. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
   d. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by *Subsection 9.4 A.2*.

Section 9.5 Review Procedures

All requests for approval of a mixed use zoning district shall be subject to the review and approval procedures of this section. Mixed use zoning may be established on any property at the initiation of the City of Richmond Hill or by rezoning application submitted by the property owner. If initiated by the city, development of the property shall be subject to review and approval of concept and final development plans, in accordance with the applicable provisions of this section.

A. **Pre-application Review.**

1. All applicants seeking mixed use zoning approval shall schedule a pre-application conference with the planning director to discuss the proposed development. At the pre-application conference, the planning director shall review a proposed sketch plan.
2. At minimum, the sketch plan shall contain the following information:
   a. Location map of the proposed site;
   b. General description of proposed land uses, including approximate location and acreage; and
   c. Proposed gross density of the development, and net density of individual areas or parcels within the development.
3. A narrative description shall also accompany the sketch plan. The narrative shall describe how the proposed mixed use zoning and uses relate to the recommendations of the Richmond Hill Comprehensive Plan and any anticipated inconsistencies between the proposed development and the provisions of this article.
4. The planning director shall review the sketch plan and narrative and advise the applicant regarding conformance or inconsistencies with the requirements of this article and any modifications that may be required to comply with the ordinance requirements. Once the pre-application conference is complete, if the applicant wishes to proceed with the zoning application a concept plan of the entire mixed use development shall be prepared and submitted with a formal application.

B. **Approval Authority.**

1. The planning commission and, where applicable, the architectural review board shall have review and advisory authority for the concept plan.
2. The city council shall have final approval authority for the zoning change and the concept plan.

C. **Concept Plan.**

1. ***Application requirements.***
   a. A complete application shall be filed on a form provided by the planning director, along with the application fee, a concept plan meeting all requirements of Section 9.5 C.2 and any development conditions proposed by the applicant. Incomplete applications or concept plans shall be returned to the applicant without further processing.
   b. Unless specifically modified by development conditions accepted by the city council, a mixed use development shall comply with all regulations in effect at the time of rezoning approval.
   c. The mix of uses shall be limited to those specified in *Table 9-2* for the respective mixed use district.
2. ***Concept plan requirements.*** At minimum, the concept plan shall contain the following information in schematic form, unless specifically waived by the planning director:
   a. A title, giving the names of the developers and property owners, the date, scale, and the person or firm preparing the plan.
   b. A vicinity map and north arrow.
   c. The location and size of the area involved.
   d. The current zoning of the subject property and surrounding properties.
   e. The landowners and general land use of adjoining properties.
   f. Location of proposed uses assigned to sub-areas.
   g. A tabulation of total dwelling units and overall densities and the gross floor area to be devoted to non-residential uses and activities.
   h. General location of existing steep slopes, flood zones, wetlands and other riparian areas, protected trees, and other significant environmental features.
   i. General layout of transportation routes including streets and major pedestrian ways.
   j. The location of existing infrastructure (examples may include: roadways, sidewalks, and proximity of nearest water and/or sewer mains).
   k. Conceptual location for any proposed public uses including schools, parks, fire and medical emergency services, etc.
   l. General areas to be designated for common open space.
   m. A traffic impact analysis shall be required and shall meet all requirements of *Section 14.6*.
   n. A phasing plan, if applicable.

3. ***Review and approval.***
   a. *Staff review.*
      i. Upon receipt of a complete mixed use development application, the planning director shall distribute the application materials to the appropriate city departments for review.
      ii. If the proposed project is located within the Ford or Gateway overlay districts, the planning director shall also distribute the application materials to the architectural review board for review and comment.
      iii. The planning director shall prepare a staff report based on the comments provided by planning department and other staff and, if applicable, the architectural review board. The report and recommendations shall be forwarded to the planning commission for review and recommendation.
      iv. The planning director shall provide notice as required and schedule the mixed use application on the next available planning commission agenda. The planning director will then inform the applicant/agent when the request will appear on the planning commission agenda for action on the application. The applicant or authorized representative must be present at the meeting or the matter will not be heard.
   b. *Optional joint work session.* The applicant may request a joint work session with the city council and planning commission to provide an opportunity to present the application and respond to any initial questions that members may have regarding the proposed development.
      i. If the request is granted, the planning director shall schedule the joint work session and notify the applicant when the session will occur.
      ii. No decision or final action may be taken at a joint work session.
   c. *Planning commission hearing and recommendation.*
      i. The planning director shall present the staff report to the planning commission.
      ii. After allowing time for presentation from the applicant and public comments, the planning commission shall consider the application for conformance with the requirements of this ordinance and the review criteria in *Section 9.6*.
      iii. The planning commission shall then make a recommendation to approve or deny the application.
      iv. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
   d. *City council final decision.*
      i. The staff report and planning commission recommendations shall be forwarded to the city council for review and final decision.
      ii. The planning director shall provide notice, as required, and schedule the mixed use application on the next available city council agenda. The planning director will inform the applicant/agent when they will appear on the agenda for action on the mixed use application.
      iii. The planning director shall present the staff report and planning commission recommendations.

iv. After allowing time for presentation from the applicant and other comments, the city council shall consider the application for conformance with the requirements of this ordinance and the review criteria in *Section 9.6*.

v. The city council shall make a decision to approve the application, approve with conditions, deny the application, or refer the application back to the planning commission for further consideration.

vi. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

4. ***Development conditions.*** The applicant may offer, or council may impose, conditions to be attached to the rezoning.

   a. Conditions may be more restrictive than the requirements of this article or may propose modifications of the requirements in *Table 9-3*, but shall not alter the intent of the applicable mixed use district nor permit uses not authorized by *Table 9-2*. In addition, the conditions offered or imposed shall be consistent with the land use, density and other relevant recommendations of the city's comprehensive plan for the subject property.

   b. Within a mixed use development, the minimum buffer requirements specified in *Subsection 15.3 A* between uses shall not apply; provided, the planning commission or city council may require separation or buffering of uses as a condition of concept plan approval.

   c. The conditions shall be described in writing.

   d. The development conditions shall be binding upon the property, unless amended by in conformance with the requirements of Subsection 9.5 E.

   e. If phasing is proposed, the applicant may provide a general breakdown showing the various phases and the estimated schedule of construction.

D. **Final Plan or Site Specific Plan.**

1. ***Phasing.*** The mixed use development may be completed in multiple phases. If the development is to be completed in a single phase, the applicant shall prepare and submit a final development plan. If the development is to be completed in more than one (1) phase, the applicant shall prepare and submit a site specific plan prior to construction of each phase of the project. In either case, the final plan/site specific plan shall contain the elements required in *Section 17.5* for final development plans and conform to the previously approved concept plan.

2. ***Planning commission review and approval.***

   a. The planning director shall distribute the final plan/site specific plan and application to the appropriate departments and, if located within the Ford or Gateway overlay districts, to the architectural review board for review to ensure that all required elements are met.

   b. Once the plan has been received and reviewed by the departments and, if applicable, the architectural review board and the applicant has met all of the required elements of this ordinance, any other applicable regulations, and the adopted concept plan and development conditions, the planning director shall transmit the plan to the planning commission for final approval, in accordance with *Subsection 17.4 C*.

c. If the plan is inconsistent in any significant aspect, as described below, with the approved concept plan, the procedure specified in Subsection 9.5 E shall be followed.

d. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

3. ***Expiration.*** Approval of the final plan or site specific plan shall be subject to the time limits specified in *Section 17.9*.

E. **Amendments.** Any and all amendments to the concept plan and/or final/site specific plans for the mixed use development shall be subject to the following review procedures:

1. The planning director shall have the authority to approve:

a. Changes which result in a decrease in approved density or building size, either residential or non-residential.

b. Change in land use designation from multi-family to single-family or a change from any other use to open space/passive recreation.

c. Change of land use in conformance with a use conversion schedule approved with the development agreement.

d. Change in infrastructure features (i.e., roads/access, sewer, water, storm drainage) of the mixed use area which are clearly beneficial to the occupants of the mixed use area and will have no impact on adjoining or off-site properties.

e. Movement of buildings within the same general vicinity as shown on the approved plan.

f. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.

2. All other changes shall be considered as a new application and processed in accordance with the provisions of Subsection 9.5 C and D.

Section 9.6 Development Review Criteria

Applications for mixed use development shall only be approved upon a finding of compliance with the following criteria:

A. **Rezoning Criteria.** The criteria of *Article 31* for rezonings shall be satisfied.

B. **Development Plan Standards.** The standards of *Section 17.5* for development plans shall be satisfied.

C. **Consistency with Comprehensive Plan.** All mixed use development shall be designed, constructed and maintained in conformance with the applicable guidelines and standards established by the City of Richmond Hill Comprehensive Plan.

D. **Integration with Transportation System.** Mixed use developments shall be designed to integrate into the adjacent transportation system relative to the following criteria. A traffic impact assessment, as provided in *Section 14.6*, may be required to determine conformance with these criteria.

1. Pedestrian connections to ensure accessibility to current or future transit service, if applicable;

2. Connectivity to existing and future roadways, sidewalks and pathways;
3. Complete streets roadway design that accommodates multiple transportation modes;
4. Strategic locations of parking lots and structures;
5. Compatibility with the regional transportation system of arterials and collectors; and
6. Access management to provide internal connections between uses and prohibit individual driveway access to perimeter roads.

E. **Impact on Infrastructure.** The development is staged in a manner that allows for and facilitates the timely provision of public utilities, facilities and services.

F. **Compatibility of Uses and Structures.** The mixed use development is planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.

G. **General site design:** The following characteristics shall be incorporated into the mixed use development:

1. Pedestrian accessibility/concentration of development (critical mass) in a compact, walkable area.
   a. Uses are concentrated to promote convenient pedestrian access. Large projects concentrate uses in multiple nodes, each preferably within a quarter-mile diameter.
   b. Pedestrian circulation is clearly defined and connects all uses.
   c. Bicycle and pedestrian access are provided internally and to adjacent developments.
   d. Sidewalks are provided on each side of rights-of-way or private streets throughout the development.
   e. Strip commercial development characterized by single story uncoordinated, unconnected buildings with large street frontage parking lots is specifically prohibited. Strip malls with uncoordinated, unconnected out parcels are prohibited. All structures shall be fully integrated into the mixed use project through common design themes (including, but not limited to, lighting, benches, landscaping, other decorative features but not necessarily building design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections and other features.
2. Plazas, courtyards and other common areas are provided for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art and landscaping that further the design theme of the project and encourage interaction shall be provided.
3. Mixed use projects require special attention to building design because of the relationship of land uses in close proximity. Functional integration of residential and commercial uses shall be considered during design of mixed use projects. The following standards are intended to guide development of mixed-use projects:
   a. The mixed use development shall be designed and developed to provide an appropriate interrelationship between the various uses and structures within the development through the use of complementary materials, unified

streetscape treatment, buffering, connectivity for vehicular and pedestrian movement, building orientation, parking location and height transition.

b. Residential and commercial uses may be located within the same or adjoining structures, provided applicable building, health and safety regulations are followed.

c. Structures shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Structures shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.

   i. Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.

   ii. Design shall provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.

   iii. Design shall ensure privacy in residential sectors through effective window placement, soundproofing, landscape screening or orientation of outdoor living areas (e.g., balconies, porches and patios). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g., glazed or tinted) to protect privacy.

4. Housing diversity shall be required within the MU-2 district. At least two (2) different residential types, as listed in the Schedule of Uses, with a range of sizes shall be incorporated into the development.

5. Permitted flexibility in lot sizes, setbacks, street widths and landscaping shall result in a more livable development, preservation of natural features and creation of open space consistent with the policies of the comprehensive plan and this ordinance.

Section 9.7 Site Development Requirements

In addition to the requirements of this article, all development in the mixed use districts shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article 11*

B. General Provisions, see *Article 12*

C. Conditional Use Requirements, see *Article 13*

D. Parking and Loading, see *Article 14*

E. Landscaping, Buffering and Tree Preservation, see *Article 15*

F. Signs, see *Article 16*

G. Development Plan Review, see *Article 17*

H. Stormwater Management and Sedimentation Control, see *Article 18*

I. Floodplain Management, see *Article 19*

J. Soil Erosion and Sedimentation Control, see *Article 20*

K. Subdivision Regulations, see *Division 4*

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Article 10
Planned Unit Development District

10

Section 10.1 Purpose

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the city relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Richmond Hill Comprehensive Plan, planned unit development may be permitted as a zoning district to achieve the following purposes:

A. provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the city, in general;

B. preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;

C. accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this code;

D. encourage the utilization of open space and the development of recreational amenities generally located within walking distance of all living units;

E. encourage the use of lands in ways which are most in accord with their character and adaptability; and

F. encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features.

Section 10.2 Qualifying Conditions

At a minimum, all proposed planned unit developments shall meet the following qualifying conditions, as applicable, to be considered for approval:

A. **Location.** Planned unit developments may be located in any part of the city, subject to meeting all other applicable requirements.

B. **PUD Purpose.** The applicant shall demonstrate that the planned unit development will achieve three (3) or more of the purposes listed in Section 10.1.

C. **Size.** The minimum site size for a planned unit development shall be based on the type of development, as shown in the following table. Churches, public or private schools, public buildings, and recreational amenities such as golf courses and health clubs, and their ancillary commercial uses such as club houses and pro shops, shall not be considered non-residential uses for purposes of this condition.

Table 10-2, Minimum Site Size

PUD Type	Minimum Required Site Size
All residential	20 acres
Mixed residential/non-residential	30 acres
All non-residential	10 acres

D. **Housing Variety.** A residential planned unit development shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity and affordability.

E. **Utilities.** The planned unit development shall be served by public water and sanitary sewer facilities.

F. **Ownership and Control.** The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.

G. **Recognizable Public Benefit.** The planned unit development shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two (2) of the following benefits shall be accrued to the community as a result of the proposed PUD:

1. Preservation of significant natural features,
2. A complementary mix of land uses or housing types,
3. Preservation of common open space beyond the minimum required,
4. Connectivity of preserved open space with adjacent open space, greenways or public trails,
5. Coordinated redevelopment of multiple lots or parcels,
6. Removal or renovation of deteriorating buildings, sites or contamination clean-up.

Section 10.3 Permitted Uses

Any land use or combination of land uses may be considered for inclusion within a planned unit development.

Section 10.4 Development Requirements

A. **Minimum Lot Size and Zoning Requirements.** Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district specified for the proposed use in the following table shall apply to all such uses within a planned unit development, unless modified in accordance with the provisions of Section 10.4 B. Within a PUD, the minimum buffer requirements specified in *Section 15.3 A* between uses shall not apply; provided, the planning commission or city council may require separation or buffering of uses as a condition of concept plan approval.

Table 10-4, Zoning Requirements by Use Type

Land Use Type	Applicable Zoning district
Detached single family residential	R-2
Two family residential	R-3
Attached single family residential	
Multiple family	
Commercial	C-2
Industry	I-1
Public/Quasi-public	R-1

B. **Modification of Minimum Requirements.** Regulations applicable to a land use in the planned unit development district may be altered from the requirements specified in Table 10-4, including the following: modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. However, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district, unless a density bonus is also granted

in accordance with Subsection C below. In the absence of a density bonus, land gained by the reduction in lot sizes shall be added to the open space required within the PUD. The applicant for a planned unit development shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the city council during the preliminary development plan review stage, after planning commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the planned unit development district, as expressed in *Section 10.1*.

C. **Density Bonus.** In addition to the modification of minimum requirements permitted in Section 10.4 B, the city council, after planning commission recommendation, may permit an increase in the total number of residential units otherwise allowed within a planned unit development, according to the requirements in Table 10-4, where it is demonstrated that:

1. The appearance and construction will result in a development of high quality, as evidenced by the innovative design and use of building materials such as stone, masonry, wood and hardie-plank;
2. Amenities, beyond the minimum required open space, will be provided to create a more sustainable community and desirable living environment; and
3. At least three (3) of the following will be included within the development:
   a. Dedicated common open space is provided in excess of the minimum required, per Section 10.4 D. 1.
   b. One (1) or more parking structures are proposed within a mixed-use or nonresidential PUD to meet the minimum parking requirements of this code.
   c. One (1) or more LEED-certified buildings will be constructed.
   d. Significant natural features, including stands of protected trees, will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
   e. Decorative pavers or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.
   f. A commercial and/or office component is proposed within the PUD.
   g. Roof pitches greater than 6:12 will be incorporated into the residential design.
   h. Three (3) or more public benefits, as identified in Section 10.2 G., will be achieved.

D. **Common Open Space.** For purposes of the planned unit development requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic - areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a planned unit development:

1. The area of common open space shall not be less than 20 percent of the total land area of a planned unit development containing any residential units and not less than 10 percent of the total land area in non-residential developments. Land dedicated for recreation, in accordance with Section 10.4 D.3, shall count toward the common open space requirement. However, fees paid in-lieu-of land dedication shall not satisfy the open space requirement.
2. All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
3. The open space shall meet the following minimum dimensions, contiguity and connectivity requirements:
   a. The required open space shall be centrally located, along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
   b. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
   c. If the site contains a lake, stream or other body of water, the city may require that a portion of the required open space shall abut the body of water.
   d. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the city council, upon recommendation of the planning commission, may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.
   e. Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
   f. Grading in the open space shall be minimal, with the intent to preserve existing topography, trees and other natural features, where practical.
   g. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s), shall not exceed, in the aggregate, one (1) percent of the open space area. Accessory structures or uses of a significantly different scale or character than present

in abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands as determined by the planning commission. Pathways or sidewalks shall be exempt from this limitation.

h. The following areas shall not qualify as required common open space for the purposes of this section.

i. The area within any public street right-of-way.

ii. The area within private road easements.

iii. The area within a subdivision lot.

iv. Land within any required yard or setback area.

v. Parking and loading areas.

vi. Fifty percent of any easement for overhead utility lines.

vii. Fifty percent of any steep slopes (12 percent or over).

viii. Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.

ix. Fifty percent of the area of any golf course.

E. **Connectivity.** Pathways for bicycles and pedestrians shall be incorporated throughout the planned unit development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the city design standards.

Section 10.5 Application Process

A. **Pre-application Conference.** Prior to submitting a formal application, the applicant shall schedule a meeting with the planning director to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The planning director shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.

B. **Preliminary Planned Unit Development Review and Rezoning.** The following procedures shall be followed for the review of any planned unit development request.

1. ***Application.*** An application for rezoning to planned unit development district shall be submitted to the planning director by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the city council, and a concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the planning commission. The applicant may, at his/her sole

discretion, submit a final development plan, as specified in *Section 10.5 C.3*, in lieu of the concept plan; provided, all other review procedures of Section 10.5 B shall be applicable.

a. *Concept Plan.* A preliminary concept plan shall be submitted and include the following:

   i. Name, address, phone number and email address of the applicant

   ii. Name, address, phone number and email address of the professional or firm that prepared the plan

   iii. Legal description of the property

   iv. North arrow, scale and title block

   v. General location map

   vi. Existing zoning on the subject property and all abutting properties

   vii. Property boundary survey

   viii. Adjacent buildings and structures within 100 feet of the property boundaries

   ix. All perimeter streets abutting the property, including right-of-way width

   x. Existing topographic conditions (two (2) foot intervals)

   xi. Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)

   xii. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan

   xiii. Proposed uses within the planned unit development

   xiv. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements

   xv. Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials

b. *Project Narrative.* A written statement shall also be submitted with the application, providing the following information:

   i. Statement of how the planned unit development meets each of the Qualifying Conditions specified in *Section 10.2*.

   ii. Identification of the present owners of all land within the proposed project

   iii. Explanation of the proposed character of the planned unit development, including a summary of acreage by use, number and type of dwelling units, gross residential density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use.

   iv. A complete description of any requested deviations, in accordance with *Section 10.4 B.*, from the minimum spatial or other requirements applying to the property.

   v. An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with *Section 10.4 C*.

   vi. A general description of the proposed development schedule and

anticipated phases.

vii. Intended agreements, provisions and covenants to govern the use of the development, approval of building materials/architectural styles and open space areas to be preserved.

viii. A traffic impact analysis, per *Section 14.6*, may be required, at the sole discretion of the review authority, as part of the conceptual plan submittal. Otherwise, it shall be required as part of the final site plan application.

2. ***Planning Commission Review.*** Following receipt of a complete application package, the planning director will cause the application materials to be forwarded to the planning commission for review. If the proposed project is located within the Ford or Gateway overlay districts, the planning director shall also distribute the application materials to the architectural review board for review and comment. Within 45 days after submission of a complete application and all required plans and information, the planning commission shall conduct a public hearing and make a recommendation to the city council, as follows:

   a. *Notice of hearing.* Public notice of the time, date, location and purpose of the hearing shall be provided, in accordance with the requirements of Georgia zoning law.

   b. *Public hearing.* The planning commission shall conduct a public hearing in accordance with its rules of procedure.

   c. *Recommendation.* Within 60 days following the public hearing, the commission shall recommend to council that the preliminary concept plan and planned unit development zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of *Section 10.6*.

   d. *Project representation.* The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

3. ***City Council Action.*** Within 60 days of receiving the recommendation from the planning commission, council shall take final action on the request, unless that matter is tabled in accordance with Subsection 3.a.

   a. *Action.* Council shall approve, approve with supplementary conditions or disapprove the preliminary concept plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of *Section 10.6*. In any case, council may table the matter; provided, the meeting date at which the matter will be considered shall be specified and shall not exceed two (2) subsequent meetings of the council.

   b. *Conditions.* Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this code.

   c. *Project representation.* The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

C. **Final Planned Unit Development Review:** The following procedures shall be followed for the review of the final development plan.

1. ***Timing.*** An application for final development plan approval shall be filed not later than 24 months after the date of approval of the preliminary concept plan and zoning change, otherwise the preliminary concept plan approval shall be considered expired. One (1) extension of up to six (6) months may be authorized by the planning director for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the planning director who shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.

2. ***Pre-application Conference.*** Prior to submitting a formal application, the applicant shall schedule a meeting with the planning director to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the preliminary concept plan approval, review procedures and conformance of the final development plan with the approved concept plan. The planning director shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.

3. ***Application.*** An application for approval of the final development plan shall be submitted to the planning director by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the city council, including a final development plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the planning commission.

   a. *Final Plan.* A final development plan, substantially consistent with the approved preliminary concept plan and containing all information required in *Section 17.5* (final site plan), shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.

   b. *Project Narrative.* A project narrative shall also accompany the application and final development plan and provide the following:

      i. Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;

      ii. Identification of the entity responsible for maintenance of common areas;

      iii. Description of all deviations from the otherwise applicable zoning requirements;

      iv. Net and gross density of any residential component of the project;

      v. Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.

      vi. Restrictions or requirements regarding architectural style and/or building materials;

vii. Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and

viii. An anticipated development schedule by phase, if applicable.

4. ***Phased Projects.*** If a proposed planned unit development is to be constructed in two (2) or more phases, final development plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given preliminary concept plan approval and that each subsequent phase shall be submitted for final development plan approval and is consistent with the approved preliminary concept plan. The planning commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.

5. ***Planning Commission Action.*** Following receipt of a complete application package, the planning director shall cause the application materials to be forwarded to the planning commission for review. If the proposed project is located within the Ford or Gateway overlay districts, the planning director shall also distribute the application materials to the architectural review board for review and comment. Within 60 days after submission of a complete application and all required plans and information, the planning commission shall consider the application and take action to approve, approve with supplementary conditions, disapprove or table the final development plan, based on the review standards of *Section 10.6* and the standards of *Section 17.6*. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

6. ***Performance Guarantee.*** In conjunction with the approval of a final development plan, the petitioner may be required to provide a performance guarantee for all public and common improvements, in accordance with *Section 24.6*.

7. ***Private Covenants and Restrictions.***

   a. Covenants and restrictions for the property within any PUD district are required and must be recorded with the office of the county clerk prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.

   b. Covenants and restrictions shall:

      i. Be based on the conditions attached to the approved PUD application;

      ii. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;

      iii. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and

iv. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by *Section 10.4 D*.

8. ***Expiration.*** Approval of the final site plan by the planning commission shall expire 12 months after the date of that approval, unless substantial construction has been commenced and is continuing. An extension of up to 12 additional months may be granted, in accordance with the requirements of *Section 17.9*.

Section 10.6 Review Standards

In considering a planned unit development request, the planning commission and/or city council, as applicable, shall find that the proposed development meets all applicable requirements and qualifying conditions, as well as the following general standards:

A. **Purpose of PUD.** The proposed development shall be consistent with the stated Purpose of this district, as found in *Section 10.1*.

B. **Qualifying Conditions.** The proposed development shall satisfy each of the Qualifying Conditions, as stated in *Section 10.2*.

C. **Comprehensive Plan.** The planned unit development shall be consistent with the recommended future land use patterns, goals and relevant recommendations contained in the City of Richmond Hill Comprehensive Plan.

D. **Surrounding Uses.** The development shall be compatible with the existing and intended uses surrounding the subject property.

E. **Natural Environment.** The design and layout of the planned unit development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.

F. **Public Facilities and Services.** The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.

G. **Health, Safety and Welfare.** The planned unit development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.

H. **Consistent with All Applicable Standards and Requirements.** The proposed development shall conform to all applicable requirements of this code, unless specifically modified and approved, as authorized by *Section 10.4 B*.

I. **Final Development Plan.** The final development plan is substantially consistent with the representations made and plans shown during the prior preliminary concept plan stage of approval.

J. **Recognizable and Substantial Benefits.** Approval of the planned unit development will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts. The development shall provide two (2) or more of the benefits specified in *Section 10.2 G*.

Section 10.7 Changes to an Approved Planned Unit Development

Changes to an approved final development plan shall be permitted only under the following circumstances:

A. The holder of an approved final development plan shall notify the planning director of any proposed change to the approved plan.

B. Minor changes may be approved by the planning director upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:

1. Reduction in building size or increase in building size up to five (5) percent of the total approved floor area;
2. Movement of a building or other structure by no more than 10 feet;
3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
4. Changes in building materials to a comparable or higher quality;
5. Internal changes in floor plans which do not alter the character or intensity of the use;
6. Changes in parking layout that do not alter the number of spaces by more than five (5) percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
7. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.

C. A proposed change to an approved final development plan that is determined by the planning director to not be a minor change shall be considered a major change and amendment to the approved final development plan and shall be submitted and reviewed in accordance with the procedures established for the final development plan. When, in the sole judgment of the planning commission, the proposed change is a substantial deviation from the approved preliminary concept plan, the change shall be reviewed as a new application, in accordance with the provisions of *Sections 10.5 B* and *10.5 C*; provided, public hearings shall not be required, but may be conducted at the discretion of the planning commission and/or the city council.

Section 10.8 Existing Planned Unit Developments

Within the city, there are existing planned unit developments identified on the zoning map as "PD (Level 1)" and "PD (Level 2)". These developments shall be exempt from the requirements of this article and shall conform to the prior approved development plans for each respective project. However, any expansion, alteration or modification of the existing approved developments that constitutes a major change, as defined in Section 10.7, shall be subject to the procedural requirements of Section 10.7 C.

Section 10.9 Site Development Requirements

In addition to the requirements of this article, all development in the planned unit development District shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article 11*

B. General Provisions, see *Article 12*

C. Conditional Use Requirements, see *Article 13*

D. Parking and Loading, see *Article 14*

E. Landscaping, Buffering and Tree Preservation, see *Article 15*
F. Signs, see *Article 16*
G. Development Plan Review, see *Article 17*
H. Stormwater Management and Sedimentation Control, see *Article 18*
I. Floodplain Management, see *Article 19*
J. Soil Erosion and Sedimentation Control, see *Article 20*
K. Subdivision Regulations, see *Division 4*

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Article 11
Overlay Districts

11

Section 11.1 Purpose

Two (2) overlay districts are established to recognize and protect the unique character and integrity of areas that embody significant elements of Richmond Hill's history and/or to present a positive and welcoming image along key entry points to the community.

A. **Ford Overlay District.** Richmond Hill strongly identifies itself with the Antebellum "Plantation Plain" / Ford-Era style of architecture and construction. This style is exemplified in Richmond Hill's Strathy Hall Plantation, which was built circa 1838 and restored by Henry Ford in 1925. In the 1930's, Henry Ford built the Bryan County Courthouse Annex, the Community House, Saint Anne Catholic Church, and the Kindergarten Building. Ford utilized elements of the Antebellum "Plantation Plain" style in all of these buildings. One of the primary purposes of this Ordinance is to extend those design elements, colors, and materials to new construction in Richmond Hill. Antebellum "Plantation Plain" / Ford-Era vernacular architecture and construction is straightforward and functional, drawing its ornament and variety from the traditional assembly of aesthetically accurate materials utilized for the roofing, exterior finish, accent exterior finish, and accent trim colors (shutters, doors, etc.) of a structure.

B. **Gateway Overlay District.** The Gateway Overlay District is intended to establish an inviting image and welcoming character along the city's main arterials into and through the community. It will complement the historic character protected by the Ford Overlay by ensuring quality development, creating a harmonious image and minimizing congestion and clutter along these important, highly visible corridors.

Section 11.2 Applicability

A. The requirements of the overlay districts apply to all nonresidential uses and are in addition to and shall supplement those requirements imposed on the same lands by the underlying zoning provisions of this ordinance or other regulations of the City of Richmond Hill. These regulations

supersede all conflicting regulations of the underlying zoning districts to the extent of such conflict.

B. Where a lot or parcel of land lies partially within and partially outside an overlay district, the square footage of the entire lot or parcel shall be computed, as well as the square footage of the lot actually lying within the overlay district. If more than 50 percent of the entire lot or parcel lies within the overlay area, the entire lot or parcel shall be considered to lie within that area. If 50 percent or less of the lot or parcel lies within the overlay area, the entire lot or parcel shall be considered to be outside the overlay area.

C. The requirements of this article shall apply to new construction, renovation and additions to existing buildings or structures. Renovations and additions, however, shall only be required to comply when the cost of construction exceeds 50 percent of the value of the building at the time of building permit application in which case the entire building or structure shall be brought into compliance with the requirements of this article. In addition, any change of exterior color or material shall conform to the requirements of this article. Changes that encompass more than 50 percent of the exterior material and/or roof of a building or structure shall be subject to review by the architectural review board and fully comply with the applicable requirements of this article.

D. Where any part of the Gateway Overlay district overlaps the Ford Overlay district, the Ford Overlay district shall prevail, and the overlapped area shall be considered a part of the Ford Overlay district subject to the requirements of that district

1. ***Ford Overlay District.*** The Ford Overlay Area shall consist of a strip, extending 450 feet from the center line of and along each side of the right of way of Georgia Route 144, commencing at its intersection with US Route 17 and extending east to its intersection with Port Royal Road.

2. ***Gateway Overlay District.*** The Gateway Overlay Area shall consist of two parts, described as follows: Gateway Overlay Area 1 shall consist of a strip extending 450 feet from the center line of and along each side of the right of way of Georgia Route 144, commencing at its intersection with Thunderbird Drive and extending east to its intersection with US Route 17. Gateway Overlay Area 2 shall consist of a strip, extending 450 feet from the centerline of and along each side of the right of way of US Route 17, commencing at its intersection with Harris Trail Road and extending north to the Richmond Hill City Limits.

Section 11.3 District Requirements

A. **Ford Overlay District.** Structures within the Ford Overlay District shall contain a combination of the following design elements, colors and materials for the roof, exterior finish, accent exterior finish and accent trim colors (shutters, doors, etc.) of a structure and be historically appropriate to the design elements, colors and materials used in Antebellum "Plantation Plain"/Ford-Era vernacular architecture.

1. ***Building Materials.*** Exterior finish on all buildings shall be white clapboard siding, in accordance with the color palette listed in Subsection 11.3 A.3 below. The construction materials used for the clapboard siding shall be natural material such as wood siding, cementitious siding, or otherwise equal as approved by the architecture review board.

2. ***Roofs.*** Flat roofs shall not be permitted within this overlay district. Roofing materials shall be silver standing-seam metal or black architectural shingles.

3. ***Color.*** The following colors, as listed in Table 11-3, are acceptable for the exterior finish. A color palette may be viewed at the city's department of planning and zoning. All color names are for reference only and no specific brand is required.

Table 11-3, Exterior Color Palette

Color Name	RGB #	Color Name	RGB #
High Reflective White	R=248 | G=249 | B=243	China Doll	R=220 | G=206 | B=190
Extra White	R=239 | G=240 | B=236	Summer White	R=244 | G=233 | B=215
Ceiling Bright White	R=233 | G=236 | B=232	Crème	R=243 | G=231 | B=210
Pure White	R=238 | G=237 | B=231	Steamed Milk	R=235 | G=225 | B=210
Zurich White	R=230 | G=226 | B=219	Moderate White	R=232 | G=223 | B=207
Windfresh White	R=222 | G=216 | B=208	Creamy	R=238 | G=234 | B=220
Snowbound	R=238 | G=235 | B=229	Maison Blanche	R=223 | G=211 | B=193
Eider White	R=226 | G=222 | B=216	Medici Ivory	R=242 | G=232 | B=216
Origami White	R=230 | G=226 | B=219	Navajo White	R=234 | G=223 | B=201
White Heron	R=229 | G=224 | B=215	Casa Blanca	R=236 | G=225 | B=208
Toque White	R=229 | G=225 | B=217	Antique White	R=231 | G=222 | B=199
Heron Plume	R=230 | G=226 | B=217	Muslin	R=232 | G=225 | B=201
Moderne White	R=226 | G=225 | B=216	Dover White	R=239 | G=236 | B=221
Silverpointe	R=209 | G=210 | B=205	Polar Bear	R=233 | G=224 | B=204
First Star	R=218 | G=217 | B=213	Restful White	R=238 | G=232 | B=215
Rhinestone	R=222 | G=224 | B=223	Ivory Lace	R=232 | G=228 | B=216
Downey	R=238 | G=232 | B=221	Westhighland White	R=242 | G=238 | B=228
Modest White	R=231 | G=222 | B=212	Alabaster	R=238 | G=235 | B=225
Marshmallow	R=239 | G=234 | B=225	Greek Villa	R=239 | G=236 | B=227
Reliable White	R=232 | G=224 | B=212	Nacre	R=232 | G=228 | B=212
Kestrel White	R=224 | G=214 | B=201	Neutral Ground	R=227 | G-218 | B-204
Panda White	R=233 | G=226 | B=213	Natural Choice	R-227 | G=222 | B=208
Pacer White	R=229 | G=222 | B=208	Oyster White	R=228 | G=223 | B=211
White Duck	R=230 | G=224 | B=211	Pearly White	R=231 | G=228 | B=217
Fragile Beauty	R=231 | G=216 | B=199	Shoji White	R=230 | G=224 | B=211
Bauhaus Buff	R=231 | G=219 | B=205	Aesthetic White	R=228 | G=223 | B=212
Divine White	R=231 | G=222 | B=206	City Loft	R=224 | G=218 | B=210

4. ***Accent Exterior Finish.*** Any exterior façade may contain accent colors and materials for trim, steps, knee walls, column bases and similar features, as follows:
   a. Stucco in a color listed in Table 11-3.
   b. Tabby.
   c. Savannah Grey colored brick (color palette is available at the department of planning and zoning), as follows:
      i. Savanah Grey manufactured by Old Carolina Brick Company,
      ii. Oyster Bay-Tumbled manufactured by Statesville Brick,

iii. Castle Rock Tudor manufactured by General Shale, or

iv. Otherwise equal, as approved by the architectural review board.

d. Mortar colors shall consist of one of the following:

i. Savannah Ivory manufactured by Argos,

ii. Ivory Buff manufactured by Argos,

iii. Putty manufactured by Argos, or

iv. Otherwise equal, as approved by the architectural review board.

5. ***Accent Trim Colors.*** The following colors shall be used for doors, shutters and other trim:

a. Black or

b. Charleston Green (R=35, G=43, B=43)

B. **Gateway Overlay District.** Structures within the Gateway Overlay District shall meet the requirements of the Ford Overlay District or contain a combination of the design elements specified in this subsection for colors, roofing materials, exterior finish, accent exterior finish and accent trim colors of a structure. The exterior appearance shall be historically appropriate to the design elements, colors and materials used in Antebellum "Plantation Plain"/Ford-Era vernacular architecture. The architectural review board may waive or modify the material requirements of this section if it finds that a proposed building design and the materials or combinations of materials are in keeping with the purpose of this overlay district and are similar in appearance to those used in Antebellum "Plantation Plain"/Ford Era vernacular architecture. The architectural review board shall also consider the established or desired character of the area, visibility of the site, proposed landscaping, building scale and design recommendations of the comprehensive plan.

1. ***Exterior Finish Options.*** The exterior finish may be any of the options listed below as a majority stand-alone material or in combination with each other. However, if a white clapboard siding is not used as the majority stand-alone material, it must be used as an element.

a. *White clapboard siding* (white color from approved palette in Ford Overlay District). The construction materials used for the clapboard siding shall be natural material such as wood siding, cementitious siding or otherwise equal as approved by the architecture review board.

b. *White stucco* (white color from approved palette in Ford Overlay District).

c. *Tabby.*

d. *Savannah grey colored brick.* The following are acceptable for the exterior finish and are found on the brick sample boards available for inspection in the City of Richmond Hill planning department:

i. Savannah Grey manufactured by Old Carolina Brick Company,

ii. Oyster Bay-Tumbled manufactured by Statesville Brick,

iii. Castle Rock Tudor manufactured by General Shale,

iv. Or otherwise equal, as approved by the architectural review board.

e. *Mortar colors.* The following mortar colors are acceptable:

i. Savannah Ivory manufactured by Argos.

ii. Ivory Buff manufactured by Argos,

iii. Putty manufactured by Argos,

iv. Or otherwise equal, as approved by the architectural review board.

2. ***Accent Exterior Finish.*** Any option listed as an Exterior Finish Option is acceptable.

3. ***Accent Trim Colors.*** The following colors shall be used for accent trim, including shutters and doors:

   a. Black,

   b. Charleston Green with specified RGB number: R=35, G=43, B=43.

   c. Dark Green with specified RGB number: R=0, G=51, B=0.

4. ***Roofs.***

   a. *Materials.* The following materials may be used:

      i. Silver standing-seam metal,

      ii. Dark green standing-seam metal with specified RGB number: R=0 | G=51 | B=0, or

      iii. Black architectural shingles.

   b. *Flat roofs.* Flat roofs may be permitted within the Gateway Overlay District, in accordance with the following:

      i. Roofs less than 4:12 pitch and rooftop equipment shall be concealed by parapet walls. Parapets shall include architecturally correct decorative elements like frieze and cornice detailing.

      ii. Low-slope roofs (less than 4:12 pitch) on buildings exceeding a footprint of 20,000 square feet shall slope to the rear.

Section 11.4 General Requirements

A. **Buildings.** In addition to the requirements specific to individual overlay districts, the following shall be applicable in both overlay districts.

1. ***Scale.*** The following design standards shall apply to all buildings within the Ford and Gateway Overlay Districts, excluding detached single and two-family dwellings.

   a. Variations in the roof line shall be created to add visual interest and reduce the overall scale of buildings.

   b. Exterior walls facing a street or parking area shall be made visually interesting by the use of architectural details (vertical elements, change in materials or color, projections, recesses, etc.) as follows:

      i. Institutional, office and commercial buildings. No wall surface shall exceed 30 feet

in length without an interruption in the horizontal plane of the wall of a minimum of two (2) feet and a vertical change in height of at least four (4) feet for a length of at least 15 feet.

ii. Industrial. No wall surface shall exceed 75 feet in length without interruption in the horizontal plane of the wall of a minimum of four (4) feet.

2. ***Massing.*** The mass of a building shall be minimized by employing one (1) or more of the following methods, as approved by the architectural review board:
   a. Recessing building floors above the first story;
   b. Varying the height of the building and/or roof line;
   c. Reducing the overall size of buildings;
   d. Incorporating other structures on the site with varying sizes;
   e. Articulating details around doors, windows, balconies and plate lines; or
   f. Other architectural variations as approved by the architectural review board.
3. ***Façade Elevation.***
   a. Buildings shall be designed to create the impression of a second story on single-story section, and to create a design that gives the impression of several smaller common wall buildings rather than one monolithic building. The primary entrance shall be prominent within the façade.
   b. The first floor of multi-story buildings shall promote interaction between pedestrian and building activities. All sides facing a street or parking area shall establish a differentiation between the ground floor portion of the façade and upper stories through architectural detailing such as cornice lines, changes of material, and stepped building faces. Buildings shall be designed with a visually distinct base, middle, and top through changes in details, materials, color, and texture.
4. ***Roofs.***
   a. Steep slope roofs shall have architecturally appropriate slopes between 4:12 and 8:12, and shall be standing-seam metal or black architectural shingles.
   b. Gutters and downspouts shall not be visible on exterior walls visible to the public.
   c. Extremely large roof elements that dominate other architectural features of a building can appear visually overwhelming and excessive, massive, and generally obtrusive. Thus, roof design shall be "in scale" with the other building features. Rooflines shall be moderated by varying the height of a portion of the roof(s), changing form, or other articulations.

   d. Roof mounted mechanical devices shall be screened from all public views, such as below a roof parapet.

5. ***Windows and Doors.*** Windows and doors shall create a pattern typical to the architectural vernacular. Windows shall include mullions to avoid large expanses of glass on any wall in excess of 30 feet in length.
6. ***Accessory Buildings.*** All accessory buildings shall be constructed to match the architectural features of the main structure on the parcel or shall be screened from public view.

B. **Site Design.**

1. ***General.***
   a. Development shall be designed to be harmonious with the surrounding development pattern and context with regard to the spatial relationship between structures and the right-of-way, circulation patterns, existing vegetation and topography, the architectural elements in surrounding development, and the size and form of new structures in relation to existing development. Where new buildings and uses are similar to those on adjoining sites, the design shall reflect similar setbacks, building height and form, scale and mass, complementary materials and colors, and landscape treatment. The intent is not uniformity, but compatibility.
   b. Site components such as structures, parking areas, driveways and outdoor functions shall be arranged and located to emphasize the aesthetically pleasant components of the site, such as existing mature trees and views or superior architectural features. New buildings shall be oriented toward the adjoining public streets, so public entrances are a focal point on the building and site layout.
   c. It is strongly encouraged that site designs within the Ford Overlay District and Gateway Overlay District include fencing along adjacent roads in keeping with the Antebellum "Plantation Plain" / Ford-Era style fencing (See Richmond Hill Landscaping Ordinance). All fencing along adjacent roads within the overlay districts shall be constructed with white posts and rails, accented with Savannah Gray colored brick columns.
2. ***Parking.***
   a. Parking lots shall not be the dominant visual element of the site. Parking shall be located in the side or rear yard; provided, up to 25 percent of the required parking may be located in the front yard, if approved by the architectural review board.
   b. Where feasible, adjoining properties shall share access driveways to minimize the number of driveways along public streets and connect parking areas to facilitate movement between sites. Shared service or secondary access alleys shall also be considered.

3. ***Walkways***. Sidewalks shall be constructed along all street frontage in accordance with City standards. Interior walkways shall connect parking areas and the sidewalk along the street to the building entryways.
4. ***Lighting.***
   a. *General.* All lighting fixtures shall be decorative in design to complement the architectural themes

established for the site. The light source (lamp) shall only be metal halide or LED and shall be consistent throughout the site. Illumination levels shall not exceed the recommended levels established by the most recent publication of the Illuminating Engineering Society of North America, as assigned by activity or use. Light sources shall not be visible and shall be direct cutoff or shielded to reflect down and not permit light spillover onto adjoining streets or property.

b. *Service stations.* Service station canopy lighting shall be directional downward and fixtures shall not protrude beneath the bottom of the canopy. Pole-mounted lighting within service or loading areas may be required to provide additional shielding so the light is contained specifically within the service or loading area.

5. ***Furnishings.*** Pedestrian scale furnishings and amenities are encouraged including, but not limited to, courtyards, plazas, patios, porches, shaded arcades, functional landscaped areas, benches, sculptures and fountains. Site furnishings shall be compatible with the architectural style.

6. ***Site Development.***

a. *Utilities.* All site utilities shall be located underground and shall comply with the applicable city standards.

b. *Features and constraints.* The design of new development shall be sensitive to, and incorporate, the existing natural constraints and amenity opportunities of the site. Features including, but not limited to, sloped or steep topography, drainage or biological areas, wetlands, significant trees and views shall be incorporated into the site design, to the extent practical, as amenities and/or not be disturbed.

C. **Access Management.** The number, location and design of driveways along any arterial street within the overlay districts shall meet the requirements of *Section 14.5*.

Section 11.5 Project Review

A. **Review and Permitting.**

1. ***Pre-application Review.*** Applicants are strongly encouraged to meet with the architectural review board prior to submission of plans, architectural renderings or elevations to preliminarily discuss design concepts. Such discussions shall not be binding on the applicant or the board and no official action will be taken. Placement on the agenda shall be scheduled through the planning director.

2. ***Incomplete Application.*** Upon receiving an application, the planning director shall determine if the application, including final plan, is complete in all respects as required by this section. Incomplete applications will be returned to the applicant as though no application had been received, with notice of deficiencies and non-filing.

3. ***Complete Application.*** Upon the determination that an application, including final plan, is complete, the planning director shall forward copies of the application and plan to the architectural review board.

4. ***Technical Review.*** The planning director shall review all plans and specifications with regard to compliance with the technical requirements of this article and all other ordinances and laws of the city. Following review, the planning director

shall forward written comments and a recommendation to the architectural review board for its consideration.

5. ***Design Review.*** The architectural review board shall review the plan to determine compliance with the provisions of this article with respect to the design, color and materials of proposed buildings; signs and lighting. Following its review, the architectural review board shall approve, approve with conditions, or deny the application and forward its decision to the planning director and applicant.
6. ***Project representation.*** The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
7. ***Permit.*** Upon approval or approval with conditions by the architectural review board, the planning director shall issue a permit accordingly.
8. ***Reapplication.*** Applications that have been denied shall not be resubmitted within 12 months from the date of denial.

B. **Required Submissions**. In addition to the requirements of *Section 17.5*, final plans for development within the Ford or Gateway overlay districts shall include facade elevation drawings, color renderings, and specifications as may be necessary to clearly illustrate the architectural design elements of the building, including the construction materials, size, and color of all elements of the building. A material sample board shall also be provided showing examples of proposed materials and colors to be used for all exterior elements.

C. **Variances.**

1. Variances from the provisions of this article may be granted by the city council only if all of the following findings are made:
   a. Strict conformity with the provisions of this article cannot be met without undue hardship due to physical circumstances or conditions of the property;
   b. That granting the variance will not cause substantial detriment to the public good.
2. The procedures for consideration of variances to this ordinance shall be in accordance with the requirements of *Article 29*, except that the following criteria shall be used to determine the merits of a requested variance.
   a. That there are unique physical circumstances or conditions peculiar to the property including irregularity, narrowness or shallowness of the lot size or shape, or exceptional topographical or other physical conditions that make compliance with the requirements of this district unusually difficult.
   b. That because of such physical circumstance or conditions, the property cannot be developed in strict conformity with the provisions of this ordinance without undue hardship.
   c. The proposed color, material or design will not substantially conflict with existing structures in the vicinity.
   d. The proposed color, material or design is unlikely to set a precedent leading to similar requests which would generate or accelerate adverse changes in the vicinity.
   e. The proposed color, material or design will not have any negative impact on present or planned historic sites or development in the vicinity.

f. If granted, the variance will not significantly affect fully compliant structures in the vicinity.

g. The variance will not grant special privileges to the applicant not available to other similarly situated properties within the overlay district.

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Article 12
General Provisions

12

Section 12.1 Buildings

A. **Accessory Buildings.**

1. Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the main building, or if attached by an enclosed breezeway or similar enclosed structure not more than 10 feet in length.
2. Detached accessory buildings shall not be located closer than 10 feet to the main building on the lot.
3. A building permit shall be required for any accessory building.
4. No accessory building shall be located in a front yard or side yard.
5. No accessory building shall be constructed on a lot before the principal building or use on the lot is constructed.
6. Accessory buildings shall be set back at least five (5) feet from the side and rear lot lines. However, if the rear lot line of the property on which the accessory building is located is also the side lot line of the neighboring property, the accessory building shall be set back the same distance from the rear lot line as the required side yard setback for a principal building.
7. If a detached garage is accessed from an alley, there shall be no rear setback requirement.
8. The maximum number of accessory buildings permitted on any residential lot shall not exceed two (2) accessory buildings with a maximum aggregate floor area of 600 sq. ft.
9. The area of accessory buildings shall be included in the maximum lot coverage.
10. The maximum height of an accessory building shall not exceed 12 feet.
11. No accessory building, except as otherwise permitted in this ordinance, shall be occupied or rented.
12. Accessory buildings on lots within nonresidential districts shall comply with all yard setback requirements for principal buildings within the district in which located.

B. **Restoring Unsafe Buildings.** Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official, or required to comply with his lawful order; provided, such restoration shall be subject to and completed in accordance with the City of Richmond Hill building code and all other applicable ordinances. Nonconforming buildings and uses shall also be subject to the limitations of *Article 30*.

C. **Unlawful Buildings and Uses.** Any building, use, or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this ordinance shall continue to be unlawful, unless expressly permitted by this ordinance. Such unlawful buildings, uses or lots shall not be considered to be nonconforming buildings or uses or lots of record and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses or lots.

Section 12.2 General Compliance

A. **Compliance with Ordinance.** Except as otherwise provided in this ordinance, no building, structure or premises shall be used or occupied; and no building or

part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with the provisions of this ordinance.

B. **Excavations or Holes.** The construction, maintenance, or existence within the city of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, is hereby prohibited; provided, this section shall not apply to the following:

1. any excavation under a permit issued by the city where such excavation is properly protected and warning signs posted in such manner as approved by the city; and
2. streams, natural bodies of water, or ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.

C. **Trash, Litter or Junk.** It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the city, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed seven (7) days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles shall not be left unattended in any yard longer than a period of 48 hours, unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.

D. **Withholding of Approval.** The city council, planning commission, board of zoning appeals, planning director or other authorized board, commission or administrative staff shall not consider approval of any plan, use or permit request until receipt of all required permits or approvals from other local, state or federal departments or agencies.

Section 12.3 Lots

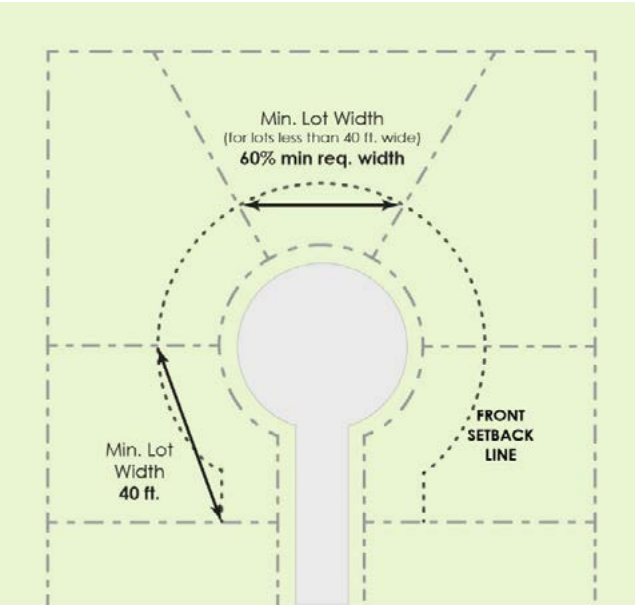

Figure 12-2: Cul-de-sac minimum lot width

A. **Corner Lots.** On corner lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this ordinance. Each corner lot shall be comprised of two (2) front yards and two (2) side yards.

B. **Cul-de-sac Lots.** In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the required front setback line. Cul-de-sac lots shall have a minimum width of 40 feet at the front lot line; provided, if the minimum required lot width is less than 40 feet, the minimum width at the front lot line shall be at least 60 percent of the minimum required width.

C. **Lots on Lakes, Rivers and Streams.** Lots abutting or containing an inland lake, river or stream shall comply with the following regulations:

1. The lot width on the street side shall not be less than the minimum width required for the zoning district in which the lot is located.
2. The lot shall meet the minimum width requirements of the zoning district in which the lot is located, measured at the ordinary high water mark between side lot lines.
3. Waterfront lots shall be considered through lots with both the waterside and street side considered to be front yards. The front yard on the waterside shall be the area between the ordinary high water mark and the nearest wall of the principal building.
4. Accessory buildings shall be permitted within the waterside front yard, but not within the required waterside setback area, and shall comply with all applicable requirements of *Section 12.1 A*.

D. **Minimum Lot Frontage.** All lots and parcels shall have frontage upon and be accessed from a public right-of-way or private street easement.

E. **Required Area or Space.** No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required under this ordinance. If already less than the minimum size required, the area or space shall not be further divided or reduced.

F. **Through Lots.** On through lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this ordinance.

Section 12.4 Setbacks

A. **Clear Vision Corner.** In all zoning districts, signs, fences, walls, structures, benches, shrubbery or other potential obstructions to vision, shall not be permitted to exceed a height of three (3) feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point where the right-of-way lines intersect; provided, utility poles, street lights and street signs shall be exempt from this requirement.

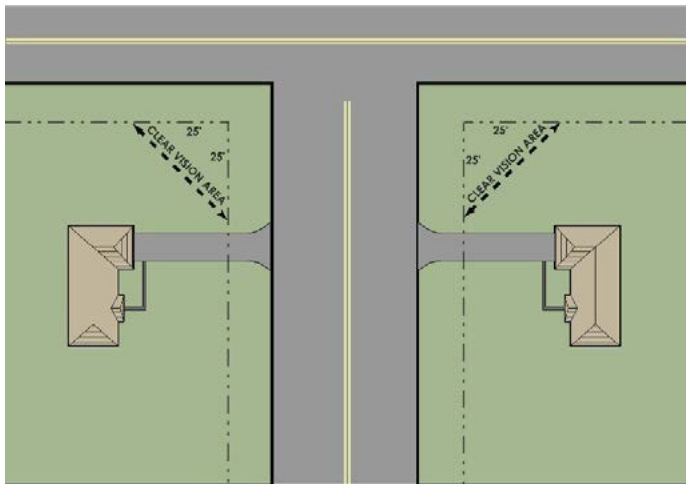

Figure 12-3: Clear vision corner

B. **Encroachment into Right-of-Way.** No buildings, structures, service areas or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

C. **Front Setback Requirements.** All yards abutting upon a public street right-of-way or private street easement shall be considered as front yards for setback purposes, except as otherwise provided in this ordinance.

D. **Projections into Required Yards.** Certain structures and architectural features may project into the required yard setbacks, as shown in Table 12-4 D:

Table 12-4 D, Encroachments into Required Yard Setbacks 1

Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	Side Yard	Rear Yard
Accessory structures	See Section *12.1A*		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a 3-foot side yard setback		
Air conditioning units, generators and other mechanical equipment 1	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Driveways	N/A	Up to 1 ft. from a side lot line	N/A
Eaves and gutters	2 foot	2 foot	2 foot
Fences and walls	See *Section 12.5A*		
Flagpoles	Permitted up to 6 ft. from all lot lines		
Light poles (not including ground-mounted lights)	Permitted up to 6 ft. from all lot lines		
Outdoor fireplaces and pits	None	None	Up to 10 ft. from a rear lot line
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed 1	10 ft.	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed2	5 ft.	3 ft.	10 ft.
Signs	See *Article 16*		
Stairways (not including steps to main floor entry) and below-grade stairwells	5 ft.	3 ft.	10 ft.
Swing sets and similar play structures (attached)	None	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

1 Building code may necessitate additional fire protection. Equipment shall not be located within any easement.

2 Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks applicable to the principal building.

E. **Setback Requirements.** All setbacks shall be measured from the property lines. If located on a private road, the setback shall be measured from the easement line or 30 feet from the center of the road, whichever is greater. In the case of a private

easement, setbacks shall be measured from the easement line. A building shall not be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the setback requirements of the district in which it is located.

Section 12.5 Structures

A. **Fences and Walls.**

1. A permit shall be obtained prior to the erection or construction of any fence or wall.
2. Fences or walls in any residential district or on any residentially used lot shall not exceed six (6) feet in height, measured from the natural grade to the uppermost portion of the fence.
3. Fences or walls erected within the required front yard in any residential district or on any residentially used lot, shall not exceed four (4) feet in height. This shall apply to each front yard of a corner lot or through lot; provided, the fence or wall shall not exceed three (3) feet in height within the clear vision corner.
4. Fences shall not be erected within any public right-of-way or easements.
5. In any district, if both sides of the fence or wall are not identical, the finished side shall face the adjoining property.
6. Chain link fences shall not be erected in any front yard within a residential district or on any lot containing a dwelling, unless enclosing a retention pond, essential public service or publicly owned facility that has been approved by the city. In all such cases, the chain link fence shall be black vinyl coated.
7. Barbed wire shall not be permitted in any residential district or on any lot or parcel containing a residential use, except for security around essential public services or publicly owned facilities.
8. An eight (8) foot high, non-sight obscuring, security fence may be permitted around the perimeter of an essential public service building, essential public service storage yard, towers, and approved outdoor storage areas in the commercial or industrial districts, not including the C-2, Central Commercial District. The security fence may also include a maximum of one (1) additional foot of barbed wire. Razor wire and electrification shall not be permitted in any district.
9. Screen walls, as required in *Section 15.3*, shall be located inside the property line. The design of all walls, including openings for vehicular traffic or other purposes, shall only be as approved by the planning director.

B. **Height Exceptions.** The following structures are exempt from the height limitations of this ordinance: belfries, broadcast towers/antennas, chimneys, cooling towers, elevator bulkheads, fire towers, flag poles in non-residential districts, stacks, elevated water towers, stage lofts, monuments, cupolas, domes, spires, and penthouses housing necessary mechanical appurtenances such as HVAC or similar equipment on the roof of a building. Parapet walls may not exceed the height limits by more than four (4) feet.

C. **Mechanical Appurtenances.**

1. Mechanical units located on the ground shall be located in the rear or side yard, not closer than three (3) feet to adjoining property. When attached to a building, the mechanical equipment shall be architecturally integrated or

appropriately screened by shrubbery or fencing so as not to be visible from neighboring property. Screening shall comply with the requirements of *Section 15.3*.

2. If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.
3. Mechanical units shall not be placed within any easement.

Section 12.6 Uses

A. **Illegal Dwellings.** The use of any basement or floor area below base flood elevation for dwelling purposes is prohibited in all zoning districts, unless the basement or floor area meets the applicable building code requirements. Buildings erected as garages or accessory buildings, except approved accessory dwelling units, shall not be occupied for dwelling purposes.

B. **Domestic Animals.**

1. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals commonly considered household pets is permitted in any residential district; provided, no more than three (3) dogs or cats, six (6) months of age or older, in any combination shall be kept or housed in or at one (1) dwelling.
2. The keeping of animals not generally considered to be household pets, including, but not limited to, exotic animals, horses, pigs, sheep, cattle, goats and poultry is prohibited in all zoning districts, except on existing bona fide farms within the city.

C. **Outdoor Storage.** Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted as a conditional use within those districts and under such conditions as specifically authorized by this ordinance.

D. **Parking, Storage and Repair of Vehicles.**

1. It shall be unlawful for the owner, tenant or lessee of any building or land within the city to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the Georgia Motor Vehicles and Traffic Code, or do not have a current license and registration as required for operation by the Georgia Motor Vehicles and Traffic Code.
2. The repair, restoration and maintenance of vehicles in any residential district or on property containing a dwelling unit, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and may not be conducted within the public right-of-way.
3. It shall be unlawful for the owner, tenant or lessee of any lot or building in a residential district or on property containing a dwelling unit to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-

truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

E. **Similar Uses.** Every type of potential use cannot be addressed in this ordinance, each district provides for "similar uses" referencing this section. All requests for a use not specifically addressed in any zoning district shall be submitted to the planning director for review, based on the following standards.

1. A finding has been made by the planning director that the proposed use is not listed as a permitted or conditional use in any zoning district.
2. If the use is not addressed in this ordinance, the planning director shall select the use listed which most closely approximates the proposed use, using criteria such as the nature of the use, conformance with the purpose of the zoning district in which it is proposed, aesthetics, traffic characteristics, and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation).
3. Once a similar use is determined, the proposed use shall comply with any conditions and review procedures that may apply to that use, including the conditional use requirements of *Article 8*, as applicable.
4. If the planning director determines a proposed use is not similar to any use addressed in the ordinance, the applicant may petition for an amendment to the ordinance, as described in *Article 31*.
5. The determination as to whether a proposed use is similar in nature and class to another permitted or conditional use within a district shall be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the planning director to be similar shall thereafter be included in the enumeration of the uses.

F. **Storage of RVs.** Recreational vehicles may be located outside an enclosed building on any lot within a residential district; provided, the following requirements are met:

1. If located on an interior lot, recreational vehicles shall not be permitted in the front yard. On a corner or through lot, recreational vehicles shall not be permitted in any yard abutting a street.
2. Notwithstanding the provisions of Subsection F.1, recreational vehicles may be parked within any yard on a hard-surfaced area for up to 48 hours within a seven (7) day period for purposes of cleaning, loading or unloading.
3. Recreational vehicles may be stored for extended periods within a non-required side or rear yard; provided, the vehicle is on a hard-surfaced area suitable for that purpose and is screened from view of adjoining properties in accordance with the requirements of *Section 15.3*.
4. Recreational vehicles may be used for temporary occupancy for periods not to exceed 48 hours; provided, the recreational vehicle contains sleeping accommodations and is solely for the use of the owner of the lot or guests of the owner.

G. **Swimming Pools Spas and Hot Tubs.**

1. Any swimming pool, spa, hot tub or similar structure whose depth at any point exceeds 24 inches shall be subject to the following regulations and shall be fenced securely, in accordance with the applicable requirements of the City of Richmond Hill building code.

2. Swimming pools, spas, hot tubs and similar structures shall only be permitted in the rear yard.
3. Swimming pools, spas, hot tubs and similar structures, whether above or below ground, shall be set back a minimum of 10 feet from any side or rear lot line, as measured from the edge of the pool.

H. **Temporary Storage Units.**

1. It shall be unlawful to place or permit the placement of a temporary storage unit on property located within the City of Richmond Hill for more than nine (9) consecutive days; provided, a longer period may be approved by the planning director for building construction or remodeling projects.
2. Temporary storage units shall only be placed upon or within a driveway, parking area or, if access exists to the rear of the lot, the rear yard.
3. No temporary storage unit shall be placed upon or within public property or a public place, including without limitation, a street, sidewalk or outlawn.
4. The temporary storage unit shall not exceed eight (8) feet in height, eight (8) feet in width and 16 feet in length.
5. The temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the unit.
6. The temporary storage unit shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.
7. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, or goods for property other than the property where the storage unit is located or any illegal or hazardous material. Upon reasonable notice, the officials of the City of Richmond Hill may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.
8. Any temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place, may be removed by the city immediately, without notice, and the cost of such removal may be assessed against the property on which the unit was located.
9. A sign identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a sign permit; provided, the storage unit is in compliance with this subsection and all other applicable ordinances.

I. **Principal Use.** A lot or parcel shall not be devoted to more than one (1) principal use, or contain more than one (1) principal building; except for groups of multiple family buildings, commercial establishments or industrial buildings which are determined by the planning director to be a principal use collectively, based on the following considerations:

1. individual buildings share common parking areas;
2. access to the buildings/uses is provided via shared access drives or streets;
3. buildings are under single ownership; or
4. individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station).

J. **Manufactured Homes on Individual Lots in R-4.** All manufactured home dwellings located outside of manufactured home communities shall comply with the following requirements:

1. All dwelling units shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
2. All dwellings shall be firmly attached to a permanent, continuous foundation around the entire perimeter of the dwelling, so as to be watertight as required by the construction code adopted by the city.
3. The wheels, pulling mechanism, and tongue of any manufactured home shall be removed prior to placement on a foundation.
4. All dwellings shall be connected to a sanitary sewer and water supply system approved by the city or the county health department, as applicable.
5. All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.
6. All additions to dwellings shall meet all the requirements of this ordinance and the applicable construction code adopted by the city.
7. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along the sides of the dwelling. The compatibility of design and appearance shall be determined in the first instance by the building official upon review of the plans submitted for a particular manufactured home dwelling. An appeal by an aggrieved party may be taken to the board of zoning appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of all residential dwellings located outside of manufactured home communities within 500 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. Prior to issuance of a building permit for any manufactured home dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the building official.
9. All manufactured home dwellings shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended.

K. **Voting Place.** The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal or other public election.

Section 12.7 Utilities and Services

A. **Essential Public Services.** The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this ordinance; provided, buildings, parking areas and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of the City of Richmond Hill to require that specific services be installed underground.

B. **Water and Sanitary Sewer Service.** No structure for human occupancy shall, after the effective date of this ordinance, be erected, altered or moved upon any lot or premises and used, in whole or in part, for dwelling, business, industrial, institutional or recreational purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the State of Georgia, Bryan County, City of Richmond Hill and other relevant government codes, ordinances and standards.

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Article 13
Conditional Use Requirements

13

Section 13.1 Scope

Conditional uses are identified within each of the zoning districts established by this ordinance. These uses may have operational characteristics such as traffic, noise, hours of operation or other factors that warrant the imposition of other requirements, in addition to the base requirements applicable to all uses allowed in the respective zoning district. This article specifies those added requirements for several uses identified in the district schedule of uses as a conditional use. In addition to these specific requirements, other conditions may be attached to an approval to ensure that the proposed use satisfies one or more of the general review standards of Section 13.3.

Section 13.2 Application and Review

A. Unless otherwise specified for a particular use, the planning commission shall be responsible for reviewing and deciding upon all requests for conditional uses.

B. Requests for approval of a conditional use shall be submitted to the planning director on a form for that purpose, along with an application fee and a final site plan as specified in *Article 17*. The planning director shall review the application and final site plan for completeness, as well as conformance with the requirements of the zoning district in which the property is located and the applicable standards for the use as specified in this article. If the application and plan are complete, the material will be forwarded to the planning commission for action.

C. Unless, a special process is otherwise required for a specific use, the planning commission shall review the application, site plan and any supplementary materials, and shall consider recommendations from city staff and (if applicable) the architectural review board. Based on this input and the conformance of the request with the general standards of Section 13.3 and any specific standards of this article related to the proposed conditional use, the planning commission shall approve, approve with conditions, table or deny the application.

D. If an application for conditional use is found to meet all applicable standards of this ordinance, it shall be approved.

E. If denied, the applicant may appeal the planning commission's decision to the city council.

Section 13.3 General Standards for Review

The following general standards shall be satisfied for all conditional uses:

A. The proposed use does not adversely affect the general plans for the physical development of the city as embodied in these regulations or in any plan or portion thereof adopted by the planning commission or city council.

B. The proposed use will not adversely affect the health and safety of residents and workers in the city.

C. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, of the vehicular movement, of noise or fumes or of the type of physical activity associated with the use.

D. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, either off-site or on-site.

E. The proposed use will be compatible with existing uses that are adjacent to or neighboring the proposed location, as measured in terms of its physical size, intensity of use, visual impact, and proximity to other structures.

F. The proposed use shall comply with all applicable requirements of this ordinance such as, but not limited to, district requirements, parking, signs, landscaping and site plan review, unless modified by this article for a specific use.

G. Where minimum separation distances are required between certain conditional uses and other uses; the separation distance shall not apply retroactively if the specified condition does not exist at the time of approval.

Section 13.4 Specific Use Requirements - Food, Drink, Entertainment and Hospitality

A. **Bars, Taverns and Night Clubs.**

1. The establishment shall meet all requirements of the Official Code of Georgia including, but not limited to, separation distances from any church, school building, educational building, school grounds or college campus.
2. Live entertainment or other forms of amplified music may be provided outdoors, only if the establishment is at least 1,000 feet from any residence. Outdoor entertainment shall not be permitted for hookah bars or lounges.
3. The requirements of Subsection 13.4 E, below, related to outdoor seating, shall also apply.
4. Due to city and state regulations regarding smoking in public places, hookah bars and lounges shall not be permitted to serve food or alcoholic beverages.

B. **Bed and Breakfast.**

1. A bed and breakfast shall be operated at all times in accordance with State of Georgia requirements.
2. A bed and breakfast shall not provide more than five (5) guest rooms, plus a common area for use by all guests.
3. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two (2), an additional 100 square feet of floor area shall be required.
4. The bed and breakfast shall be the principal residence of the owner, who shall reside there when the bed and breakfast is in operation. If the owner is not in residence in the dwelling unit for 14 consecutive days or more, the bed and breakfast shall be closed until the owner returns.
5. Meals for guests shall be limited to breakfast and evening snack.
6. There shall be at least one (1) parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.
7. One sign, not exceeding four (4) square feet, shall be allowed for identification purposes. Sign lighting shall be down-lit and shielded from view off site. Internally lighted signs are not permitted.
8. Cooking facilities in bed and breakfast guest rooms are prohibited.
9. Exterior refuse storage facilities shall be screened from view on all sides by a six (6) foot solid decorative fence or wall, or by other screening approved by the planning commission.
10. In addition to the site plan required by this ordinance, a floor plan of the dwelling unit and the use of each room shall also be submitted with the conditional use application.

C. **Micro-Brewery.**

1. The micro-brewery shall produce no more than 15,000 barrels (465,000 US gallons / 17,602.16 hectoliters) of beer per year.
2. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s).
3. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure.
4. Access and loading bays are discouraged from facing toward any street, excluding alleys.
5. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
6. Outdoor storage, including the use of portable storage units, cargo containers and tractor trailers, shall not be allowed.
7. The establishment shall meet all requirements of the Official Code of Georgia including, but not limited to, separation distances from any church, school building, educational building, school grounds or college campus.

D. **Hotels/Motels.**

1. No hotel or motel may be converted to or used as a dwelling.
2. No permanent business license shall be issued for the conduct of any business from any guest room of the facility.
3. No individual guest shall register, reside in, or occupy a room or rooms within the same facility for more than 45 days in any 90 day period, nor shall any guests move from one (1) room to another without a three (3) day vacancy in between.

E. **Outdoor Seating Areas for Restaurants Similar Establishments.**

1. The outdoor seating area shall not obstruct pedestrian movement along adjacent sidewalks. A minimum sidewalk width of five (5) feet shall remain unobstructed between the limits of the outdoor seating area and the outer edge of the walkway.
2. The outdoor seating area shall be surrounded by a decorative fence or similar enclosure at least four (4) feet high with access only from within the building. A self-closing gate that can only be opened from within the enclosure shall be provided for emergency egress.
3. Outdoor seating capacity shall be included in the computation of required parking.
4. Limitations may be imposed upon hours of operation, outdoor sound amplification and/or lighting where the proposed use may create nuisance effects upon adjacent or nearby residential uses.

F. **Restaurants, Alcohol and/or Entertainment.** The standards of *Subsection 13.4 A* shall apply.

G. **Restaurants, Drive-in or Drive-through.**

1. Sufficient vehicular stacking capacity for the drive-in or drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, fire lanes, parking spaces and egress from the property by vehicles not using the drive-in or drive-through portion of the facility.
2. Public access to the site shall comply with the driveway spacing standards of *Section 14.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest edge of pavement to the nearest edge of pavement.
3. Internal circulation and access to/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
4. Menu boards with speakers for the transmission or broadcasting of voices or music shall be oriented and/or muffled to prevent sound from being audible beyond the boundaries of the site.

H. **Sexually Oriented Businesses.**

1. ***Purpose.*** The proximity of sexually oriented businesses to certain uses considered particularly susceptible to the negative impacts of the concentration of sexually oriented uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding area. There is convincing documented evidence, including from College Park, Georgia; Richmond County, Georgia; Atlanta, Georgia; and Savannah, Georgia; all of which are relevant to the problems and conditions that could prevail in this city of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they may be adjacent. Therefore, the following purposes are served by these regulations:
   a. This section describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.
   b. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution.
   c. Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said federal and state constitutions.
   d. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.

e. These regulations shall not be interpreted as intending to legitimize any activities that are prohibited by federal or state law, or by any other ordinance of the City of Richmond Hill.

f. The provisions of this section shall apply to all uses defined in this ordinance as sexually oriented businesses.

2. ***Conditional Use Approval.***

a. The application for and review of the conditional use request for a sexually oriented business shall be processed, as specified in *Section 13.2*; provided, that the planning commission shall only make a recommendation to approve, approve with conditions or deny the application. The recommendation shall be made to the city council.

b. Upon receipt of the planning commission recommendation, the city council shall make a decision to approve, approve with conditions or deny the application for conditional use approval. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of *Section 24.8*, may be conducted.

3. ***Location of Sexually Oriented Businesses.***

a. A sexually oriented business shall not be located within 1,000 feet, measured in a straight line from the nearest property line of the sexually oriented business to the nearest property line of:

i. Any place of religious worship;

ii. Any school;

iii. The boundary of any residential zoning district;

iv. A public park or recreation area;

v. Any public library;

vi. A day care facility;

vii. An establishment selling alcoholic beverages;

viii. A youth activity center; or

ix. The property line of a lot devoted to residential use.

b. A sexually oriented business shall not be operated, established, substantially enlarged, or have ownership or control of such a business transferred within 500 feet of another sexually oriented business.

c. For the purpose of this article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line where a sexually oriented business is conducted to the nearest property line of the premises of a use or location specified in Subsection 13.4 H.3.a.

d. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of conditional approval, of any use specified in Subsection 13.4 H.3.a. This provision does not apply if conditional use approval has expired or has been revoked.

4. ***Licensing and Employees.*** Employees of such establishments must be at least 18 years of age. A manager must be on duty and responsible for activities at the establishment at all times. The manager, waitresses, adult entertainers, and any

other persons who are employed or working at such establishments must apply for an adult entertainment license at city hall. The applicants will be required to provide proof of age and fingerprints and undergo a criminal background investigation. Any employee who is convicted of a sex-related crime, or drug-related or alcohol-related felony while employed as an adult use establishment employee shall not thereafter work on any premises requiring licenses under this section for a period of five (5) years from the date of such conviction.

5. ***Nudity.***
   a. This section shall prohibit the employment or use of any person, in any capacity, in the sale or service of beverages and/or food while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.
   b. Live entertainment where any person appears in the manner described in Subsection 13.4 H.5.a. may not perform and/or simulate acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act prohibited by law. Also prohibited shall be the caressing or fondling of the breast, buttocks, anus and/or genitals. Also prohibited will be the displaying of the male or female pubic hair, anus, vulva or genitals.
   c. Nude dancers/entertainers may not dance among the audience. The entertainer must perform on a stage separate from the audience and built at least two (2) feet above the audience level. No adult entertainer shall be allowed to walk or mingle among the audience unless the performer is fully clothed.
   d. No advertisements, handbills, marquees or any other form of advertisement may use sexual language or display nudity where the advertisement may be viewed by the public.
   e. Proper care shall be exercised to assure that no nudity is in view of the public.
   f. Adult entertainers/dancers may not solicit tips from the customers.
6. ***Additional Regulations for Adult Motels.***
   a. Evidence that a sleeping room in a hotel, motel, boarding house or a similar commercial establishment has been rented and vacated two (2) or more times within less than 10 hours creates a reasonable presumption that the establishment is an adult motel as that term is defined in this ordinance.
   b. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, boarding house or similar commercial establishment that has not received conditional approval as a sexually oriented business, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, rents or subrents the same sleeping room again.
   c. For purposes of this subsection, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.
7. ***Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.*** If a sexually oriented business, other than an adult motel, contains a viewing room of less than 150 square feet for showing a film, video cassette, DVD or other video reproduction depicting specified sexual activities or specified anatomical areas,

the following requirements shall apply:

a. Upon application for conditional use approval, the application shall be accompanied by a diagram of the premises showing a plan specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and identifying any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram must be oriented to the north or to some designated street or object and be drawn to a designated scale or with marked dimensions sufficient to show the interior dimensions of all areas of the premises to an accuracy of plus or minus six (6) inches.

b. The application shall be sworn to be true and correct by the applicant.

c. No alteration in the configuration or location of a manager's station may be made without approval.

d. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from at least one (1) manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction equipment. The required view must be by direct line of sight from the manager's station.

f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the required view area remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and that no patron is permitted access to any area which has been designated in the application as an area in which patrons will not be permitted.

g. No viewing room may be occupied by more than one (1) person at any time. No holes, commonly known as "glory holes" shall be allowed in the walls or partitions which separate each viewing room from an adjoining room or restroom.

h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operator and of any agents and employees in the premises to ensure that the illumination is maintained at all times that any patron is in the premises.

8. ***Prohibitions Regarding Minors.*** A person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for the business, and knowingly or with reasonable cause to know, permit, suffer, or allow:

a. Admittance of a person under 18 years of age to the premises, unless accompanied by a parent or guardian;

b. A person under 18 years of age to remain at the premises, unless

accompanied by a parent or guardian.

c. A person under 18 years of age to purchase goods or services at the premises without the specific consent of a parent or guardian; or

d. A person who is under 18 years of age to work at the premises as an employee.

9. ***Advertising and Lighting Regulations.***

a. It shall be unlawful and a person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not conditional use approval has been issued, and advertises the presentation of specified sexual activities contrary to any applicable state statute or local ordinance.

b. It shall be unlawful and a person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not conditional use approval has been issued, and displays or otherwise exhibits the materials and/or performances available at such sexually oriented business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising the existence or location of the sexually oriented business.

c. The operator shall not allow any portion of the interior premises to be visible from outside the premises.

d. All off-street parking and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) footcandle of light on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required site plan of the premises.

e. Nothing contained in this section shall relieve the operator(s) of a sexually oriented business from complying with all other applicable requirements of this ordinance, as it may be amended from time to time, or any subsequently enacted city ordinances or regulations.

10. ***Hours of Operation.*** It shall be unlawful and a person shall be guilty of a misdemeanor if:

a. he/she operates or causes to be operated a sexually oriented business, regardless of whether or not conditional approval has been granted, and allows the business to remain open, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 a.m. and 9:00a.m. on any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

b. an employee of a sexually oriented business, regardless of whether or not conditional approval has been granted for the business, engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service or solicits a service between the hours of 1:00 a.m. and 9:00a.m. on

any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

11. ***Nudity at Sexually Oriented Businesses.***
    a. The United States Supreme Court decision in Barnes v. Glen Theater, Inc., 501 U.S. 560, 111 (1991) which upheld the rights of communities to prohibit live public exposure of a person's private parts, specifically applies to sexually oriented businesses (regardless of whether or not conditional approval has been granted to the business under this section) where no alcoholic beverages are sold, served, or consumed at the premises.
    b. Public nudity is prohibited within the city, including any sexually oriented business. Any sexually oriented business which is found in violation of this section shall have its conditional approval rescinded pursuant to the provisions of this section.

Section 13.5 Specific Use Requirements - Public/Quasi-Public Facilities

A. **Heliports and Helipads.**

1. Conditional use requests for heliports and helipads shall be first considered by the planning commission which shall make a recommendation to the city council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of *Section 24.8*, may be conducted.
2. The proposed heliport and all appurtenant facilities and equipment shall be constructed, operated and maintained in accordance with the published rules, regulations and guidelines of the Federal Aviation Administration and the Georgia Aeronautics Commission.
3. The use shall be located on a parcel having a minimum area of 10 acres.
4. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall comply with the following minimum separation distances:
    a. from the boundary of any property zoned Industrial (I-1): 150 feet;
    b. from a building on property, other than property owned by the applicant, zoned Industrial: 200 feet;
    c. from the boundary of property in any other zoning district: 300 feet;
    d. from a building on property in any other zoning district: 500 feet.
5. A helicopter shall not remain in operation on the ground for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than 10 minutes).
6. As a condition of approval, limits may be imposed on:
    a. size and type of rotorcraft permitted to use the facility;
    b. allowable hours of use of the facility;
    c. frequency of helicopter operations permitted at the facility; and
    d. location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.
7. The provisions of this section shall not apply to emergency operations conducted by law enforcement, public safety agencies or emergency medical service

providers.

B. **Colleges/Universities.**

1. Primary vehicular access shall be from/to an existing arterial street.
2. Buildings shall be located at least 100 feet from all lot lines. Parking lots shall be no closer than 50 feet to a lot line.

C. **Hospitals.**

1. Minimum lot area shall be 10 acres.
2. Primary vehicular access shall be from/to an existing arterial street.
3. Buildings shall be located at least 100 feet from all lot lines and parking lots shall be no closer than 50 feet to a lot line.
4. Emergency room entrances shall be at least 500 feet from any residential zoning district or existing dwelling.
5. Helipads shall be located at least 500 feet from any adjoining property line.

D. **Places of Worship.** The purpose of these requirements is to integrate places of worship into the fabric of Richmond Hill's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the facility, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be 200 feet.
3. At least one (1) property line, meeting the minimum width requirement of the zoning district, shall abut and have direct access to an arterial or collector street.
4. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Subsection 14.2 C*.

E. **Schools (K-12).** The purpose of these requirements is to integrate schools into the fabric of Richmond Hill's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the school, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be 200 feet.
3. Maximum building height may be up to 55 feet.
4. At least one (1) property line, meeting the minimum width requirement of the zoning district, shall abut and have direct access to an arterial or collector street.
5. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Subsection 14.2 C*.
6. All buildings, parking areas and outdoor activity areas (ball fields, tennis courts, playgrounds, bleachers, etc.) shall be set back a minimum of 50 feet from any side or rear property line.
7. Lighting for night-time activity areas shall be directed and shielded so the light source is not visible from any surrounding residential use. All lighting, including building and security lighting shall be located to prevent glare on adjacent

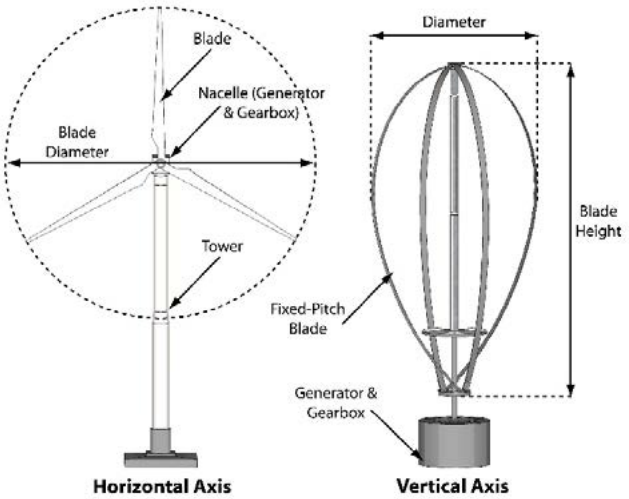
properties and streets.

F. **Utility Substation or Sub-installation.**

1. The use shall be enclosed by a fence or wall at least six (6) feet in height above finish grade. Chain link fence may be used; provided, it is covered by a green or black wind screen.
2. Other uses, such as, but not limited to, office, commercial operations and storage of vehicles or equipment shall not be permitted on the premises.
3. A landscaped strip or other screening, as required in *Section 15.3*, shall be provided.

G. **Wind Energy Conversion Systems.**

1. ***General requirements.***



a. The minimum lot area for installation of a commercial wind energy conversion system (WECS) shall be 12,000 square feet.

b. The power rating of a single accessory WECS turbine shall not be greater than 25 kW.

c. A single accessory WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property. However, this does not prevent power generated beyond the needs of the structures or uses on the property to be distributed to a utility company through net metering. Except for the utility company, power generated by the WECS may not be provided to any other property or entity.

d. Sound attributed to a single accessory WECS in excess of 55 dB(A) shall not be discernible at the property line.

e. A sign, not exceeding three (3) square feet in area naming the manufacturer may be affixed to the base of the tower or to the nacelle; no other signs are permitted on the WECS.

f. Lights on or directed toward a WECS are not permitted.

g. A single accessory WECS shall be painted in a neutral matte color, such as gray or light blue, to blend with the sky. A building mounted WECS may be painted in colors complementary to those of the building.

h. A single accessory WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. Emergency shut-off information shall be posted on the tower in a location that can be easily seen.

i. A single accessory WECS shall employ an anti-climbing device or be

designed to prevent climbing and other unauthorized access.

j. The installation of a single accessory WECS shall not interfere with signal transmission or reception of an existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems.

k. The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to city ordinances.

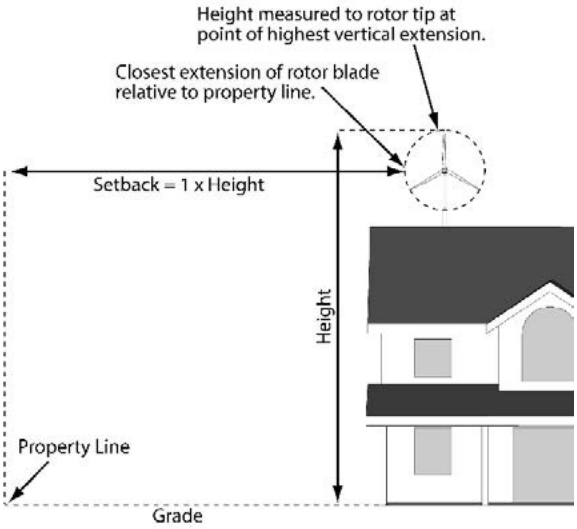
l. All single accessory WECS installations shall comply with applicable ANSI (American National Standards Institute), National Electric Code and National Building Code standards, as adopted by the State of Georgia, Bryan County and the City of Richmond Hill.

m. A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.

n. An existing and approved single accessory WECS may be repaired and maintained; however, a WECS may only be replaced with a new WECS upon approval of the planning commission; provided, the new WECS is of the same height, rotor diameter, setback, etc. as the WECS it replaces. A new or replacement WECS shall mean all of the WECS, excluding the tower or support structure.

2. ***Ground-mounted single accessory WECS.***

a. A ground mounted single accessory WECS shall not be located within any front yard and shall be located at a distance at least equal to its height from all property lines. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line. No part of a single accessory WECS (including guy wire anchors) shall be located within or above a required setback.



b. WECS height shall be limited based on the setback requirements in Subsection 13.5 G.2.a; provided, on a property less than one (1) acre in area, the height shall not exceed 50 feet; and on property one (1) acre or greater the height shall not exceed 75 feet.

c. The minimum rotor blade tip clearance from grade and from any structure shall be 20 feet.

d. The diameter of the rotor depends on maximum single accessory WECS

height and rotor blade tip clearance, but in no case shall it exceed 50 feet.

e. The tower used to support a WECS shall be adequately anchored and meet applicable standards, as certified by a structural engineer registered in the State of Georgia.

3. ***Building Mounted Single Accessory WECS.***

a. The diameter of the rotor shall not exceed 20 feet.

b. WECS height shall not exceed the maximum permitted height for principal buildings in the district, plus 15 feet.

c. A single accessory WECS shall be separated from adjoining property lines a distance equal to the height of the building (ground to peak) measured at the point where the WECS is mounted plus the height of the WECS. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line.

d. A building mounted single accessory WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the street. To the greatest degree possible, the WECS shall be mounted to the building in the least visible location.

e. The mount and the structure used to support a building mounted WECS shall meet applicable standards, as certified by a structural engineer registered in the State of Georgia.

4. ***Discretionary Conditions.*** The planning commission may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of a WECS, including, but not limited to, the following:

a. The preservation of existing trees and other vegetation not required to be removed for installation of a WECS.

b. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.

c. Altering the location of the WECS to prevent impacts on neighboring properties; provided, all other requirements of this section are met.

5. ***Performance Guarantee.*** A performance guarantee may be required, in accordance with the provisions of *Section 24.6* and conditioned upon the timely and faithful performance of all required conditions, including but not limited to the timely and complete removal of a WECS, regulated under the terms of the section. The performance guarantee shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

H. **Wireless Communication Facilities and Towers.**

1. ***Required Approvals.*** The placement of wireless communications facilities and towers shall meet the following approval requirements:

a. *Installation of New Towers.* The construction and installation of any new tower shall only be in accordance with the review and approval procedures of this article.

b. *Installation of New Antenna.* The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be

approved by the planning commission subject to all requirements of this section. Any new antenna that will add either 10 percent or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this section for the installation of new towers, as described below.

c. *Installation of New Accessory Structures.* The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the planning commission.

2. ***Removal.*** Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his/her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the planning commission, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.

3. ***Interference with Public Safety Facilities.*** No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.

4. ***Required Documentation for all Facilities.*** In addition to the requirements provided in this section for conditional approval, applications for new towers, new antenna, and new related facilities, including equipment mounted on an existing building, shall include the following:

   a. *Engineer's Report.* A report from a professional engineer licensed in the State of Georgia that:

      i. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;

      ii. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennae it can accommodate;

      iii. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: ice, wind, earth movements, etc.);

      iv. Certifies that the facility will not interfere with established public safety telecommunication facilities; and

      v. Includes the engineer's seal and registration number.

   b. *Letter of Intent.* A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.

   c. *Proof of Compliance.* Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate state and federal agencies.

   d. *Removal Affidavit.* A letter committing all parties, including the property owner and his/her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Bryan County, with a copy of the recorded affidavit provided to

the Richmond Hill planning director.

5. ***Determination of New Tower Need.*** Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Georgia that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:
   a. *Existing Public Site.* There are no existing publicly owned towers or sites suitable to accommodate the proposed tower or antennas.
   b. *Inadequate Structural Capacity.* The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.
   c. *Interference.* The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.
   d. *Inadequate Height.* The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.
   e. *Land Availability.* Additional land area is not available (when necessary).
6. ***Design Requirements for new Towers and Related Facilities.*** All telecommunications facilities shall meet the following design requirements:
   a. *Lighting.* Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded down lighting).
   b. *Co-Location.* All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one (1) additional user for every 50 feet in total tower height in excess of 75 feet.
      i. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
      ii. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.
   c. *Height.* All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.
   d. *Signs.* Signs for all telecommunications facilities shall be permitted up to a total of four (4) square feet per user and mounted on the fence.
7. ***Site Requirements for new Towers and Related Facilities.*** All telecommunications facilities shall meet the following site requirements:
   a. *Vehicular Access.* Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements for the City of Richmond Hill.
   b. *Site Area.* The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed

by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.

i. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.

ii. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half (½) the tower height.

iii. All tower supporting and stabilizing wires shall be located within the site area.

c. *Setback.* The required setbacks for the tower and related facilities shall be as follows:

i. Side and rear setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.

ii. Front setback. The minimum front setback for all facilities shall be as specified by this ordinance for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.

iii. Additional setback from residential districts. No facility shall be placed closer than one and one-half (1½) times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.

iv. Additional landscaping. Landscape screening, in addition to the requirements of this section, may be provided in the setback area.

d. *Encroachment.* No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.

e. *Fencing.* An eight (8) foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least eight (8) feet above grade.

i. Required landscape screening, as described in Subsection 13.5 H.8, shall be located outside of the required fence.

ii. If located within a residential district, the required security fence enclosing the facility shall be 100 percent opaque. Chain link fence may be used; provided, it is covered by a green or black wind screen. Opaque, eight (8) foot tall gates shall be provided for access.

f. *Designated historic districts.* No new telecommunications tower shall be located within any designated historic district; provided, one (1) or more telecommunications antennae may be located on existing towers or public facilities.

8. ***Landscape Screening.*** Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall specify plants in a number and design to provide a screen of the fence, all equipment and the base of the tower, as determined by the planning commission.

a. If evergreen shrubs are used, they shall be planted a maximum of five (5) feet apart on center.

b. If evergreen trees are used, they shall be planted a maximum of 10 feet apart on center.

Section 13.6 Specific Use Requirements - Residential

A. **Accessory Dwelling Units.**

1. An accessory dwelling unit may be located within or attached to a single-family detached dwelling or within a detached accessory building; provided, any detached accessory dwelling unit shall meet the setback requirements for a principal building and shall be at least 10 feet from the principal dwelling.
2. Occupancy of the accessory dwelling unit shall be limited to members of the family occupying the principal dwelling.
3. The accessory dwelling unit shall share the same sewage disposal and water supply systems as the principal dwelling unit.
4. A minimum of two (2) off-street parking spaces shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
5. The accessory dwelling unit shall be limited in size to a maximum of 25 percent of the total living area of the principal dwelling.
6. The accessory dwelling may contain no more than a living area, one (1) bedroom, one (1) bath and a kitchenette (including a small refrigerator, microwave oven, stove and sink).
7. The property owner shall live in the principal or accessory dwelling as the principal place of residence.
8. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

B. **Home Occupations.**

1. The home occupation shall be carried on entirely within the principal dwelling unit and not occupy more 25 percent of the total floor area of the dwelling. No business shall be conducted in an accessory building
2. There shall be no change to the exterior of the dwelling or premises with the exception of one (1) non-illuminated exterior sign, not more than two (2) square feet in area, attached to the wall of the dwelling.
3. Only persons residing in the dwelling unit shall be engaged in the home occupation.
4. Equipment used in the conduct of the home occupation shall be limited to that customarily found in a home. No mechanical equipment or activity shall create dust, noise, odor, or electrical disturbance beyond the confines of the lot on which the occupation is conducted.
5. No outdoor display of articles, merchandise or products shall be permitted.
6. Traffic shall not be generated in greater volume than would normally be expected in a residential neighborhood.

C. **Personal Care Home.**

1. The personal care home shall be no closer than 1,000 feet of another personal

care home, measured in a straight line from nearest property line to nearest property line.

2. Proof of issuance of a permit and compliance with all applicable state requirements for operation of a personal care home, under the Official Code of Georgia shall be provided prior to approval of the conditional use.

D. **Retirement Community.**

1. A minimum lot area of 20 acres shall be provided.
2. The retirement community shall contain, at a minimum, independent and assisted living facilities.
3. The overall residential density shall not exceed 15 units per net acre.
4. Independent living units shall meet the minimum dwelling size requirements of the R-3 residential district. The minimum dwelling unit size of all other units may be reduced from the R-3 requirements by no more than 200 square feet; provided, no unit shall be less than 450 sq. ft.
5. Retail and service uses may be permitted within a residential building, as accessory uses to the retirement community. No freestanding retail or service use shall be permitted.
6. Walkways and paved paths shall be provided throughout the community, as well as connecting to adjacent sidewalks along all streets.

Section 13.7 Specific Use Requirements - Retail Trade and Service

A. **Automobile, Trailer, Truck, Farm Equipment, Heavy Equipment, Manufactured Home, Boat, Recreational Vehicle or Motorcycle Sales.**

1. The minimum lot size shall be one (1) acre with a minimum lot width of 200 feet.
2. Signs shall conform to the requirements of *Article 16*. Flags, pennants, balloons, ribbons, strings of lights or other distracting devices are not permitted.
3. Temporary or portable structures are not permitted.
4. Outdoor display shall conform to the following:
   a. Vehicles, for sale or otherwise, shall be parked on approved hard surfaces.
   b. Vehicle display areas shall not be located within any required greenway or buffer area, as specified in *Article 15*, and shall be outside of public rights-of-way.
   c. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking.
5. All other merchandise available for sale, including, but not limited to, clothing, accessories, tires, collectibles etc. shall be sold and displayed within an enclosed building.
6. All service work, including vehicle washing, repair and general maintenance, shall be conducted entirely within an enclosed building.
7. Audible paging systems or outdoor speakers are not permitted.
8. The use of spotlights is prohibited.

B. **Check Cashing Establishments, Pay-Day Lenders, Pawnshops and Similar.**

1. The use shall be:
   a. located at least 1,000 feet, measured lot line to lot line, from the nearest check cashing establishment, pay-day lender, deferred presentment lender, pawnshop or title loan company, and
   b. located within a commercial shopping center with a combined floor area of all businesses being 30,000 square feet or more; or
2. The use shall be wholly contained within a single grocery store or general merchandise retail building having at least 30,000 square feet of floor area, with no separate public access to its portion of the premises, and is at least 1,000 feet, measured lot line to lot line, from the nearest check cashing establishment, pay-day lender, deferred presentment lender, pawnshop or title loan company.

C. **Family Day Care Home.**
1. All licensing and permitting shall be obtained from the State of Georgia.
2. All rules and regulations from the State of Georgia shall be adhered to.
3. The owner of the dwelling shall reside on the premises.
4. A family day care home shall not be located within 1,000 feet from any other family day care home.

D. **Funeral Homes and Mortuaries.**
1. A minimum lot size of two (2) acres shall be required.
2. An off-street vehicle assembly/staging area shall be provided for funeral processions and activities in addition to the required off-street parking and maneuvering area.
3. No waiting lines of vehicles shall extend off site or onto adjacent public streets.
4. Spacing of access driveways shall meet the access management requirements of *Section 14.5*, but in no case shall be closer than 125 feet to any street intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.

E. **Kennels and Pet Day Care.**
1. Kennels and pet day care facilities that include outdoor runs/exercise areas shall not be located adjacent to a residential or mixed use district boundary.
2. Minimum lot size shall be two (2) acres.
3. No dog runs or animal exercise areas shall be located in a front yard or in any required rear or side yard.
4. Outdoor runs/exercise areas shall be set back a minimum of 75 feet from all property lines or the required setback for the zoning district, whichever is greater; provided, a 100 foot setback shall be maintained from any residential dwelling.

F. **Outdoor Display Areas for Retail Establishments.** These regulations shall apply to all retail establishments except open air businesses.
1. The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
2. A drive shall be provided, graded, paved, and maintained from the street to the rear of the property, to permit free access of emergency service vehicles and

firefighting equipment at any time.

3. The sale or outdoor display of merchandise shall not be permitted within the required setback areas.
4. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by *Section 14.3* for the principal use.
5. No outdoor display area or parking serving an outdoor display area shall be located within 50 feet of any residential district boundary line.
6. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.
7. All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
8. All loading and truck maneuvering shall be accommodated on-site. Maneuvering in the public right-of-way is prohibited.
9. Lighting for security purposes may be required, as determined by the planning commission. All lighting shall be shielded from adjacent residential districts and uses.
10. Permanent outdoor storage areas shall be attached to and be considered part of the principal building relative to all setback requirements. The storage area shall be fenced with a decorative fence or wall at least six (6), but no more than eight (8), feet in height. Chain-link, or similar style fences, are prohibited.
11. The planning commission may require a sight-obscuring screen that meets maximum fence height requirements for the zoning district around any storage or display area. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.

G. **Self-Storage Facilities.**

1. The minimum size of the site shall be not less than three (3) acres.
2. All ingress and egress from the site shall be directly onto an arterial or collector street.
3. Storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials, shall not be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.
4. The use of the premises shall be limited to storage of personal and business items, except as otherwise provided, and shall not be used for operating any other business, maintaining or repairing vehicles or for any recreational activity or hobby.
5. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted within a central office.
6. The entire site shall be fenced, in accordance with the requirements of *Section*

15.3. Fences within front yards and any side yards adjacent to residential zoned property shall be wrought iron or a similar decorative type. Chain-link, or similar style fences, are prohibited in these areas.

7. A security manager may be permitted to reside on the premises. A minimum of two (2) parking spaces shall be provided for the dwelling unit and the requirements of *Article 14* shall be met.
8. Minimum separation between self-storage buildings shall be 24 feet.
9. Internal drive aisles shall be at least 24 feet wide and must be clearly marked to distinguish traffic flow.
10. Building design and materials shall be compatible with the existing and intended character of the area. If located adjacent to residential zoned property, the front office building, or office portion of the building, shall reflect a residential character in architectural design.
11. To the maximum extent practical, storage unit doors shall not face public rights-of-way.

H. **Truck Stops.**

1. At a minimum, all requirements of *Subection 13.7 K* shall be met, unless a stricter standard is specified here.
2. Minimum lot area shall be two (2) acres and a minimum width of 200 feet on an arterial street.
3. No driveway shall be closer than 600 feet to an interchange on-ramp or off-ramp, measured nearest pavement edge to nearest pavement edge. In all other cases the minimum access management requirements of *Section 14.5* shall be met.
4. Buildings shall be set back a minimum of 100 feet from the front property line and canopies shall be at least 50 feet from any front or side property line; provided, if any side or rear property line abuts a residential or mixed use district, all buildings and structures shall be set back at least 75 feet from that property line.

I. **Vehicle Repair, Major.**

1. All main and accessory structures shall be set back a minimum of 75 feet from any residential or mixed use district.
2. There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.
3. Access to the site shall comply with the driveway spacing standards of *Section 14.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.
4. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
5. Overhead doors shall not face a public street or residential or mixed use district. The planning commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
6. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

7. All maintenance and repair work shall be conducted completely within an enclosed building.
8. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
9. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted in a designated area for up to 30 days. Such area shall be appropriately screened from public view in accordance with the screening requirements of *Section 15.3*.
10. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department and city engineer.
11. If the use includes vehicle painting, all applicable state and federal requirements shall be met.

J. **Vehicle Repair, Minor.**

1. A building or structure shall be located at least 75 feet from any side or rear lot line abutting a residential or mixed use district.
2. Access to the site shall comply with the driveway spacing standards of *Section 14.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.
3. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.
4. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted only in a designated area. Such area shall be appropriately screened from public view in accordance with the requirements of *Section 14.5*.
5. All activities shall occur inside a building. No vehicle may be stored on the property for more than 30 days.
6. Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.
7. There shall be a minimum lot frontage of 75 feet on an arterial or collector street; and all access to the property shall be from that street.
8. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department and city engineer.
9. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

K. **Vehicle Service Station.**

1. There shall be a minimum lot area of one (1) acre and minimum lot width of 150 feet on an arterial street.
2. Access to the site shall comply with the driveway spacing standards of *Section 14.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway. Driveways or curb openings shall be located at least 100 feet from any adjacent residential or mixed use district boundary line.
3. Only one (1) driveway shall be permitted from any street, unless the planning commission determines additional driveways will be necessary to ensure safe and efficient access to the site.
4. Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
5. The edge of overhead canopies shall be set back at least 20 feet from the right-of-way and shall be constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.
6. The intensity of lighting within a site shall meet the requirements of *Section 22.11*.
7. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department and city engineer.
8. In the event that a gasoline station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.
9. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurant; provided all relevant requirements are met and the most restrictive requirements applicable to any single use shall apply. Parking requirements may be modified, as provided in *Subsection 14.2 D*. Signs shall comply with the standards for business centers in *Section 16.11*.

L. **Vehicle Wash.**

1. All washing activities must occur inside a building.
2. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.
3. Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers.
4. Only one (1) driveway shall be permitted from any street, unless the planning commission determines additional driveways will be necessary to ensure safe

and efficient access to and egress from the site. Access to the site shall comply with the driveway spacing standards of *Section 14.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway. Driveways or curb openings shall be located at least 100 feet from any adjacent residential or mixed use district boundary line.

5. For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.
6. Overhead doors shall not face a street, except as approved by the planning commission in these circumstances:
   a. When the doors of a through-garage are located at the front and rear of a building; or
   b. When a garage is located on a corner or through lot; or
   c. When determined that a rear garage door would negatively affect an abutting residential use or district.
7. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from a street right-of-way line and any residential or mixed use district boundary.
8. The property owner or operator must comply with all local noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles and be in proper working condition.

Section 13.8 Specific Use Requirements - Industrial

A. **Cartage, Express, Parcel Delivery Facilities and Freight and Intermodal Terminals.**

1. The site shall have a minimum area of five (5) acres.
2. All access to the site shall be from an arterial street built to a standard to accommodate heavy trucks; provided, access may be from an interior street within an industrial park or similar planned development that intersects with such an arterial street.
3. The site shall be designed so all vehicles enter, leave and maneuver within the site without backing in or out from the street. Driveways shall be curbed for their full length in the front yard.
4. The planning commission shall determine that traffic will be no more hazardous nor the volume of traffic any greater than is normal for the road involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.

B. **Outdoor Storage Related to Principal Uses.**

1. Outdoor storage shall not be permitted in any front yard.
2. Outdoor storage shall only be permitted as an accessory use to principal uses in the C-1, C-3, I-1 and MU-2 districts.
3. The outdoor storage area shall be fenced on all sides in accordance with the requirements of *Subsection 15.3 E*.
4. Any side that is visible to adjoining properties in a residential district, residential uses in a mixed-use district, neighboring parking lots or abutting streets shall be screened in accordance with the requirements of *Section 15.3*.

5. The planning commission may permit the required screening to be comprised of plant material, upon a determination that the alternate materials will provide the same degree or better of opacity, screening and compatibility with adjoining properties as a fence or wall.

C. **Salvage Yards.**

1. Conditional use requests for salvage yards shall be first considered by the planning commission which shall make a recommendation to the city council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of *Section 24.8*, may be conducted.
2. All vehicles, parts, material and equipment shall be stored within enclosed buildings or within an area completely enclosed by a screening fence or wall at least eight (8) feet in height.
3. The screening fence shall be of such design as to completely obstruct vision. No chain link fence, with or without covering, shall be permitted.
4. The screening fence or wall shall be set back from all property lines in accordance with the minimum yard requirements of the zoning district.
5. No materials shall be stacked higher than the screen fence or wall.
6. All materials shall be stockpiled in neat and orderly rows with adequate aisle space provided between rows to accommodate emergency vehicles and equipment.
7. No storage area shall be located within 500 feet of a residential or mixed use district.

D. **Solid Waste, Hazardous Waste or Medical Waste Processing, Storage, Transfer, Disposal or Incineration.**

1. Conditional use requests for hazardous waste facilities shall be first considered by the planning commission which shall make a recommendation to the city council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of *Section 24.8*, may be conducted.
2. The use shall be located on a site of not less than 20 acres.
3. All truck access to and from the site shall be from an arterial street or an interior street serving an industrial park or planned industrial development that intersects with an arterial street.
4. To ensure that the reasonable use of neighboring properties is not adversely affected and to reduce the potential for adverse health, odor or other environmental impacts, the proposed site shall abut the I-1, Industrial district on all sides and shall comply with the following separation distances:
   a. Two thousand six hundred forty (2,640) feet (one-half mile) from any property occupied by a hospital, nursing home, senior housing project, or any facility designed for use by the physically infirm, or where large numbers of people congregate, such as recreation centers, parks or playgrounds, public meeting halls, places of religious worship, schools or libraries.
   b. Two thousand six hundred forty (2,640) feet (one-half mile) from any existing residential structure or any residential or mixed use district boundary.
   c. Additionally, the planning commission shall determine that the proposed use shall not adversely affect nonconforming residential uses and that adequate

separation is provided from existing industrial uses that may be particularly sensitive, such as food, beverage or drug processing facilities.

d. The separation distances specified above may be reduced by not more than 50 percent upon a finding by the planning commission that the distance is sufficient to prevent any occurrence of health or obnoxious odor problems or pollution of land, water courses or drainage systems.

5. The minimum width and plant material requirements for greenbelts and landscape buffer zones shall be increased by 50 percent above the minimum greenway and buffer requirements of *Article 15*.

6. ***Environmental Controls.***

   a. All processing, treatment, recycling, transfer, unloading and storage shall be within a completely enclosed building or in approved storage tanks. The facility shall be constructed to enclose all equipment which generates significant levels of noise.

   b. All aggregate and bulk materials shall be stored in the building or in concrete bunkers or silos. The bunkers or silos shall be equipped to control fugitive dust and particles.

   c. The required site plan shall indicate that all motor vehicles, which have contained or been in contact with hazardous waste, recycled materials or sludge, shall be washed clean prior to leaving the site. The method and area for washing shall be specified on the site plan.

   d. The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water or storm sewers. This shall include a wash-out, wash-down, and secondary containment system to recover and recycle impurities and other by-products processed from trucks, machinery products, supplies or waste.

   e. All surface areas involved in the loading, unloading, transfer or storage shall be constructed to prevent the runoff of any hazardous material to unpaved areas or non-designated drainage facilities. Potential waste shall be collected with a secondary containment system and processed or disposed of according to state or federal regulations. Any drainage of fluids shall be on a non-pervious platform so that all liquids will be contained and not discharge to the ground.

7. All driveways, surface roads and storage areas on the premises shall be paved with concrete or deep strength asphalt. Deceleration lanes shall be provided in accordance with the City of Richmond Hill design standards. Acceleration or passing lanes may be required by the city engineer. The planning commission shall take into consideration vehicular turning movements in relation to traffic flow, proximity of curb cuts and intersections.

8. All areas of the site which are not paved for parking, driveways, loading or operation shall be landscaped and maintained in accordance with *Article 15*.

9. The facility and all of its operations shall strictly comply with all applicable city, county, state and federal statutes, regulations, rules, orders and ordinances. Systems shall be employed to contain and process all discharged materials from the facility in an environmentally sound manner.

10. Plans and/or reports shall be filed with the Richmond Hill fire department, indicating the types of materials stored and where they are located on the site.
11. All approvals by the city shall be conditioned and subject to the applicant securing all required approvals and permits, as defined by local, county, state and federal statutes and regulations.
12. The city council shall establish fees to pay its costs of administration and inspections of the site and facility to ensure that the development is being operated in compliance with the conditions of approval.

Section 13.9 Specific Use Requirements - Other

A. **Drive-through Facilities for Automated Teller Machines, Banks and Pharmacies.**

1. Stacking space for at least four (4) vehicles shall be provided at each window or machine.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.
3. Public access to the site shall comply with the driveway spacing standards of *Section 14.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.
4. Internal circulation and access to/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

B. **Temporary Uses and Buildings.** Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

1. ***Temporary Construction, Buildings, Structures, and Uses.***
   a. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
   b. No temporary building or structure shall be used for dwelling purposes.
   c. Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the planning director for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.
2. ***Temporary Uses, Seasonal, and Special Events.*** Temporary uses and seasonal or special events may be allowed in any district upon issuance of a permit by the planning director, when meeting the standards listed below; provided, those events sponsored by the City of Richmond Hill shall be exempt from the permitting requirement:
   a. Temporary uses, seasonal, and special events may be allowed on any lot with a permitted principal building.
   b. Temporary uses, seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.

c. In no case shall the setbacks for any buildings, structures or parking be less than 10 feet.

d. The temporary use, seasonal, and special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.

e. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such temporary use, seasonal, and special event.

f. A minimum of one (1) parking space shall be provided for each 800 square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the parking requirements for retail stores.

g. A site plan, drawn to scale and containing the following information, shall be provided for administrative review in accordance with *Article 17*:

   i. Property lines.

   ii. Adjacent uses and zoning districts.

   iii. Existing and proposed buildings and structures.

   iv. Location of any areas for storage such as inventory not being displayed.

   v. Fire hydrants.

   vi. Parking layout.

   vii. Boundaries of proposed sales areas.

   viii. Location and size of any proposed sign (off-premise signs shall not be permitted).

h. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within two (2) days of the end of the event.

i. The length of a temporary use or special event shall not exceed seven (7) consecutive days in a six (6) month period, except seasonal sales of items such as Christmas trees and pumpkins which are permitted for up to 45 days.

3. ***Carnivals, Circuses, Farmer's Markets, Flea Markets and Similar Events.*** Special standards for carnivals, circuses, farmers markets, flea markets, and similar events shall be as follows:

   a. Such uses shall be approved by the city council which shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The city council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.

   b. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the city's insurance carrier.

   c. A site plan for the event, containing all information required in Subsection 13.9 B.2.g. above, shall also include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on nearby roads.

d. Farmer's markets which are to occur on a regular schedule shall be permitted only in Non-Residential Districts. The city council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided, the number of dates and a schedule shall be established at the time of application and all conditions and requirements of the city council shall remain in force.

4. ***Temporary Sale of Consumer Fireworks.***

   a. Temporary structures for the sale of fireworks must be located within 1,000 feet of a fire hydrant or a fire department connection of a building, unless the chief administrative officer of a fire department gives permission in writing stating otherwise.

   b. The duration of a temporary consumer fireworks retail sales facility shall initiate upon conditional use approval and terminate within 90 days after initiation.

5. ***Review Procedures.*** Except as otherwise noted, the planning director shall review and act upon all requests for temporary uses or seasonal events. Where appropriate, the planning director shall consult with the police chief and fire department official. If the request is denied, the planning director shall state the reasons for denial in writing and provide a copy to the applicant. Appeals of the planning director's decision may be heard by the city council.

Article 14
Parking and Loading

14

Section 14.1 Purpose

The purpose of this article is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution and other effects of parking lot proximity.

Section 14.2 General Requirements

A. **Applicability of Parking Requirements.** For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this article. In addition, the following shall also apply:

1. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this article for that use.
2. If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this article.
3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this article, nor shall nonconforming parking facilities that exist as of the effective date of this ordinance be further reduced or made more nonconforming.
4. An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this article.

B. **Location.** Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the building(s) or use served. Off-street parking facilities required for single-and two-family dwellings shall be located on the same lot or plot of ground as the dwelling they are intended to serve, and shall consist of a driveway, parking strip, parking apron, and/or garage.

C. **Shared/Common Parking.**

1. Two (2) or more buildings or uses may share a common parking facility; provided, the number of parking spaces available shall equal the required number of spaces for all the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the by the city council, as part of concept plan review, or by the planning commission, as part of final plan review, where it can be determined that one or more of the factors listed in D below apply. In any case, the continued availability of required parking, either shared or by other means, shall be made a condition of any site plan approval and/or conditional use approval, as provided by this ordinance.
2. Parking facilities for a church, place of worship or similar intermittently used facility may be used to meet up to 50 percent of the off-street parking for uses lying within 300 feet of the facility, as measured from the nearest edge of the parking area to the nearest public entry point of the building or use; provided, the church, place of worship or similar facility makes the spaces available and there is no conflict between peak times when the uses are in need of the parking

facilities.

3. A request for shared parking that will result in fewer than the total number of spaces required for all uses separately may be approved as part of administrative, concept or final site plan review. The following documentation shall be provided in conjunction with such a request:
   a. A shared parking analysis shall be submitted to the planning director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the planning director. It must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
   b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the city. The owner of the shared parking area shall enter into a written agreement with the City of Richmond Hill with enforcement running to the city. The agreement shall state that:
      i. the land comprising the parking area shall never be disposed of, except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and
      ii. the owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.
4. An attested copy of the shared parking agreement between the owners of record shall be submitted to the planning director to be recorded in a form established by the city attorney. The agreement must be recorded before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may only be revoked if all required off-street parking spaces will be provided on-site. The city shall void the written agreement if other off-street facilities are provided in accord with these zoning regulations.

D. **Modification of Parking Requirements.** The city council, in the case of concept plan review, or the Planning Commission, in the case of final plan review, may reduce the parking space requirements of this article for any use, based upon a finding that one or more of the following conditions shall be met:
1. Other forms of travel (such as transit, bicycle or pedestrian) are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections.
2. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
   a. Pedestrian connections shall be maintained between the uses.
   b. Unless the multiple uses are all within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed by the planning director with the city clerk after approval and recording.
3. Available municipal off-street parking or on-street spaces are located within 300

feet of the subject property.

4. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
5. Where the applicant has provided a parking study, conducted by a qualified transportation engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
6. A parking study may be required, at the sole discretion of the reviewing authority, to document that any one or more of the criteria 1 through 4 above would be met.

E. **Deferred Parking.**

1. Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the city council, for concept plans, and planning commission, for final plans, may defer a portion of the required parking. A site plan shall designate areas of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this article. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or parking lot setbacks, or be used for any other purpose.
2. The deferred parking shall meet the requirements of this article, if constructed. Construction of the additional parking spaces within the deferred parking area may be initiated by the owner or required by the city, based on parking needs or observation, and shall require approval of an amended site plan which may be approved by the planning director.

F. **Temporary Parking.** It is recognized that there may be special events or situations that occur infrequently which would result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. Such events may include, but are not limited to, outdoor vehicle sales, festivals or fairs, church/school car washes, sporting events or garage sales. In those instances, the planning director may authorize the use of a portion of the required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that:

1. the loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;
2. all or part of the displaced parking may be accommodated on unpaved areas of the site;
3. permission has been granted by neighboring property owners or operators to use their parking facilities;
4. the duration of the special event is so short or of such a nature as to not create any appreciable parking shortage for the normal operation of the existing on-site use;

5. temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this); and
6. the proposed special event satisfies all other applicable city regulations.

G. **Maximum Allowed Parking.** In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 10 percent, unless approved by the city council, as part of concept plan review, or the planning commission, as part of final plan review, or if the parking spaces are located within a multi-level parking structure. In approving additional parking space, the review authority shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, the review authority may require that parking spaces provided in excess of 10 percent over the minimum requirement shall only be located on permeable surfaces.

H. **Bicycle Parking.** In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for all nonresidential and multi-family residential uses:

1. Bicycle parking shall be provided in an amount equal to five (5) percent of the minimum required off-street parking spaces for vehicles or 10 bicycle spaces, whichever is less; but no fewer than two (2) spaces.
2. Such parking shall be located in close proximity to the primary entrances used by customers, visitors, or residents.
3. Bicycle parking areas shall be designed to utilize bike racks installed on paved surfaces.
4. Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted for the safety of the cyclists and to discourage theft.
5. Bicycle parking shall be encouraged, though not required, for any individual building having a gross floor area of 5,000 square feet or less.
6. Shared bicycle parking for two (2) or more uses is permitted; provided, an attested copy of the agreement between the owners of record is submitted to the planning director in a recordable form acceptable to the attorney.

I. **On-Street Parking.** Where on-street parking is available within 300 feet of the boundary of a lot or parcel, a portion of the off-street parking requirement may be waived by the planning commission upon determining that one or more of the following conditions is applicable:

1. A number of the on-street spaces are currently routinely available and can reasonably be expected to be available to the use for which the waiver is requested;
2. The nature of the proposed use is such that its peak demand occurs at times when the on-street parking is not likely to be used; or
3. The on-street parking would not be the primary parking area for the use and may be considered as a temporary option in support of deferred parking, as provided in Section 14.2 E.

Section 14.3 Required Off-Street Parking Spaces

The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article, on the basis of the applicable requirements of Table 14-3. As a condition of approval, the city council or planning commission may require that a performance guarantee be posted, in accordance with the provisions of *Section 24.6*.

A. When units or measurements determining the number of required parking spaces result in a fraction over one-half (½), a full parking space shall be required.

B. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the planning director, shall apply.

C. Each 24 inches of bench, pew, or similar seating facilities shall be counted as one (1) seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.

D. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the city building and fire codes.

E. Unless otherwise indicated, floor area shall be usable floor area (UFA).

Table 14-3 Parking Requirements by Use

Use	Number of Parking Spaces
Residential Uses	
Accessory dwellings	1 space per dwelling unit
Bed and breakfast	2 for the owner/operator and 1 per leasable room
Boarding or rooming house	1 space per 2 beds, plus 2 additional spaces for owner or employees
Group homes, juvenile and adult	1 per 4 occupants
Multiple-family residential dwellings and attached single family dwellings	2 spaces per dwelling unit, plus .25 spaces per unit for guest parking
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply
Single-family detached and two-family dwellings	2 spaces per dwelling unit
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats or 1 space per 3 persons allowed based on maximum capacity in the main place of assembly, as established by the city fire and building codes
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 per 350 sq. ft. of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions

Table 14-3 Parking Requirements by Use

Use		Number of Parking Spaces
Churches and customary related uses		1 per 3 seats in the main unit of worship, plus spaces required for each accessory use such as a school
Colleges and universities; business, trade, technical, vocational, or industrial schools		1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time
Elementary and middle schools		1 per teacher, employee, and administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Government offices		1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or similar assembly rooms
High schools; performing and fine arts schools		1 per teacher, employee, and administrator, and 1 per 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Hospitals and similar facilities for human care		1 per 2 beds, plus 1 per employee on the largest shift.
Nursing and convalescent homes		1 per 4 beds or occupants and 1 space per staff member or employee on the largest shift
Post office		1 per 200 sq. ft. of UFA for customer parking, plus 1 per employee and additional space for delivery vehicles
Public libraries and museums		1 per 300 sq. ft. of UFA, plus requirements for auditoriums, classrooms or similar assembly rooms
Retail Uses		
Retail stores except as otherwise specified herein		1 per 250 sq. ft. of UFA
Multi-tenant shopping centers with over 60,000 square feet of retail with restaurants	with 60,000 square feet or less of retail	1 per 250 sq. ft. of retail UFA
	1 per 220 sq. ft. of retail UFA	
	If more than 20% of the shopping center's floor area is occupied by restaurants or entertainment uses, parking requirements for these uses shall be calculated separately. Where the amount of restaurant space is unknown, it shall be assumed to be 20%.	

Table 14-3 Parking Requirements by Use	
Use	**Number of Parking Spaces**
Agricultural sales, greenhouses and nurseries or roadside stands	1 per employee plus 1 per 100 sq. ft. of actual permanent or temporary area devoted primarily to sales
Animal grooming, training, day care, and boarding	1 per 300 sq. ft. of UFA
Convenience store	1 per 200 sq. ft. of UFA
Farmers' markets	1 per 150 sq. ft. of lot area used for sales or display
Furniture and appliance, household equipment, show-room of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses	1 per 800 sq. ft. of net UFA plus 1 additional space per employee
Grocery store/supermarket	1 per 200 sq. ft. of UFA
Home improvement centers	1 per 300 sq. ft. of UFA
Open air businesses, except as otherwise specified herein	1 per 500 sq. ft. of lot area for retail sales, uses, and services
Vehicle dealerships, including automobiles, RV's, motorcycles, snowmobiles, ATV's and boats	1 per 300 sq. ft. of show room floor space, plus 1 per automobile service stall, plus 1 per employee
Service Uses	
Banks and other financial institutions	1 per 200 sq. ft. of UFA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive-up ATM
Beauty parlor or barber shop	2 parking spaces per chair/station
Contractor's yard	1 per business vehicle, plus 1 per 1,000 sq. ft. GFA
Dry cleaners	1 per 500 sq. ft. of UFA
Kennel	1 per 400 sq. ft. of GFA, but no less than 4 spaces
Laundromats	1 per washer-dryer pair, plus 1 space per employee
Mail box clusters serving residential subdivisions or other concentrated developments	A turn-out/off-set area shall be provided adjacent to the mail box cluster of sufficient dimension (minimum 66 feet long by 7 feet wide) to accommodate three (3) standing vehicles
Mortuary establishment, funeral home	1 per 50 sq. ft. of assembly room or parlor floor space
Motel, hotel or other commercial lodging establishment	1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants, meeting rooms or places of assembly shall be provided and determined on the basis of specific requirements for each individual use

Table 14-3 Parking Requirements by Use		
Use		**Number of Parking Spaces**
Motor vehicle service stations (gas stations and truck stops)		1 per employee, plus additional parking required for other uses within vehicle service station, such as the retail floor area, restaurants or vehicle repair stalls. Each automobile fueling position may count as one quarter (1/4) of a required space for other uses.
Offices, business, professional and general		1 per 300 sq. ft. of UFA, but no less than 5 spaces
Offices, medical, dental and veterinary		1 per 200 sq. ft. of UFA
Radio or television broadcast studio		1 per 400 sq. ft. UFA
Vehicle repair establishment, major or minor		2 per service stall, plus 1 per employee
Vehicle quick oil change		2 stacking spaces per service stall, rack or pit plus 1 per employee
Vehicle wash	Self-service (coin operated)	2 spaces plus 2 stacking spaces per washing stall
	Full-service	2 spaces, plus 1 per employee. 15 stacking spaces per washing stall or line, plus a minimum 30 foot long drying lane to prevent water from collecting on street.
Restaurants, Bars and Clubs		
Standard sit-down restaurants with or without liquor license		1 per 75 sq. ft. of UFA
Carry-out restaurant (with no or limited seating for eating on premises)		6 per service or counter station, plus 1 per employee
Open front restaurant/ice cream stand		6 spaces, plus 1 per employee and 1 per 4 seats
Drive-through restaurant		1 per 75 sq. ft. UFA, plus 8 stacking spaces per food pickup window
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)		1 per 50 sq. ft. of UFA
Private clubs, lodge halls, or banquet halls		1 per 3 persons allowed within the maximum occupancy load as established by the city fire and building codes
Recreation		
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses		1 per 3 persons allowed within the maximum occupancy load as established by city fire and building codes, plus 1 per employee

Table 14-3 Parking Requirements by Use	
Use	**Number of Parking Spaces**
Billiard parlors	1 per 3 persons allowed within the maximum occupancy load as established by city building and fire codes or 2 per table, whichever is greater
Bowling alleys	4 per bowling lane, plus additional for accessory uses such as bars or restaurants
Indoor recreation establishments including gymnasiums, tennis courts, roller or ice-skating rinks, exhibition halls, dance halls, and banquet halls	1 space per 3 persons allowed within the maximum occupancy load as established by the city fire and building codes
Golf courses open to the public, except miniature or "par-3"	4 per golf hole, plus additional for any bar, restaurant, banquet facility, meeting room or similar use
Miniature or "par-3" courses	2 per 1 hole, plus 1 per employee
Neighborhood amenities (swimming pools, club houses and similar facilities for the common use of residents within a development)	1 per 10 persons allowed within the maximum capacity as established by the city fire and building codes
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 per 3 seats or 3 per 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, bottling works, printing, plumbing or electrical work-shops	1 per employees computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 550 feet of GFA, whichever is greater
Warehouses and storage buildings	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 5,000 sq. ft. of GFA, whichever is greater.
Mini-warehouse/self-storage	Unobstructed parking area equal to 1 space per 10 door openings, plus parking for uses on the site such as truck rental
Truck terminals	1 per employee, plus 2 truck spaces of 10 by 70 feet per truck berth or docking space

Section 14.4 Off-Street Parking and Facility Design

A. **Location and Setbacks.** Off-street parking lots shall meet the setback requirements applicable to parking, as may be specified in the zoning district or which may be specified for individual uses.

B. **Parking Construction and Development.** The construction of any parking lot shall require approval of an administrative site plan, in accordance with *Article 18*. Construction shall be completed and approved by the planning director before a certificate of occupancy is issued and the parking lot is used.

1. ***Pavement.*** All parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete, and shall be graded and drained so as to dispose of surface water which might accumulate. Alternative paving materials, such as permeable/grass pavers, stone or asphalt millings, may be approved for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas, a substitute for hard-surfaced pavement may be approved upon a determination that there are no adverse effects on adjoining properties.

2. ***Drainage.*** Surface water from parking areas shall be managed in accordance with the city engineering standards. The city engineer shall determine the appropriate detention or retention treatment.

3. ***Dimensions.*** Parking space and aisle dimensions shall meet the following requirements and as specified in Table 14-4.

   a. Angled parking between these ranges shall be to the nearest degree.

   b. Space length may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven (7) feet where abutting a parking area. There shall be a minimum distance of seven (7) feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.

   c. In parking lots having 20 or more spaces, up to 25 percent of the total required spaces may be compact spaces and designated as such with signs or pavement markings. Compact spaces may be reduced in size in accordance with the provisions of Table 14-4.

   d. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions; provided, if alternative materials are used wheel stops shall be installed to define the spaces:

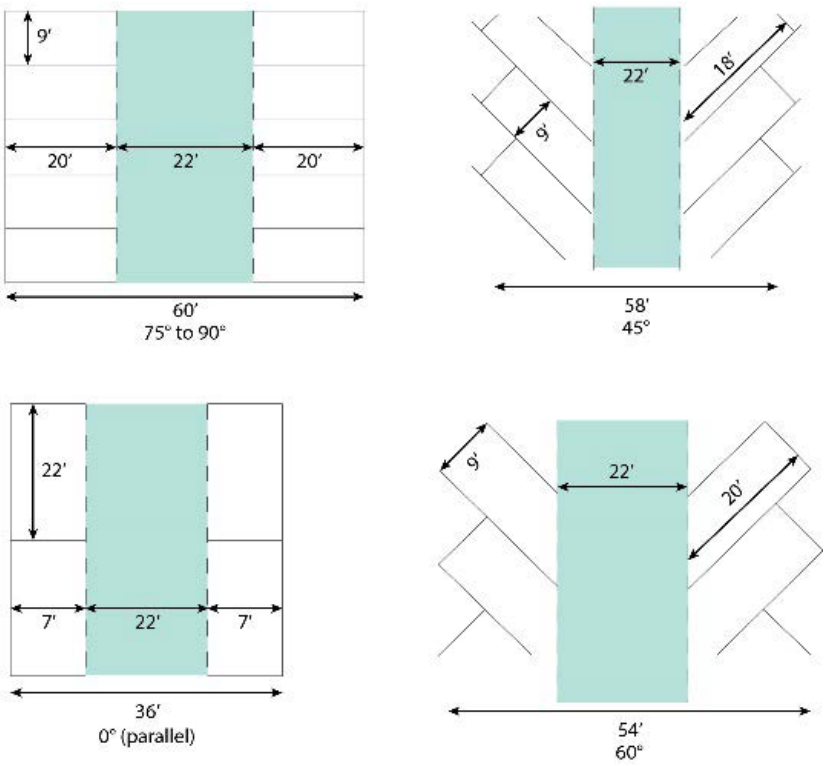


Table 14-4 Dimensional Requirements (feet)						
Parking Pattern	Parking Space[1]		Maneuvering Aisle Width		Total Width – Two Rows of Parking and Maneuvering Lane	
	Width	Length	One-way	Two-way	One-way	Two-way
0°(parallel)	7	22	11	22	25	36
compact	7	20			25	36
45°	9	18	11	22	47	58
compact	7.5	16			43	54
60°	9	20	11	22	56	62
compact	7.5	16			48	54
75° to 90°	9	20	12	22	52	62
compact	7.5	16			44	54
1 Minimum dimensions for golf carts shall be five (5) feet wide by 10 feet long.						

4. ***Stacking Spaces.*** Waiting/stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners and oil change establishments) shall be at least 24 feet long and 10 feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.

5. ***Ingress and Egress.*** Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use

of public streets for maneuvering into or out of off-street parking spaces shall be prohibited.

6. ***Access Through Residential Districts.*** Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district or if specifically authorized by the city council after a public hearing.
7. ***Curbing.*** A six (6) inch concrete curb or approved alternative shall be provided around all sides of any parking lot of 10 or more spaces to protect landscaped areas, sidewalks, buildings or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for storm water drainage, as recommended by the city engineer. Plantings shall be set back two (2) feet from curbs to allow for bumper overhang.
8. ***Landscaping.*** Off-street parking areas shall be landscaped and/or screened, in accordance with the requirements of *Article 15*. The use of rain gardens and other low impact design solutions to minimize the impact of stormwater runoff is encouraged.
9. ***Lighting.*** Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas shall conform to the requirements of *Section 22.11*. Light fixtures shall be designed to achieve 90 degree luminary cutoff.
10. ***Fire Lanes.*** Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
11. ***Crosswalks.*** Pedestrian pathways and crosswalks in parking areas shall be distinguished from asphalt driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

C. **Barrier Free Parking in Parking Lots.** Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the Americans with Disabilities Act of 1990 (ADA). Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

D. **Maintenance.** All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

E. **Limitations on Use of Parking Lots.**

1. Off-street parking areas are intended only for temporary vehicle parking. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance.
2. Loading spaces, as required in *Section 14.7*, and parking spaces, required in *Section 14.3*, shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.

3. Parking lots and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.
4. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

F. **Single Family Residential Parking.** In a single-family residential development, vehicles, trailers, boats, and similar recreational vehicles or equipment shall be parked only on the designated driveway area that provides access to the garage or property from the public right-of-way or road easement. However, no abandoned or dismantled vehicle, trailer, boat, or similar recreational vehicle or equipment, or portion thereof, shall be located in such area for more than 24 hours. Parking areas shall not exceed 30 feet in width or half the lot width, whichever is less, unless the width of the lot is 100 feet or greater. If so, the building official may authorize a greater driveway width if compatible with the character of the surroundings and aesthetically pleasing. Off-street parking in other areas of the front yard, side street yard or rear yard may be permitted when in the opinion of the building official no practical alternative exists, the purpose of the district would not be compromised, and no detrimental impact would result.

Section 14.5 Access Management

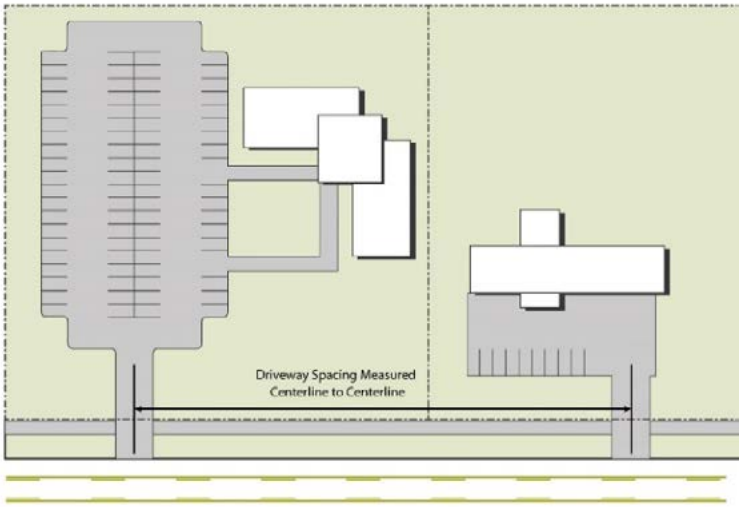
Control over the number and location of access points, as specified in this section, along the city's major roadways is necessary to reduce congestion, improve safety, maintain acceptable flow and minimize confusion. Therefore, the standards of this section shall apply to all non-residential development having frontage on and direct access to any arterial or collector street within the City of Richmond Hill.

A. **Driveway Location in General.**

1. All driveways serving commercial, office, institutional or industrial uses, hereafter referred to as "commercial driveways," shall comply with the requirements of this section.
2. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
3. Driveways, including the radii, but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the city or the Georgia Department of Transportation (GDOT), as applicable, and upon written certification from the adjacent property owner agreeing to such encroachment.

B. **Driveway Spacing Standards.**

1. Minimum spacing between two commercial driveways or a commercial driveway and a street intersection, either adjacent or on the opposite side of the street, shall be determined based upon posted speed limits along the

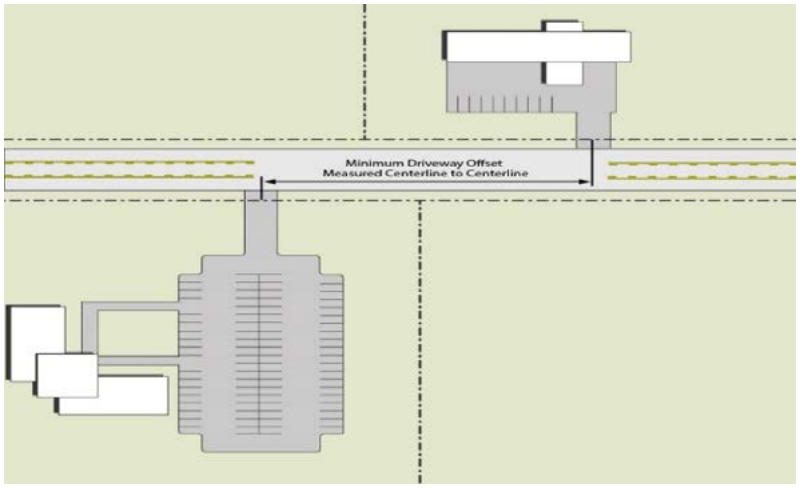


parcel frontage. The minimum spacing indicated in Table 14.5 is measured from centerline to centerline for driveways and nearest pavement edge to nearest pavement edge from driveways to street intersections.

Table 14-5, Minimum Commercial Driveway Spacing from Another Driveway

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	125
35	150
40	185
45	230
50	275
55	350

2. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street the same distance as required in Table 14-5. These standards may be reduced by the planning commission where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.



C. **Modification of Requirements.**

1. Given the variation in existing physical conditions along the city's streets, modifications to the spacing and other requirements above may be permitted as part of the site plan review. The planning commission shall consider the criteria in Subsection C.2 when determining if there is a need for modification, in the following circumstances, and the degree to which any modification is necessary.
   a. The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
   b. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
   c. Practical difficulties exist on the site (sight distance limitations, existing development, topography, unique site configuration or shape) that make compliance unreasonable, or existing off-site driveways make it impractical to fully comply with the standards.
   d. Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
2. The planning commission may waive certain requirements of this section upon consideration of the following:
   a. The proposed modification is consistent with the general intent of the standards of this section, the recommendations of the Richmond Hill Comprehensive Plan, and, if applicable, published GDOT guidelines.
   b. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
   c. Shared access has been provided, or the applicant has demonstrated it is not practical.
   d. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

D. **Commercial Driveways Permitted.**

1. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable user access and access for emergency vehicles, while preserving traffic operations and safety along the public street.
2. Access shall be provided for each separately owned parcel. Access may be via an individual driveway, shared driveway or service drive.
3. Additional driveways may be permitted for property only as follows:
   a. One (1) additional driveway may be allowed for properties with a continuous frontage greater than 300 feet, if the planning commission determines there are no other reasonable access alternatives;
   b. The planning commission determines, based on a traffic impact analysis, that additional access is justified without compromising traffic operations along the public street; and

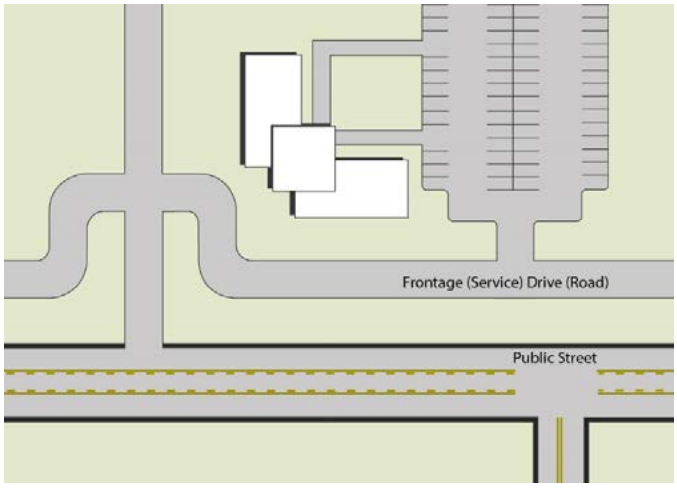
c. The minimum spacing requirements, specified in Table 14-5 can be met.

E. **Commercial Driveway Design.**

1. All commercial driveways shall be designed according to the standards of the City of Richmond Hill or GDOT, as applicable.
2. For high traffic generators, or for commercial driveways along streets experiencing or expected to experience congestion, the planning commission may require two (2) egress lanes.
3. Where a boulevard entrance is proposed by the applicant or required by the planning commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be 180 square feet. The planning commission may require landscaping, tolerant of street conditions, on the section outside the public right-of-way.

F. **Shared Driveways, Frontage Roads and Service Roads.**

1. Where noted above, or where the planning commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two (2) or more properties or uses may be required. In particular, service drives may be required near existing traffic signals or locations having potential for future signalization; along arterial streets with high traffic volumes; and along street segments with a relatively high number of crashes or limited sight distance.
2. Shared commercial driveways and service roads shall be within a recorded access easement. A draft of the access easement shall be provided to the city for review prior to filing.
3. The number of access points along a service road shall be according to the standards of this section. The planning commission may allow temporary access where the service road is not completed if a financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. Building permits shall not be issued until the financial guarantee has been submitted to the city.



G. **Service Road Design Standards.** Service roads shall generally be parallel to the front property line and may be located either in front of, adjacent to, or behind principal buildings. In considering the most appropriate alignment for a service road, the planning commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site. However, placement of the service road

intersection with the driveway from the abutting street shall be as far as possible from the street for safe and efficient operation. The distance between the nearest edge of the street and the first internal movement shall meet the minimum requirements shown in Table 14-5 a. For large sites with high volumes or heavy truck traffic, and along high volume streets, the required distance may be increased to avoid interference with the mainline traffic flow. If no other design alternatives exist, the planning commission may permit lesser separation distances, provided the left turning movement shall be prevented by means of a raised concrete median. Sites shall be designed so interior driveways accommodate at least 100 feet of vehicle storage.

Table 14-5 a. Interior Drive Separation

Lot Depth (feet)	Minimum Required Distance (feet)
1,000 or more	200
500 – 999	Not less than 1/5 lot depth
Less than 500	100

1. ***Access easement.*** The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 40 feet wide, except an access easement parallel to a public street right-of-way may be 30 feet wide, if approved by the planning commission. The required width shall remain free and clear of obstructions, unless otherwise approved.
2. ***Construction and materials.*** Service roads shall have a base, pavement and curb with gutter in accordance with city standards for public streets, except the width of the service road shall have a minimum pavement width of 26 feet.
3. ***Parking.*** The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The posting of "no parking" signs may be required along the service road. In reviewing the site plan, the planning commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.
4. ***Access to service road.*** The planning commission shall approve the location of all access points to the service road, based on the driveway spacing standards listed in Table 14-5.
5. ***Elevation.*** The site plan shall indicate the proposed elevation of the service road at the property line and the city shall maintain a record of all service road elevations so their grades can be coordinated.
6. ***Landscaping.*** The area between a service road and the public street right-of-way shall be planted as a street yard greenway, as specified in *Section 15.3 B*.
7. ***Maintenance.*** Each property owner shall be responsible for maintenance of the easement and service road.

Section 14.6 Traffic Impact Analysis

A. **Applicability.**

1. ***TIA Required.*** Unless exempted by Section 14.6 B, a Traffic Impact Analysis (TIA) shall be required for any development anticipated to generate more than 100 peak hour in-bound or out-bound trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).

2. ***Redevelopment.*** In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use, unless the previous use has been discontinued for more than 12 months.
3. ***Other Circumstances.*** The review authority may waive the requirement to complete a TIA, or may require a TIA to be submitted for developments not exceeding 100 peak hour directional trips, based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing roadways.
4. ***Alternative.*** At its sole discretion, the review authority may require a fee to be paid to update the Richmond Hill/South Bryan County Transportation Study in lieu of a full Traffic Impact Analysis.

B. **Exemptions.** Previously approved developments for which a TIA was submitted in conjunction with a preliminary plat for subdivision, final site plan, or mixed use development shall be exempt from the requirements of this section; provided, the TIA is less than two (2) years old.

C. **Procedure.** The TIA shall be submitted along with an application for a preliminary plat, final site plan review, or mixed use or PUD concept plan. The TIA shall be prepared by a professional transportation engineer, licensed in the State of Georgia and shall, at a minimum:

1. Estimate the traffic that will be generated as a result of the proposed development in addition to current (background) traffic volumes and proposed developments in the immediate vicinity. The planning director and/or the Georgia Department of Transportation (GDOT) may also specify annual growth factors to be used in the TIA;
2. Evaluate site access and internal circulation;
3. Evaluate the ability of the surrounding road network to support the proposed development and the cumulative traffic of current and other projected uses;
4. Consider planned roadways or improvements identified in the Richmond Hill/South Bryan County Transportation Study. To the extent necessary, the applicant may be required to update the South Bryan Study to reflect the impact of the proposed development; and
5. Identify specific improvements to the surrounding road network that are necessary in order to support the traffic anticipated to be generated.

D. **TIA Submission for Projects with Cumulative Impacts.** A TIA shall be required for development projects that do not otherwise meet the thresholds of a TIA if the application is for a project that:

1. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future development can reasonably be anticipated; and
2. The cumulative impact of the overall development can be expected to exceed the threshold for preparation of a TIA.

Section 14.7 Off-Street Loading Requirement

A. **Uses Requiring Loading Area.** On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retails

sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to retail sales and consumer service uses of less than 10,000 square feet.

B. **Loading Area Requirements.** Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be 10 feet by 50 feet, with 15 foot height clearance, according to the following schedule:

Table 14-7 Minimum Off-Street Loading Requirements

Building Net GFA	Minimum Truck Loading Spaces
1 – 25,000 sq. ft.	1 space
25,001 – 40,000 sq. ft.	2 spaces
40,001--100,000 sq. ft.	3 spaces
100,001—160,000 sq. ft.	4 spaces
Over 160,000 sq. ft.	5 spaces, plus 1 space for each 80,000 sq. ft. in excess of 240,000 square feet (or fraction greater than ½)

C. **Orientation of Overhead Doors.** Overhead doors for truck loading areas shall not face a public right-of-way and shall be screened to not be visible from a public street or an adjacent residential district.

D. **Residential Setback.** Loading and unloading spaces shall not be located closer than 50 feet to any residential district boundary, unless the spaces are wholly within a completely enclosed building or completely screened from the residential district by an approved solid, sight-obscuring wall or fence at least six (6) feet in height.

Section 14.8 Sidewalks and Non-Motorized Pathways

Sidewalks shall be constructed within the right-of-way or within the required setback area of all public and private streets to ensure current and future connectivity. Where sidewalks are not located within the right-of-way, a public access easement shall be provided. Sidewalks shall be constructed in accordance with city specifications and standards. The requirement for sidewalks may be waived or deferred, based on the following criteria:

A. Pedestrian connectivity via sidewalks or pathways is already provided or part of a previously approved plan in close proximity;

B. The applicant has agreed to a payment-in-lieu arrangement with the city for construction of sidewalks or pathways.

Article 15
Landscaping and Tree Protection

15

Section 15.1 Intent

The City of Richmond Hill determines it is necessary and desirable to enact landscaping and tree preservation regulations for the protection of the public health, safety and welfare. The importance of plant material is recognized by the city for its contribution to shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of all real property, and its contribution to the general well-being and quality of life of the citizens of Richmond Hill. Consistent with the expressed purpose of this article, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined in these regulations. It is also the intent of this article that all applicable sites within the city maintain or obtain a 40 percent minimum tree canopy coverage. In order to achieve these purposes, this article calls for the conservation, planting and replacement of trees, shrubs and groundcover without denying the reasonable use and enjoyment of real property.

Section 15.2 General Provisions

A. **Applicability.** This article governs and regulates the following activities within the city:

1. All non-residential (industrial, commercial, office, institutional and civic) and multifamily residential construction on lands within the city which on the effective date of this ordinance requires a site development permit, as set forth below.
2. Street yard greenways for single-family and two-family residential developments and properties under silvicultural (timber production).
3. The perpetual maintenance of any common area or similar area built on or after the effective date hereof.
4. All activities, including, but not limited to, trimming, pruning, planting and removal, involving trees located on any public property within the city, including, but not limited to, lands owned by the city for any purpose, in fee simple or any lesser interest, or in which the city holds any easement or other interest. Also included are all lands leased by or otherwise controlled by the city.
5. The trimming and pruning regulations provisions of this article shall apply to:
   a. All city property located within the city, whether acquired by purchase, trade, swap, annexation, dedication or condemnation, and whether held in fee simple or lesser interest, including easements, held by the city. Also included are all lands leased by or otherwise controlled by the city.
   b. Any such property or easements acquired by the city after the effective date of this article.

B. **Exceptions.** The maintenance regulations provisions of this article shall apply in all areas of the city except:

1. Those lands within the city limits which, on the effective date hereof, have a pending or completed application for approval for residential subdivision or the building of improvements on such lands in compliance with the zoning ordinances of the city as they exist on the date of such application: provided, those proposed improvements are built and completed within the time allowed under such pending or completed applications.

2. Those lands which may in the future be annexed into the city, and on the effective date of that annexation, are improved by the construction of a building or other structure, or have received final approval for residential subdivision, in compliance with the zoning ordinances of the jurisdiction from which they are annexed as they exist on the date of annexation.

C. **City Arborist.**

1. The city council, with the advice and consent of the mayor, shall appoint a city arborist, who shall be a certified arborist. The city arborist shall serve at the pleasure of the council as either a full-time employee, part-time employee or as a consultant and shall be compensated as determined by city council.
2. The city arborist shall fulfill all duties of that office under this article and any and all other duties assigned to him or her by the city council or the city manager.

D. **Review and Permitting Procedures.**

1. ***Pre-application Review.*** Applicants are strongly encouraged to meet with the planning commission or architectural review board, as applicable, to discuss design concepts or present a preliminary design prior to submission of a tree and landscaping plan. Such discussions shall not be binding on the applicant or the review authority, are strictly at the option of the applicant, and no official action will be taken regarding the discussion or presentation. Placement on the agenda shall be scheduled through the planning director.
2. ***Application.*** Upon filing an application for a permit, the planning director shall, within two (2) business days, determine if the application is complete in all respects, as required by this section. Incomplete applications will be returned to the applicant as though no application had been received, with notice of deficiencies and non-filing.
3. ***Review Authority.*** If the property that is the subject of the application is located within either the Ford or Gateway overlay district, the architectural review board shall be responsible for reviewing and acting upon the request. In all other locations, the planning commission shall be the designated review authority.
4. ***Complete Application.*** Upon the determination that an application is complete, the planning director shall forward copies of the application to the applicable review authority.
5. ***Technical Review.*** The planning director shall review all plans and specifications submitted and the premises upon which the trees and landscaping are proposed to be planted with regard to compliance with the technical requirements of this article and all other ordinances and laws of the city.
6. ***Design Review.*** The review authority shall consider the tree and landscaping plan and shall approve, approve with conditions, or deny the application, based on conformance with the applicable landscape standards of *Section 15.3*. The review authority shall take action no later than 60 calendar days from the receipt of the complete application. If denied, the reasons for the denial shall be stated in the motion to deny and submitted in writing for the record.
7. ***Approval.*** Upon approval or approval with conditions, the planning director shall issue a permit accordingly.
8. ***Inaction.*** If no decision is made within 60 calendar days, the permit will be deemed granted, unless an extension of time is requested by the applicant

or the city, and agreed to by both parties prior to the expiration of the 60-day period. Applications that have been denied shall not be resubmitted within six (6) months from the date of denial.

E. **Required Submissions.**

1. ***Landscape Plan.*** Every application for a developmental permit, except land disturbing permits, on any covered lands shall include a landscape plan and, if applicable, a tree survey, which shall be submitted at the preliminary plat phase of any residential development or the site plan phase of any other development.

2. ***Financial Guarantee***. At the final plat approval phase of any residential development or the final site plan approval phase of any other development, every applicant shall submit, a tree and landscape performance bond, if the required improvements are not completed or cannot be completed.

F. **Landscape Plan Requirements.**

1. ***Preparation.*** The landscape plan shall include the location, botanical name, common name, quantity and size of all proposed plantings and shall be prepared by a landscape architect licensed in the State of Georgia to prepare planting plans. Additionally, the plan shall include summary plant schedules, charts and notes as necessary to clearly demonstrate conformance with all applicable planting requirements for the site. The general landscape installation standards defined within this article shall be included as notes on the plans.

2. ***Tree Management Plan.*** All applicable sites shall maintain a minimum tree canopy of 40 percent. Trees may be tiered and grouped with understory trees planted under the over-story shade canopy of a new or existing tree. Total canopy coverage shall be computed from the sum of the understory and overstory trees planted and existing.

   a. The canopy requirement must be met whether or not a site had trees prior to development or disturbance of the applicable site. The canopy may be achieved by preserving existing trees, by planting new trees according to the minimum standards in this article or by a combination of the two. Minimum tree canopy shall be calculated and established pursuant to the formula and analysis specified in *Appendix C.1* to this article, and the engineering design standards of the city. Any existing tree of not less than six (6) inches DBH left in good growing condition on the property shall be saved and may be counted toward the minimum required canopy and must be protected as provided in the city engineering standards to qualify to be counted. The developer shall be subject to the minimum tree canopy requirement set forth in this section. Fifty (50) percent of the canopy coverage in wetlands may be utilized to satisfy the canopy coverage requirements, provided that such wetlands are under the same ownership, and included within the same project or development. If canopy coverage in wetlands meets the 40 percent gross canopy coverage required by the tree plan, developer/builder shall, nonetheless, be required, under any circumstances, to plant a minimum of one (1) tree per residential lot with two (2) inch DBH. The developer shall base the canopy calculation on the gross site area, and with each such calculation, shall furnish a statement of ownership covering all of the lands on which trees are located that were included in the minimum canopy.

   b. Trees planted to achieve canopy requirements are to be selected species from the city tree species selection list in *Appendix C.5* (which assigns

values of canopy coverage in square feet for various groups of trees and minimum areas for planting). Any species indigenous to the city, and not on the prohibited species list, as shown in *Appendix C.2*, may be selected for planting even though it may not be included in *Appendix C.5*. In addition, planting shall be at the ratio of not less than one (1) overstory tree for every three (3) understory trees. Canopy credit may be met by planting all overstory trees, but not by planting only understory trees. No more than 40 percent of any one genus may be included in any planting plan. All trees shall be maintained properly by the builder or developer to ensure their survivability until a certificate of occupancy is issued. In the case of a common area, the builder or developer shall retain responsibility for maintenance as provided in *Section 15.5* of this article. All residential lots shall have at least one (1) tree planted or existing.

3. ***Deviation from Plans.*** At any time after the approval of any landscape plan or performance guarantee, a developer, builder or owner shall have the right to amend the proposed plan. Approval for deviations from the approved plan shall follow the same steps as changes or revisions to any other required development/site plans within the city.

Section 15.3 Specific Landscaping Standards

A. **Buffers.**

1. ***Perimeter Buffer.***

a. *Buffer requirement.* When two (2) adjoining properties are in dissimilar zone districts or where a nonresidential use abuts a residential use in the same district, the property within the zone district allowing the more intensive uses or the site containing the nonresidential use abutting residential shall provide a buffer, as shown in Table 15-3. Where a buffer or trees and vegetation exist within the required buffer area, the existing trees and vegetation may count toward meeting the buffer requirements of this section and shall be supplemented, as needed, to fully comply with the requirements shown in Table 15-3a, Buffer Zone Specifications. When two adjoining parcels are vacant, no buffer shall be required until the more intensively zoned property or nonresidential use for that property, as applicable, acquires a site development permit. In calculating the area devoted to meeting the buffer requirements, areas dedicated for drainage ditches, easements or rights-of-way shall not be included.

Table 15-3, Buffer Zones Required

Zoning Districts	Required Buffer										
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU1	MU2	NonRes[1]
R-1				A	B	A	C	C	A	A	B
R-2				A	B	A	C	C	A	A	B
R-3				A	B	A	C	C	A	A	B
R-4					A	A	B	C	A	A	A
C-1								A	A	A	
C-2								B	A	A	
C-3								B	A	A	

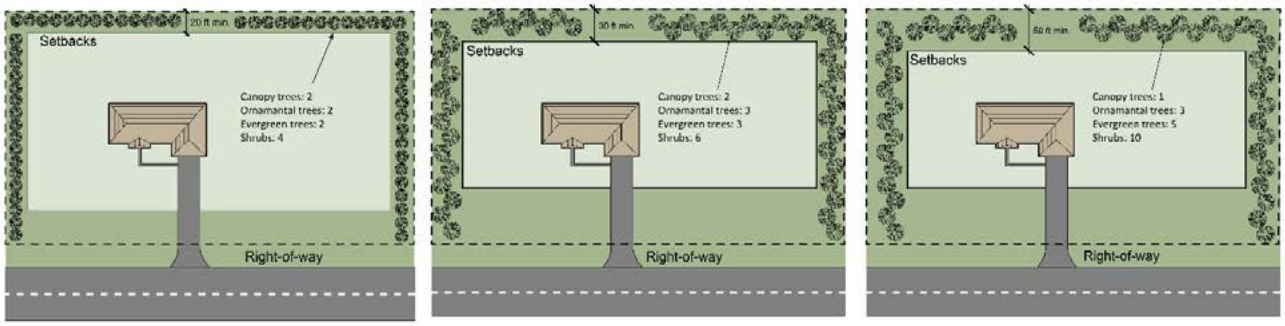
Table 15-3, Buffer Zones Required											
Zoning Districts	Required Buffer										
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU1	MU2	NonRes[1]
I-1									C	C	
MU-1					A	A	A	C			
MU-2					A	A	A	C			
NonRes											
1 Non-residential uses within a residential zoning district.											

Table 15-3a, Buffer Zone Specifications			
Requirements	Buffer Zones		
	A	B	C
Minimum depth (ft.)	20	30	50
Canopy trees[2]	2	2	1
Ornamental trees[2]	2	3	3
Evergreen trees[2]	2	3	5
Shrubs[2]	4	6	10
2 Number required per 100 linear feet of buffer, as measured along the property line			

b. *I-95 Buffer Required.*

i. In addition to the previously listed buffer requirements, buffers are also required between residential areas and Interstate 95. Residential developments located along or adjacent to Interstate 95 shall be buffered from the Interstate 95 traffic noise. A masonry wall, berm, landscaping, or combination of these elements shall be built between the residential area and Interstate 95, as approved by the city council. The height of the buffer shall not be less than 20 feet above the grade of the Interstate 95 highway. Additionally, any such buffer wall within a residential development shall be landscaped on the residential side with plantings that screen the wall from adjacent properties.

ii. Buffers are also required between commercial and industrial properties and Interstate 95. A buffer of 50 feet shall be maintained along the entire property frontage abutting the Interstate public right-of-way. The buffer shall remain uninterrupted except to allow access into and out of the property, allow for signage and entry statements and to remove diseased, dead or invasive species. Should, in the opinion of the planning director, the existing vegetation not provide an adequate buffer, additional



Buffer Zone A Buffer Zone B Buffer Zone C

supplemental plantings, berms, etc. may be required.

c. *Buffer screening standards.* Screening is a method of visually shielding or obscuring one use from another by fences, walls, berms or densely planted vegetation. The buffer may consist of a combination of required plantings, wall, screen fence or berms. In the event walls, fences or berms are used to provide screening within the buffer, the review authority may reduce the required number of trees and shrubs by up to 50 percent if it is determined that the purpose of the buffer will still be achieved. However, where topographic conditions, minimal separation of uses, noise generation or other characteristics of the property or use exist, the review authority may require construction of a fence, wall or berm in addition to the required plantings along all or a portion of the buffer.

i. Plantings. Plantings shall consist of a combination of trees and shrubs, as specified in Table 15-3a. Planted areas shall be located along the abutting property lines in areas that will provide the most effective screening.

(a) Evergreen species, under normal growing conditions, shall attain a minimum height of eight (8) feet. The spacing of evergreens shall be such that within (3) years the plantings can be expected to provide a continuous opaque screen.

(b) All other trees and shrubs used within any buffer area shall conform to the size requirements specified in *Table 15-4* at time of planting.

(c) Existing trees and other vegetation within the buffer area shall be retained to the extent possible and may be counted toward meeting the applicable buffer requirement.

(d) Protected trees, as defined in *Section 15.6 B*, shall be identified and the requirements of *Section 15.6* shall be met.

ii. Walls. If walls are incorporated into the buffer, they shall be constructed of masonry material on both sides and be eight (8) feet in height. The wall shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.

iii. Fences. If fences are incorporated into the buffer, they shall be constructed of standard pressure treated wood fencing materials (but not woven wood), shadow-box design, provide at least 90 percent opacity, be eight (8) feet in height and painted dark green. Fences shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.

iv. Berms. Earthen berms, if incorporated into the buffer, shall have a slope of 3:1 and a flat-topped crown at least two (2) feet wide. Plant material shall be placed along the top of the berm and the side slope facing the adjoining property. Berms shall not exceed six (6) feet in height and shall be undulated to provide a more natural appearance.

d. *Buffer design.* All buffers required by this article shall conform to the following specifications:

i. Landscape plans and tree surveys shall be required to show the types and locations of all existing and proposed plantings within a required buffer.

ii. Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, loading docks, outdoor activity areas, refuse containers, air conditioning units and transformers. To achieve such purposes, trees may be clustered rather that uniformly spaced to achieve optimum screening and buffering.

iii. Existing trees within the designated buffer area may be credited toward meeting the requirements of this article if the planning director determines that such plant materials achieve the purposes of this article. Protected trees within the buffer area shall be regulated in accordance with *Section 15.6*.

e. *Buffer location.* Buffers shall be located on the outer perimeter of a lot or parcel along the lot lines between dissimilar zone districts or residential and nonresidential uses within the same district, which may be separated by an existing or proposed public right-of-way. Buffers shall not be located on any portion of existing, dedicated, or reserved public or private street right-of-way.

f. *Modification of requirements.* The requirements of this article may be waived or modified, in accordance with the provisions *Section 15.7 B*, by the planning commission or architectural review board, as applicable, under any of the following conditions:

i. If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this article.

ii. If it is clearly demonstrated that for topographic reasons, no required screening device could reasonably screen the ground level activities of the use from the first floor view of the abutting structure or use.

iii. The adjoining property owners mutually agree in writing that the required buffer is not necessary for a satisfactory use and enjoyment of their property rights, and such agreement is made and recorded as a covenant running with each parcel or parcels of land.

iv. It is clearly demonstrated that an existing (or proposed) public right-of-way separation between adjoining properties will achieve the purposes of this article.

g. *Use of buffers.* A buffer may be used for some forms of passive recreation such as pedestrian, bike, or equestrian trails, or as stormwater retention, detention or water quality area provided that:

i. No planted materials shall be eliminated;

ii. The total depth of the required buffer area shall be maintained; and

iii. The effectiveness of the desired screening shall not be diminished.

h. *Maintenance.* The responsibility for maintenance of buffers shall remain with the owner of the property. Any required plant that has died shall be replaced. Maintenance of planted areas shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this article.

i. *Failure to comply.* Any failure to comply with the requirements of this article shall be subject to the enforcement and penalty provisions of this ordinance, per *Article 24*.

j. *Surety for buffer installation.* When the date for issuing a certificate of occupancy does not coincide with the planting conditions that are necessary to install a required buffer, the planning director shall accept an acceptable surety for the buffer installation. Such surety shall be considered to be part of the tree and landscape performance bond required by this article.

k. *Notice to purchasers.* When any lot within the city that requires a buffer under this section is conveyed to the initial purchaser by the developer, the developer shall include in the deed or other instrument of conveyance a covenant, running with the land, making the conveyance subject to the provisions of Subsections f., g. and h. of this section.

B. **Street Yard Greenway.** In order to protect and enhance the beauty and aesthetics of properties within the City of Richmond Hill and to effectively screen front yard parking areas when viewed from the public right-of-way, the following shall be required.

1. ***Non-Residential Uses.*** Non-residential (commercial, industrial, office, civic, institutional, etc.) uses shall provide a greenway adjacent to the road right-of-way.

a. For all development fronting on arterial roads the following standards shall apply:

i. A minimum 25-foot deep landscaped greenway shall be established parallel to the entire front of the property along the road right-of-way. If an easement parallels the right-of-way frontage and precludes the ability to meet the greenway requirement, the greenway shall be in addition to the easement or increased to the extent that the planting requirements can be met. (Example: If a 15-foot power easement was directly adjacent to the right-of-way and did not permit trees within it, the 25-foot greenway would commence from the interior edge of the easement for a total of 40 feet).

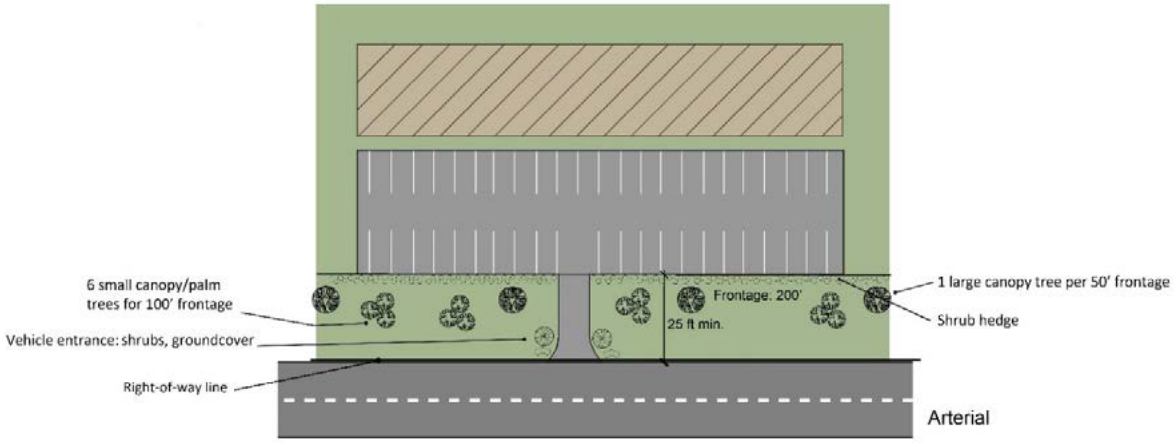
ii. The greenway shall include:

(a) One (1) large canopy tree (Live Oak preferred) per 50 feet of linear frontage, spaced no more than 50 feet on center (o.c.) for the entire lot frontage. For areas where overhead utilities exist that preclude planting large trees, groups of three (3) small canopy trees shall be provided for every one (1) large tree required.

(b) Six (6) small canopy trees (Crape Myrtle preferred) or palms for every 100 linear feet of lot frontage.

(c) A double row, staggered evergreen shrub hedge or otherwise approved continuous grouping of evergreen shrubs planted along the lot frontage planted at a minimum of two and one-half (2 ½) feet o.c. and a species capable of being maintained at a three (3) foot height within two (2) years of planting.

(d) Vehicular entrances should be defined using a mixture of trees, shrubs and groundcovers that will create a sense of arrival. Clusters of flowering and other ornamental plant species such as knockout roses, ornamental grasses and annuals is strongly encouraged. A minimum



of 200 square feet shall be planted on each side of the entrance drive.

b. For all development fronting on collector roads the following standards shall apply:

   i. A minimum 15-foot wide landscaped greenway shall be established parallel to the entire front of the property along the road right-of-way. If an easement parallels the right-of-way frontage and precludes the ability to meet the requirements, as specified below, the 15-foot greenway shall be in addition to the easement width or increased to the extent that the planting requirements can be met. (Example: A 15-foot power easement directly adjacent to the right-of-way that would not allow trees planted within it would require the 15-foot greenway to start inside the property once outside the easement for a total of 30 feet required).

   ii. The greenway shall include:

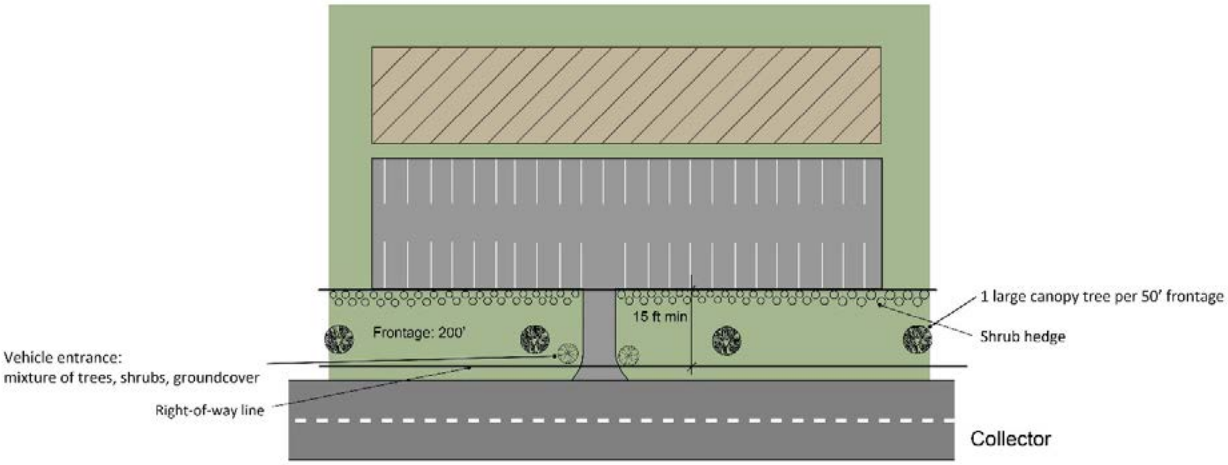
      (a) One (1) large canopy tree (Live Oak preferred) per 50 feet of linear frontage, spaced no more than 50 feet on center (o.c.) for the entire lot frontage. For areas where overhead utilities exist that preclude planting large trees, groups of three (3) small or medium canopy trees shall be provided for every one (1) large tree required.

      (b) A double row, staggered evergreen shrub hedge or otherwise approved continuous grouping of evergreen shrubs planted along the lot frontage planted at a minimum of two and one-half (2 ½) feet o.c. and a species capable of being maintained at a three (3) foot height within two (2) years of planting.

      (c) Vehicular entrances should be defined using a mixture of trees, shrubs and groundcovers that will create a sense of arrival. Clusters of flowering and other ornamental plant species such as knockout roses, ornamental grasses and annuals is strongly encouraged. A minimum of 200 square feet shall be planted on each side of the entrance drive.

c. All required greenways shall contain only living landscaping materials; provided, the following may be located within the greenway when approved by the review authority:

   i. Walls and fences less than five (5) feet in height (white rail fencing similar to that used at the Ford Plantation shall be encouraged);



ii. Vehicular access drives placed approximately perpendicular to the right-of-way;

iii. Electrical, telephone, gas, water supply, sewage disposal, and other utilities may be constructed to pass through or across the required buffer area. If the installation of such services impacts the requirements of this ordinance, additional landscaping and/or greenway area may be required to meet the intent and standards of this section;

iv. Foot and bicycle paths (including sidewalks);

v. Landscape sculpture, lighting fixtures, trellises, pedestrian amenities and arbors;

vi. Bus/transit shelters;

vii. Signs;

viii. Berming or mounding of soil; and

ix. Bioretention and other heavily vegetated stormwater BMPs.

d. When calculating lot frontage, driveways shall be subtracted from the linear foot total.

i. Where existing or created lagoons and drainage swales will occupy a substantial portion of the required greenway, additional depth may be required to achieve the intent of this section.

ii. Any area not otherwise planted shall be sodded.

iii. The minimum planted size for each plant type within required street yard greenways shall meet the minimum specifications cited in *Table 15-4*.

2. ***Residential and Sylvicultural Uses.*** A street yard greenway shall be established adjacent to the perimeter road right-of-way of all residential developments and timber harvesting, as follows:

a. *Plantings.* Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located in areas that will provide the best screening effectiveness.

i. If plant material is used solely as the screening device, it shall be an evergreen species, which under normal growing conditions will attain a minimum height of eight (8) feet. The spacing of such plant material shall be such that within three (3) years the plantings will create a continuous

opaque screen. Such spacing shall be subject to review and approval by the planning director.

ii. The following minimums shall apply to street yard greenway plantings:

(a) Fifteen (15) evergreen large shrubs per 1,000 square feet of greenway (Shrubs may initially be of any size, which would normally attain a minimum height of six (6) feet within three (3) years after planting).

(b) Six (6) small or medium canopy trees per 1,000 square feet of greenway.

(c) Two (2) large canopy trees per 1,000 square feet.

b. *Walls.* If incorporated into the required greenway, walls shall be constructed in durable fashion of masonry materials on both sides and be a minimum height of eight (8) feet. The wall shall be placed along the interior of the greenway area with the required plantings located on the street side of the wall.

c. *Fences.* If fences are incorporated into the greenway, they shall be constructed of standard pressure treated wood fencing materials (but not woven wood), shadow-box design, provide at least 90 percent opacity, be eight (8) feet in height and painted dark green. Fences shall be placed along the interior of the greenway with the required plantings located on the street side of the fence.

d. *Berms.* Earthen berms, if incorporated into the greenway, shall have a slope of 3:1 and a flat-topped crown at least two (2) feet wide. Plant material shall be placed along the top of the berm and the side slope facing the street. Berms shall not exceed six (6) feet in height and shall be undulated to provide a more natural appearance.

3. ***Single-Family Detached Subdivisions and Sylvicultural Uses.*** In addition to the requirements of Section 15.3 B.2, the required street yard greenway for single-family detached residential subdivisions and sylvicultural (timbering) uses shall also be subject to the following standards:

a. A greenway of 50 feet shall be maintained along the entire property frontage abutting the public rights-of-way.

b. For single family subdivisions, this greenway requirement shall only apply along the street frontage where the rear yard of the lots abuts the right-of-way.

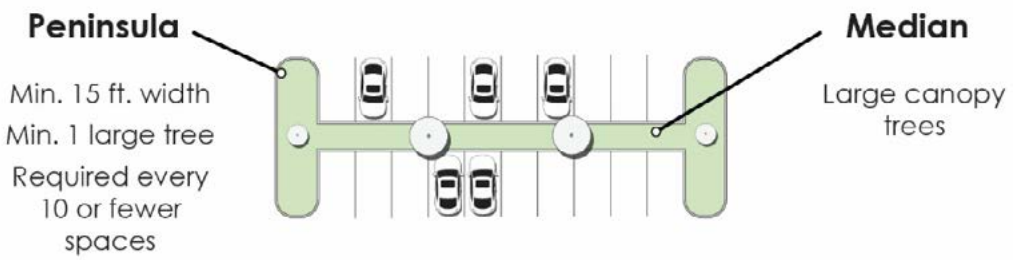
c. The greenway shall be a combination of existing healthy vegetation and/or newly planted landscaping; provided, existing healthy and desirable trees, as identified in *Appendix C.5*, shall be retained within the greenway. The greenway shall remain uninterrupted along the length of the property, except to allow for access roads, signs and entry features. Diseased, dead or invasive species shall be removed from the greenway. Should the existing vegetation not provide an adequate greenway, additional supplemental plantings, berms, etc. may be required.

d. In addition to the required greenway along the public right-of-way, sylvicultural (timbering) uses that are adjacent to a residential use shall be required to maintain a separation of 100 feet along the entire property line that abuts the residential use.

4. ***Multiple-Family and Attached Single-Family Uses.*** In addition to the requirements of *Section 15.3 B.2*, the required street yard greenway for multiple-family and attached single-family uses, shall also be subject to the following standards:
   a. A greenway of 50 feet shall be maintained along the entire property frontage abutting the public rights-of-way.
   b. The greenway shall remain uninterrupted along the length of the property, except to allow for access roads, signs and entry features.
   c. Existing healthy and desirable trees, identified in *Appendix C.5*, shall be retained and supplemented within the greenway, as needed. In all cases, the requirements of *Section 15.6* for protected trees shall be met.
   d. Diseased, dead or invasive species shall be removed from the greenway. Should the existing vegetation not provide an adequate greenway, as required in this subsection B, additional supplemental plantings, berms, etc. shall be provided.

C. **Parking Lot Landscaping.**

1. All parking areas that are visible from the public right-of-way shall be screened by landscaped areas that include a mixture of trees and shrubs to minimize the visual impact of parked vehicles.



2. The following landscaping requirements shall apply for parking lots:
   a. A landscaped peninsula a minimum of 15-foot wide shall be installed parallel to the parking spaces every 10 or fewer spaces, and at the end of the parking aisle in order to separate the last space from any adjacent travel-ways. Each landscaped peninsula shall contain one (1) large growing variety Crape Myrtle (ex. Tuscarora, Natchez, etc.) meeting the standards of a medium size multi-stem tree, as specified in *Table 15-4*. Large canopy trees (Sycamore, Red Maple, etc.), as specified in *Table 15-4* shall be planted in the medians of parking lots
      i. If overhead utilities preclude the planting of a large tree, small or medium trees and/or palms shall be planted at a ratio of one (1) medium tree to one (1) large tree required or two (2) small trees and/or palms to every one (1) large tree required.
      ii. If the parking space adjacent to the landscaped peninsula is paved with a pervious surface, the landscape island may be reduced to 10 feet wide.
      iii. Alternatives to the strict application of the maximum of 10 spaces in a row may be considered where practices such as preservation of existing trees are proposed.

b. All medians and peninsulas shall have soil suitable for vigorous plant growth to a minimum depth of 24 inches. The top of grade for the center of all medians and peninsulas shall be mounded to a height of 12 inches above adjacent curb or edge of pavement. The use of unsuitable, muck/clay soils in these areas is prohibited. Any islands that have been compacted during construction shall have the compacted soil removed and replaced with appropriate soil capable of allowing vigorous plant growth. The city reserves the right to inspect the soil within these areas at any time and should the soils be found to be substandard, the soils, plantings, mulch, etc. shall be removed and replaced, as necessary, to be in conformance. A note acknowledging these soil requirements shall be included on all landscape plans.

c. All medians and peninsulas shall be planted with low growing shrubs and/or groundcovers.

d. All medians shall be provided with a water source meeting the standards specified in *Section 15.4.B* for adequate water availability.

e. All medians and peninsula plantings shall be protected from vehicle bumpers with curbing, wheel stops or other appropriate means of protection.

D. **Foundation Plantings for Non-residential and Multifamily Uses.**

1. Except when a build-to line, maximum setback or similar requirement makes the provision of foundation plantings impractical, a foundation planting area averaging eight (8) square feet per linear foot of facade shall be provided along all facades facing a public street.
2. Adjacent sidewalks shall be additional to and not included within this area.
3. The foundation planting shall incorporate a mixture of trees, shrubs, and ground covers in order to soften the building facade. At a minimum, one (1) tree or palm and 10 shrubs shall be planted for every 40 linear feet of facade to create a vertical element.
4. Foundation plantings shall not be required along any building elevation or portion thereof that contains only service, drive-thru and/or delivery areas.

E. **Screening of Storage, Service and Dumpster Areas.**

1. Such areas shall be adequately screened with permanent vegetation and walls when visible from adjacent properties or public right-of-way, in accordance with the following:

a. The design of a screening wall shall be the same architectural style as the principal building or buildings on the lot.

b. Except where otherwise allowed by these regulations, any wall shall be opaque so as to prevent the passage of light and debris, and shall be constructed of textured or split-faced block, brick, stone, stucco over concrete block, architectural tile, or similar opaque materials. Unfinished concrete block shall not be permitted.

c. The height of a wall shall be adequate to block view to the area being screened, but shall not exceed eight (8) feet, except as otherwise allowed by this section.

d. The height of a wall shall be measured from the finished grade at the base of the wall to the top of the fence or wall, but shall not include columns or posts.

e. Walls shall be interrupted at intervals not exceeding 25 feet by architectural features such as pilasters or columns or by various species of plants that are at least as tall as or taller than the wall.

f. Such walls shall be setback a minimum of five (5) feet from any adjacent property lines, unless otherwise approved by the city.

2. Additionally, evergreen plantings shall be provided along the wall that, at maturity, will screen at least 50 percent of the wall face area.

F. **Landscaping at the Base of Signs.**

1. ***Landscaping.*** There shall be established a landscaping area around each principal freestanding sign that is equal to or greater than the total area of all sides of the sign structure. The sign landscaping area shall extend from the base or structural supports of the sign equally in every direction, but no less than 5 feet. Within this sign landscaping area, the following standards shall apply:

a. All portions of the sign landscaping area shall be surrounded by protective covering and covered by landscape materials, as defined in this article, except for those ground areas that are covered by permitted structures. A minimum of 80% of the required landscape area shall be covered with living plant materials, which may include any combination of ground covers and shrubs.

b. Shrubs that are provided within the sign landscaping area must be at least 12 inches tall at the time of planting, and be of a species that will not normally exceed four (4) feet in height at maturity.

c. Plant materials may be clustered for decorative effect following professional landscaping standards for spacing, location and design.

2. ***Maintenance of required plant materials.*** The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severally responsible for the maintenance in good condition of the plant materials used to meet the minimum landscaping requirements of this section.

Section 15.4 General Landscape Regulations

A. **Material Standards.**

1. Existing trees within any required buffer or street yard greenway shall be preserved. Protected trees, as defined in *Section 15.6 B*, shall be subject to the requirements of *Section 15.6*. In addition, the following standards apply as a minimum to all newly planted landscape areas and additional trees needed to meet the respective requirements of this article.

a. Native and regionally appropriate plant species are required. Invasive species, as identified by the United States Forest Service, the University of Georgia or included as prohibited within *Appendix C* are prohibited from being planted in Richmond Hill. Further, the City of Richmond Hill encourages the replacement of invasive species with desirable hardwood species.

b. All plant and tree material shall meet the American Standard for Nursery Stock standards that are published by and available from the American Association of Nurserymen.

c. Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.

d. Tree species diversity requirements of *Appendix C* shall be met on a site-wide basis.

2. The minimum standards specified in Table 15-4 shall apply to all plantings required by this section at time of planting, except as otherwise specified.

Table 15-4, Plant Specifications

Plant Type	Min. Size	Min. Height	Other
Canopy trees – large	3 in. caliper	16 feet	
Canopy trees – medium	2 in. caliper	10 feet	Multi-stemmed – one (1) in. on any cane
Canopy trees – small	1½ in. caliper	6 feet	Multi-stemmed – one-half (½) in. on any cane
Palms – large		10 ft. clear trunk	
Palms – medium		6 ft. clear trunk	
Palms – small		4 ft. clear trunk	
Shrubs		24 inch	Containerized

B. **Installation Standards.**

1. Installation of trees and landscape materials shall be in accordance with the standards established by the American National Standards Institute (ANSI).
2. Root barriers shall be installed within tree lawns less than seven (7) feet between the back of curb and the sidewalk to prevent root penetration and destruction of infrastructure.
3. Large and medium trees shall not be planted underneath or directly adjacent to overhead power lines and shall be a minimum of 10 feet off of any building or underground utility unless root barrier is used.
4. Small trees and palms shall be a minimum of five (5) feet off of any building or underground utility.
5. All trees and landscaped areas shall be provided with a means for delivery of water in a quantity that is sufficient to establish and maintain the viability of the plants.
   a. In-ground irrigation systems installed to supply water to all newly planted trees and plant material shall qualify for a 50-percent reduction of the landscape establishment bond.
   b. A water supply is not required for areas of established trees and other vegetation that are retained, provided that site grading or development activities will not result in damage to those areas.
   c. While an automatic irrigation system is preferred, at a minimum all required plantings must be within 100 feet of a permanent water source.
   d. If an irrigation system is provided, it shall include a rain sensor, weather sensor or other means of automatic shut off when irrigation is not necessary due to actual climatic conditions.

C. **Maintenance Standards.**

1. All plant material shall be maintained in good condition at all times in accordance with standards established by ANSI. All plantings that die or are destroyed must be replaced, during the next suitable planting season.

2. Attaching lights, signage, fence rails, and any other items to trees is strictly prohibited.
3. All sites are required to remain in compliance with the requirements for development of this article and are subject to inspection by the city for this purpose. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the city will seek administrative or judicial relief, as appropriate.
4. From the effective date of this ordinance no person, firm, corporation or other entity shall trim, prune, cut, excavate near, dig or trench near, or otherwise disturb any tree on any property owned or controlled by the city and subject to this chapter without strictly complying with the following regulations:
   a. Trees on public property may be pruned for utility line clearance only by tree pruners who have attended a certified utility line training course within a 12-month period of pruning activity. At each pruning site, names of pruning crew with date of certification shall be available for city's review. The city planning director, or designee, shall be notified in advance the general locality of any pruning activities taking place. All pruning of public trees shall be done in accordance with the American National Standard for Tree Care Operations (ANSI A300-2001) and the most current standards as developed by the National Arborist Association.
   b. Requirements pertaining to utility companies.
      i. Prior to conducting any non-emergency tree pruning, all utility companies shall notify the planning director in writing, no less than three (3) days prior to the start of any work.
      ii. Utilities and telecommunications companies shall use directional pruning unless the city otherwise consents in writing.
      iii. The city shall supervise the cutting as necessary and may regulate or halt the cutting when it is deemed to be detrimental to any protected tree or when the cutting exceeds what is needed for continued utility service.
   c. Required electric power line clearances.
      i. When pruning is required to maintain the necessary clearance between any existing tree and an electric power line, the pruning shall be conducted in accordance with ANSI Standard A300. Branches or leaders to be cut back shall either be pruned to the next lateral having a diameter at least one-third (1/3) of that being cut, or else be pruned just outside the branch-collar at the base of the branch.
      ii. Except as otherwise provided in this subsection, the following maximum clearances shall be periodically established between electrical conductors at various voltages and adjoining vegetation:
         (a) Telephone, TV cable, and other insulated communication lines require no minimum clearance;
         (b) Secondary electric lines which carry voltage between 21-750 volts, insulated, shall require a clearance of two (2) feet for areas of existing construction, and a clearance of four (4) feet for areas of new construction;
         (c) Distribution and transmission lines which carry voltage between 750-35,000 volts, uninsulated, shall require a clearance of 15 feet;

(d) Distribution and transmission lines which carry voltage in excess of 35,000 volts, uninsulated, shall require a clearance of 15 feet.

5. To lengthen the time between clearance pruning cycles for electric transmission and distribution lines, and to facilitate proper pruning to laterals as described in ANSI Standard A300, as referenced above, clearances around transmission and distribution lines, as set out in subsections c.ii.(d) and (c) above, may be increased to 15 feet and 20 feet, respectively, at the discretion of city engineering department, for the following species only:
   a. American Elm (Ulmus americana)
   b. Hackberry and Sugarberry (Celtis occidentalis and Celtis laevigata)
   c. Silver Maple and Red Maple (Acer saccharinum and Acer rubrum)
   d. Laurel Oak, Live Oak, Water Oak, and Willow Oak (Quercus species)
   e. Pecan (Carya illinoensis)
   f. River Birch (Betula nigra)
   g. Loblolly pine (Pinus taeda)
   h. Sweetgum (Liquidambar styraciflua)
6. When in the judgment of a utility company and the planning director, a tree interferes with the safe and reliable operation of the electric power system along a street right-of-way, and cannot be pruned in accordance with ANSI Standard A300 to provide the required clearance, the utility company may offer to remove the tree and replant an acceptable specie tree for the location or in a location mutually acceptable to the city, the utility company, and the property owner. Such trees may be planted on public land, or private property, within the limitations and intent of this section.

Section 15.5 Certificate of Occupancy and Bond Requirements

A. **Certificate of Occupancy for Non-Residential and Multi-Family.**

1. ***Final Inspection.*** The planning director or designee shall make a final inspection of trees and landscaping for completeness prior to issuance of the certificate of occupancy. The installed plantings shall match the approved plan.
2. ***Tree and Landscape Performance Bond.***
   a. In the event of continued construction, weather, plant availability or other delay, approved by the planning director, which reasonably prevents the installation of all or a portion of the required landscaping, the owner shall post a performance bond to assure completion. The bond shall be equal to 125 percent of the approved estimate for tree and/or landscape installation which cannot be planted. The bond shall be posted with the City of Richmond Hill. A deadline for completion of work shall be scheduled with the city but in no case shall be more than three (3) months from the date a certificate of occupancy is issued for the project.
   b. The planning director shall make a final inspection of the trees and landscaping at the scheduled completion of work. If work has been completed, the tree and landscape performance bond shall be refunded. If the landscaping is not complete at the scheduled deadline, the performance bond shall be withheld based upon the amount of work

incomplete and the city, at its sole discretion, may cause the work to be completed and paid for with the bond.

B. **Common Areas Regulated.**

1. From the effective date of this ordinance, all trees required by this article to be planted, preserved or protected in all common areas or other public facilities in every development subject to the provisions of this article shall be maintained by the developer, property owners association, owners association, owner or similar entity holding title to those properties for a period of three (3) years after the date of certification of completion.
2. Responsibility for that maintenance shall commence on the date the improvements required by this article are certified as completed and continue, as provided above, for a period of three (3) years.
3. The initial responsibility of such maintenance shall be upon the developer, and shall remain upon the developer until the sooner of the time that the developer passes legal title to the owner or a property owner's association, owners association, or similar association, or the end of the maintenance period, whichever occurs first. However, if the developer retains any control, including voting control, in or over the association, the developer's maintenance responsibility shall continue until the developer fully surrenders such control to the association or the end of the maintenance period, whichever occurs first.
4. Should the developer both pass the legal title to the common areas and surrender control of any property owner's or similar association prior to the end of the maintenance period, as provided in subsection 3. above, the owner or property owner's or similar association, as the case may be, shall thereafter assume full responsibility for the maintenance of the improvements on the common areas for the entire balance of the maintenance period.
5. Every developer responsible for any maintenance under this article shall, on or before December 31 of each calendar year, file with the planning director, a statement for each development, setting out the ownership status of the common areas of such development, and for those developments where a property owner's association, or similar association, is to hold title to the common areas. The statement shall declare, under penalty of perjury, that the developer has or has not surrendered control, including voting control, of such association.

Section 15.6 Tree Preservation

A. **Requirements.** These regulations shall apply to all trees and land in the City of Richmond Hill, except as noted below; provided, that even for those exempted, tree preservation and best practices are strongly encouraged to uphold the intent of this ordinance.

1. ***Exemptions.*** The parties listed below are exempt from this section to the extent specified.

   a. *Timber harvesters and foresters:* Timber harvesting and forestry shall be exempt from this section. However, harvesting trees less than three (3) years prior to installation of artificial improvements or other development activities shall be a violation of this ordinance, unless approved by the planning commission.

b. *Commercial tree farms and nurseries:* Growers raising trees for sale and transplant shall not be held to the provisions of this article; provided, such trees are not planted in or required buffer zones after the adoption of this ordinance.

c. *Public utilities:* Utility providers shall be exempt from these regulations within easements and rights-of-way in which clearing is necessary for the public safety and welfare. These regulations, however, shall apply within any required buffer zone.

d. *Occupied single-family dwelling:* A developed single-family residential lot shall be exempt from the heritage tree protection requirements, but not those pertaining to historic trees: provided, the lot is occupied by one (1) single-family dwelling or one (1) manufactured home with a Certificate of Occupancy for at least two (2) years. This provision shall not exempt individual lots or parcels being prepared for development.

2. ***Applicability.*** All trees not specifically exempted shall be regulated by the provisions of this ordinance. Protected tree classifications are defined in Section 15.6 B. Conditions under which protected trees may be removed by permit are specified below.

3. ***Maintenance or Removal.*** Nothing in this section shall be construed to prevent the ordinary pruning, trimming, and maintenance of a tree, nor to prevent the cutting or removal of any tree that is diseased, dying or required to be removed by governmental agency for public safety. However, such maintenance or removal shall only be performed by a certified arborist.

4. ***Pre-Street Yard Greenway Trees.*** On any lot or parcel developed prior to the adoption of this ordinance, no existing trees shall be removed, except as otherwise permitted, from the area where a street yard greenway would be required by *Section 15.3 B*.

B. **Protected Tree Classifications.** These regulations shall apply to two (2) categories of trees: Heritage Trees and Historic Trees. Heritage Trees and Historic Trees shall be collectively known as Protected Trees.

1. ***Heritage Tree.*** All trees meeting a minimum of 16 inches diameter at breast height (dbh) up to 28 inches dbh.

2. ***Historic Tree.*** A historic tree, due to its age and stature, is considered to have irreplaceable value and is defined as any tree 28 inches in dbh or greater.

C. **Tree Preservation Standards.** All protected trees must be identified on the required tree survey/tree location map according to the provisions of these regulations. Protected trees, unless otherwise permitted by these regulations, shall not be removed or be caused to be removed. Approval to remove such trees shall be obtained from the planning director. If approval to remove protected trees is given, the removed trees shall be replaced according to the *Section 15.6 G*. Individuals failing to obtain a tree removal permit shall be cited as provided in this section.

D. **Tree Removal Permit.** Except as otherwise exempt, it shall be unlawful to fell, improperly prune, or otherwise destroy a protected tree without first obtaining a tree removal permit from the planning director.

1. ***Exception***. A tree removal permit shall not be necessary to remove a tree creating imminent danger to other trees, permanent structures, public utilities, rights-of-way or persons. A tree posing imminent danger shall be defined as one

damaged by a storm, fire, or vehicular accident such that its structural integrity is seriously compromised and that the tree can be reasonably expected to fall and injure persons or structures.

2. ***Application Procedure.***

   a. Application for permits must be made at least three (3) business days in advance of the proposed tree removal. The planning director shall issue the permit, valid for 60 days, if the request meets the criteria for tree removal, as specified in Section 15.6 D.3.

   b. The applicant may apply for a tree removal permit concurrently with a land disturbance permit, subdivision plan submittal, or zoning permit.

   c. A tree survey, meeting the requirements of this section, shall be submitted in conjunction with a development plan, as provided in *Article 14* or a plat, as provided in *Article 22*. The tree survey shall be prepared by a certified arborist and shall depict the location, species, and size in dbh of all protected trees in the development area and differentiate them as to whether they are heritage or historic trees. The development area shall be defined as all areas within 50 feet of any proposed grading, temporary and permanent structures, and other improvements; and as wetlands proposed to be disturbed. The survey shall specify which trees are proposed for removal.

      i. For developments disturbing more than 25 acres, this tree survey requirement may be satisfied by a "sample area" survey. Each sample shall cover at least one (1) acre. Sample areas shall be evenly distributed throughout the site and proportional to the acreage of types of forest found on the site. Sample areas shall represent at least five (5) percent of the site or five (5) acres, whichever is greater. The surveyor shall estimate the relative densities and total number of heritage trees across the site based on the distribution of these trees in the samples. Historic trees shall nevertheless be individually surveyed and documented by location, species, and size in dbh. Upon reviewing the sample survey, the planning commission may require that inventories be taken of additional sample sites of their choosing.

      ii. For development plans disturbing 25 or fewer acres, both heritage and historic trees shall be individually surveyed.

   d. Trees to be preserved will be physically marked with brightly colored engineer's tape. The property may first be inspected by the planning director before approval is granted. The tape on those trees approved for preservation shall be left in place throughout construction. Following inspection by the planning director, the tree removal permit will be approved, partially approved, or disapproved. In the case of protected trees within the Ford Overlay District, removal of any such tree, unless diseased or dying, shall only be with the approval of the architectural review board.

   e. If the permit is approved or partially approved, the applicant shall post a financial guarantee, as provided in *Section 24.6*, prior to commencing any tree removal activities to ensure preservation of those trees not authorized for removal.

   f. It shall be the responsibility of the applicant to post the tree removal permit on the property in a place that is visible from the public right-of-way

throughout any tree removal activity.

3. ***General Criteria.*** The following criteria, when attested to by a registered forester or certified, qualified arborist who holds a business license, shall constitute grounds for issuance of a tree removal permit regardless of use or zone:
   a. Trees potentially hazardous to surrounding trees, permanent structures, public utilities, rights-of-way, or persons due to a loss of stability caused by high wind, unstable soil, age, or other natural forces.
   b. Diseased and/or infectious trees and trees in decline.
   c. Trees or their root systems causing visible damage to permanent structures that cannot be prevented through proper pruning.
   d. Trees or their root systems causing damage to utility lines that cannot be prevented through proper pruning.
   e. Trees inhibiting access through a public right-of-way such that proper pruning cannot mitigate the condition.
   f. Trees creating hazardous conditions on pedestrian walkways underneath such trees due to excessive debris of a size and shape known to cause injuries from tripping and falling, as determined by the planning director.
4. ***Criteria for Property Development.*** The following criteria shall be followed with respect to the applicable property development:
   a. *Subdivision of parcel*: The subdivider shall make conscious efforts to avoid historic trees and groupings of heritage trees in proposing placement of rights-of-way and easements. Additionally, lots shall be platted in a way that avoids removal of historic trees or groupings of heritage trees such as locating them in the middle of proposed lots. Lot lines should be platted adjacent to protected trees to retain them as design features and vegetative buffers and to mitigate storm water run-off and erosion problems.
   b. *Building envelopes:* Historic trees within proposed building envelopes shall be mitigated, in accordance with *Section 15.6 G*. Heritage trees within proposed building envelopes, as well as those within 20 feet of the envelope, may be removed when necessary without mitigation.
   c. *Yards and buffers:* Protected trees shall not be removed from required yards, street yard greenways or buffer zones. A protected tree may be limbed up if located outside a required buffer, or if located within a required visual buffer or clearance zone. Heritage trees may be limbed up to eight (8) feet, while historic trees may be limbed up to 16 feet to provide view sheds.
   d. *Means of access and parking:* Historic trees shall not be removed to make way for parking lots, parking space, drive aisles, or driveways, unless the applicant demonstrates to the satisfaction of the planning commission that no reasonable alternative exists. Heritage trees may be removed in these locations, but mitigation shall be required per *Section 15.6 G*.
   e. *Outdoor uses and active recreation areas.* Protected trees may be removed on land where the principal use is proposed outside; provided, mitigation shall be required per *Section 15.6 G*. The planning director shall determine whether the proposed outdoor use qualifies under this provision and that the protected tree removal is the minimum necessary to accommodate the proposed use. Qualifying uses shall include, but are not limited to:

outdoor sales areas with minimal ancillary indoor space, transportation and construction businesses that store fleet vehicles on site, outdoor storage of oversized bulk items that cannot practically be stored under roof, industrial activities and processes that do not occur under roof, as well as recreation areas, such as golf courses, athletic fields, courts, and pools managed by schools, public recreation departments, country clubs, home owners associations and other legally established organizations.

f. *Streets:* Protected trees may be removed without mitigation from rights-of-way to allow for arterial and collector street construction, including widening, intersection improvements, parallel bicycle/pedestrian improvements, and drainage improvements. Historic trees removed for construction of local street projects shall be mitigated per *Section 15.6 G*, while heritage trees may be removed from local street rights-of-way without mitigation.

g. *Water, sewer, and drainage improvements:* Protected trees may be removed, but must be mitigated per Section *Section 15.6 G*, for installation of water, sewer, and drainage infrastructure and implementation of associated easements.

h. *Waters of the State:* Protected trees within 25 feet of any water of the state shall be preserved and no disturbance shall occur within the critical root zone, even if more than 25 feet distant from such water.

E. **Tree Protection Procedures.** The base and root system of most trees are very sensitive to changes and must be protected to ensure the tree's health and survival. The following measures shall also be taken to protect trees located off-site, but whose limbs and drip lines encroach across property boundaries.

1. Protected trees shall have their critical root zone guarded before, during, and after construction against the following:
   a. Unnecessary cutting, breaking, or skinning of roots
   b. Skinning and bruising of bark
   c. Storing or stockpiling construction, excavation, or other machinery, tools, materials, and debris within drip lines
   d. Burning within drip lines
   e. Absorption of wastewater run-off within drip lines
   f. Excessive foot or vehicular traffic within drip lines
   g. Parking vehicles within drip lines
2. Wounds to protected trees shall be cleaned to sound wood by removing loose bark and wood, leaving a smooth edge around the wound, and be properly dressed.
3. If any protected tree roots are to be removed, they shall be severed clean and treated with a two (2) inch layer of mulch applied on the surface above the roots, to be retained and replenished throughout harvesting and construction activities.
4. Soil removal or fill within the drip line of a protected tree shall be limited to six (6) inches in depth. Any soil added under the drip line shall be a loamy soil mix to ensure minimal compaction.
5. The following additional measures shall be taken to protect trees scheduled to be retained in preparation for and during property development.

a. *Setbacks.* Site improvements, other than landscaping and hardscaping, shall not occur within the critical root zone.

b. *Protective barricading.* Barricades shall be erected around all protected trees according to required setbacks, as provided in Subsection 5.a. above. Barricades shall be erected prior to the start of site grading and shall remain in place until all construction activities are complete. The following standards apply:

i. Barricading trees in groups shall be encouraged.

ii. Barricades a minimum of three (3) feet high shall be erected and readily apparent, including in the rear view or side mirror of vehicles and construction equipment moving in reverse.

iii. Barricading shall consist of orange safety fencing supported by wood/ metal members or other comparable material approved by the planning director. In any case, barricading shall be capable of repelling a man moving at walking speed. Flagged string or tape, alone, shall not be sufficient to meet the barricading material requirements.

iv. All tree protection areas shall be designated with signs or tape posted visibly on or within the required barricade. Tree protection area signs shall denote the area as off limits for the sake of tree protection.

6. ***Installation of Utilities.*** Utilities shall not be installed in tree protection areas without the use of special tunneling techniques to preserve root systems.

F. **Violation and Penalty.**

1. The removal, damage or destruction of a protected tree without a required tree removal permit shall constitute a violation of this ordinance. Each protected tree that is removed, damaged or destroyed shall constitute a separate offense. Each day during which the loss of the tree goes unmitigated, as provided below, shall be judged a separate offense.

2. In lieu of any fines and penalties incurred by a violator of this section, the planning director may require tree replacement as a condition of granting Certificates of Occupancy. Replacement trees shall be required such that the total caliper-inches of new trees shall be equivalent to a 50% increase in the mitigation requirements as set forth in Section 15.6 G. In no case, however, shall any replacement tree measure less than four (4) inch dbh for heritage trees and historic trees.

3. In the event that violations of this article result in the issuance of a stop work order, the violator shall be responsible for tree replacement, payment of fines or posting a financial guarantee, as determined by the planning director, before construction is allowed to resume.

4. In the event that the violator of tree protection standards cannot be identified and located, the developer shall be held responsible for fines and mitigation.

G. **Mitigation for Tree Removal; Fee in Lieu.**

1. Trees planted for mitigation shall meet performance standards per this article. Mitigation for protected trees shall be as specified in Table 15-6, based on the species of the tree that was removed. In addition, the following requirements shall apply:

a. Mitigation for heritage trees shall occur at a rate of 50 percent, where every two (2) inches of heritage trees removed, measured in dbh, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.

b. Mitigation for historic trees shall occur at a rate of 100 percent, where every inch of historic trees removed, measured in dbh, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.

c. Any tree planted for mitigation shall measure at least four (4) inches dbh for heritage trees and historic trees, at the time of planting.

2. Any tree at least six (6) inches dbh but less than 12 inches dbh retained within the area of disturbance may be retained to contribute, inch for inch, to a tree mitigation requirement; provided, the tree does not stand in a wetland, any required buffer, or other area in which the tree would otherwise be required to be conserved. Such trees shall be protected as heritage trees.

3. In lieu of planting trees required for mitigation, the developer may, if approved by City Council, pay a fee per caliper-inch in an amount set by the Richmond Hill City Council. The fee shall be based on the current cost, at wholesale value, of installing a required tree to standards of the American Nursery and Landscape Association and its maintenance for one (1) year.

4. Fees in lieu shall be put into an account reserved solely for the beautification of public lands and rights-of-way in Richmond Hill.

5. Trees planted for mitigation in new developments shall be in addition to those required for streetscapes, buffering and parking lots and shall be used to create a street yard greenway in existing developments where such greenway does not currently exist.

Table 15-6, Tree Replacement by Species Category

Species Category		Percent Replacement Required
1	Live Oak, Bald Cypress, American Beech, Gingko, American Holly, Southern Magnolia, Sweetbay Magnolia, Tupelo, Chinese Pistache, White Oak, Willow Oak, Overcup Oak, Chestnut oak, Eastern Red Cedar	100
2	Persimmon, Ash species, Hickory species, Tulip Poplar, Sycamore, swamp White Oak, Scarlet Oak, Southern Red Oak, Shumard Oak, Post Oak, Laurel Oak	75
3	Sugarberry, Hackberry, Willow species, Water Oak, Black Cherry, American Elm, Red Maple	50
4[3]	Pine species, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree, White Poplar	0

3 Species in this category shall be exempt from the requirements of *Section 15.6*, except that Pine species and Sweet Gum shall be maintained in buffer areas requiring protection of all vegetation or vegetation of a certain size, and may be approved for plantings in such buffers.

Section 15.7 Administration and Other Matters

A. **Exempted Activities.** The following shall be exempt from the provisions of this article:

1. Construction of a single or two-family dwelling on an individual lot or parcel of land not located within a subdivision, planned unit development or mixed use development.
2. With the exception of street yard greenways and adjacent residential buffering, all lands dedicated exclusively to legitimate silviculture shall be totally exempt from this article during the time period when the lands remain totally devoted to tree harvesting. Such lands, however, shall also be subject to the provisions of Subsection A.3.
3. Once legitimate silviculture takes place in conformity with the regulations of Subsection A.2, no other land disturbing activities shall be permitted on the entire property where the legitimate tree harvesting operations are conducted for a period of three years after completion of the legitimate tree harvesting operations. For purposes of this paragraph the last date of legitimate tree harvesting shall be the last day in which a legitimate tree harvesting operation is conducted. The property owner who conducts a legitimate tree harvesting operation within the city shall be required, within 30 days of the last day of legitimate tree harvesting operations, to deliver to the planning director a written notice setting forth the last day of the legitimate tree harvesting operation and the identity and location of the property. Upon a property owner failing to timely notify the city, as provided above, the planning director shall establish the last day of deforestation based upon the best information available, which estimated date shall not be rebuttable.
4. The following activities shall be exempt from the trimming and pruning regulations of this article:
   a. The removal of dead, diseased or damaged trees, as approved by the city arborist.
   b. The removal of trees necessary for the construction, operation and maintenance of drainage facilities and sanitary and storm sewers, as approved by the city engineer.
   c. The removal of trees for construction of public streets and improvements, as approved by the city engineer.
   d. The removal of trees in time of emergency, including, but not limited to, tornadoes, windstorms, floods, freezes or other natural disasters, or which pose potential danger to life or property.
   e. Utilities in connection with overhead service, distribution, transmission lines, underground service and distribution lines with the following exceptions:
      i. Pruning or trimming a tree inconsistent with ANSI 300A-2001, as amended, is prohibited; and
      ii. Removal of trees 12 inches dbh and larger within corridors and/or easements shall require notification, prior to removal, by telephone to the planning director, or designee, and notification to the property owner and/or occupant at least three (3) business days prior to removal.
   f. Utility lines, which are tunneled beneath tree roots in order to protect feeder roots, are permitted. Elsewhere trenching is allowed no closer to a tree's trunk than three-fourths (3/4) of the dripline radius. However, protective

measures shall be taken, as specified in the Best Practices Manual and city engineering standards.

g. Construction (including clearing of the lot) of a detached, semi-detached or attached single-family residential structure.

h. Any land recognized by the city upon which bona fide agricultural operations or commercial nursery or tree farm uses are being conducted.

i. The trimming and pruning regulations of the article shall not apply to the trimming, pruning, maintenance or removal of trees by the landowner, or others acting on behalf of the landowner from any easement on the landowner's property that is not occupied by a street, alley or any type of overhead utility installation.

B. **Waivers and Modifications.**

1. Any person affected by this article may petition the planning commission or architectural review board, as applicable, for a waiver or modification from the strict application of any provision or provisions, as follows:

   a. The application shall be made upon a form provided by and approved by the planning director.

   b. A public hearing shall be held on the application after due notice to the applicant and adjoining property owners.

   c. The applicant may be represented by an attorney or other person and shall be given the opportunity to cross examine adverse witnesses and present witnesses and other evidence on the applicant's behalf.

   d. The review authority, upon considering all evidence and input at the public hearing, shall decide to approve or deny the request, based upon the following criteria:

      i. That there are unique physical circumstances or conditions beyond that of surrounding properties or exceptional topographical or other physical conditions peculiar to the particular property that prevent or severely inhibit compliance with all or a portion of the requirements of this article.

      ii. Failure to grant relief would result in practical difficulties and exceptional hardship.

      iii. That granting relief would not adversely impact the overall purpose and intent of this article and would be the minimum necessary based on conditions of the property.

2. If the requested waiver or modification involves payment of money in lieu of planting required trees, shrubs, etc., in any common area, or the planting of replacement trees, shrubs, etc., at another location, relief shall be granted only by the city council and under the following conditions:

   a. The required number of trees, shrubs, etc. planted offsite in lieu of onsite planting shall be three (3) times the number required to meet the onsite planting requirement.

   b. The required planting location must be approved by the city council.

   c. If a cash payment is to be made in lieu of the required tree improvements, the amount shall be set by council with the advice of the city arborist after considering the criteria contained in this article for the setting of bond amounts.

C. **Violations and Penalties.**

1. Property in violation of this article shall be subject to a citation or stop work order and/or fines and penalties as established by the City of Richmond Hill Revenue Ordinance, with the amount being determined by the city municipal court judge, until such time as the remedial actions have been satisfied as follows:
2. Where trees, shrubs, etc., have been removed in violation of this article, the city shall stipulate the planting of replacement material on site or off site, at the city's discretion, of which no more than 15 percent of any one (1) species shall be permitted for replacement. Species must be native or non-invasive, regionally adapted and comply with the acceptable city planting list, and all other city standards, and shall not be on the prohibited species list.

D. **Fees.** The fees associated with the review of the plans required by this article shall be included in the required fees for tree ordinance compliance review.

E. **City Tree Fund.**

1. A city tree fund is established for the purpose of receiving money paid to the city in lieu of required tree, shrub, etc. plantings in common areas not slated for private individual ownership.
2. The fund will be used by the city to plant trees/plant material and pedestrian hardscapes on public rights-of-way, easements, or other public property as deemed suitable by the city council.

F. **Indemnification.** Nothing in this article shall be deemed to impose any liability upon the City of Richmond Hill, or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees and other plantings upon their property or upon a public right-of-way adjacent to or over their property.

Article 16
Signs

16

Section 16.1 Purpose, Findings and Intent

A. **Legislative Purpose.** The city recognizes that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. However, left unregulated, signs can become a threat to the public health and safety as a traffic hazard, as a detriment to property values, and as an aesthetic nuisance affecting the overall economic growth of Richmond Hill. These negative consequences have been well documented by numerous professional studies, including the following:

1. Klauer, S.G., T.A. Dingus, V.L. Neale, J.D. Sudweeks, D.J. Ramsey. "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data." National Highway Traffic Safety Administration. DOT HS 810 594. April 2006.
2. Snyder, Jonathan, Samuel S. Fels Fund. "Beyond Aesthetics: How Billboards Affect Economic Prosperity." December 2011.
3. Wachtel, J., 2009. "Safety Impacts of the Emerging Digital Display Technologies for Outdoor Advertising Signs." Prepared for AASHTO and the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP), April 2009. The Veridian Group, Inc., Berkeley, California.
4. Weitz, Jerry, Ph.D., AICP. "The Public Purpose of Rowell's Sign Ordinance and the Implications of Doing Without It: A Position Paper." December 7, 1999.

B. **Findings of Fact**. Based on a review of the studies noted above and other related material, the city finds that:

1. Signs are a proper use of private property, a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. However, an improperly regulated sign environment imposes health and safety dangers to the public.
2. Effective sign regulation lessens hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs which compete for the attention of pedestrians and vehicular traffic.
3. Proper regulation of signs is a necessary prerequisite to a peaceable, orderly and safely designed business environment.
4. Through proper regulation of signs, the aesthetic attractiveness and economic well-being of the city will be enhanced as a place to live, work and conduct business.
5. Concerns about aesthetic and safety issues, as balanced with concerns about freedom of expression or speech, are reasonably promoted in the City of Richmond Hill by the provisions of this article.
6. Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of providing addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced

based upon the function it serves within the context of this ordinance, the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners. Holiday decorations such as strings of light are not signs, but rather seasonal ornamentation not controlled by this article.

C. **Intent.** The intent of these sign regulations is:

1. To promote the mental and physical health, safety and welfare of the public by providing for the orderly and harmonious display of signs within the community;
2. To maintain and enhance the aesthetic environment by minimizing visual clutter, encouraging a positive visual environment, and avoiding the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment;
3. To provide for the safety of the traveling public, both vehicular and pedestrian, by limiting distractions, hazards, and obstructions;
4. To maintain the city's ability to attract sources of economic development and growth and to aid in the identification of properties and enterprises for the convenience of the public;
5. To protect the historical character of the city;
6. To encourage the effective use of signs as a means for communication in the City of Richmond Hill by allowing the maximum amount of expression or speech consistent with the compatibility of such expression or speech with other land uses and with the aesthetic and public health, safety and welfare concerns which the City of Richmond Hill is charged by law and the Georgia Constitution with preserving and protecting; and
7. To enable the fair and consistent enforcement of these sign regulations while supporting the policies contained in the comprehensive plan.

D. **Noncommercial Speech**. It is not the intent of this article to regulate the content of speech through sign controls. To the extent any court of competent jurisdiction interprets any provision of this article to restrict the content of speech, it is the intent of the city council that all allowable signs may display a personal (noncommercial) message in addition to, or in lieu of, any other message.

Section 16.2 Applicability

The regulations and requirements of this article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or to be viewed from outdoor areas of private property, except as otherwise exempt under this article.

Section 16.3 General Provisions

A. **Definitions.** Terms used in this article shall have the definitions stated in *Article 32*.

B. **Basic Standards.**

1. All permanent signs must be of a professional character, be erected by a qualified sign professional, and comply with the provisions of this article. Homemade lettered signs shall not be permitted, whether or not a permit is required, except for wire frame temporary signs.

2. Signs may be externally or internally illuminated, except as otherwise specified.
3. Signs shall not be inconsistent with the appearance of the general neighborhood in which located.
4. Signs shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for motorists.

C. **Clear Vision Triangle.** Signs shall not be placed within the clear vision triangle, which provides a clear view between heights of three (3) feet and 10 feet in a triangle formed by the corner and points on the curb 20 feet from the intersection or entranceway.

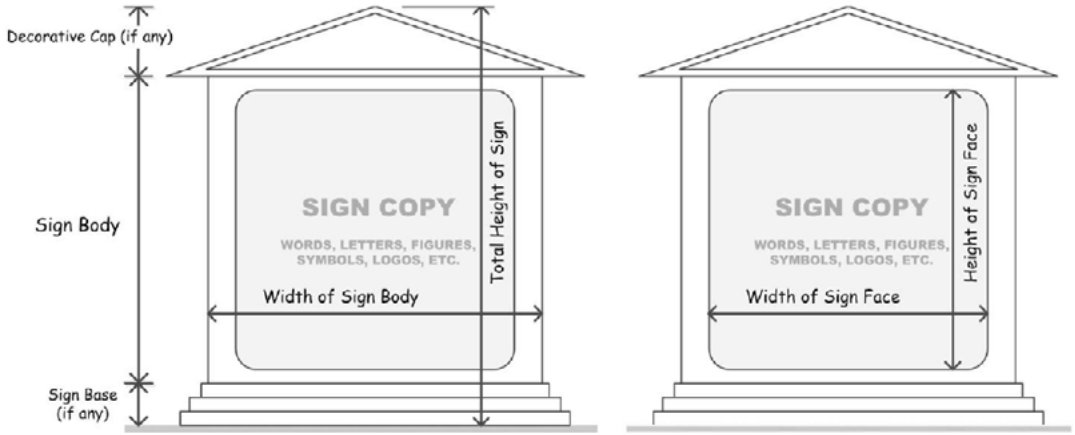
D. **Sign Placement.**

1. No person shall paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster or advertisement or notice of any kind, or cause the same to be done, on any private property, without the written consent of the owner of such property.
2. No person shall construct, erect, operate, use or maintain any sign without the written permission of the owner or other person in lawful possession or control of the property on which such structure or sign is located.
3. No person shall erect a sign on public property other than the governmental entity responsible for such property or public utility companies or contractors occupying or working on public property pursuant to government contract or franchise.
4. For signs in a Planned Development zoned PD, each property or individual project within the planned development shall conform to the sign regulations established as part of the zoning approval for the PD. If no such provisions are included in the zoning approval of the PD, each property or individual development within a planned development shall conform to the provisions of this article in accordance with the land use of said property (or the predominant use of the ground floor in the case of a mixed-use building).

E. **Computation of Sign Area.**

1. Except as otherwise provided in this article, the area of a sign face or module shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets other regulations of the city and is clearly incidental to the display itself.
2. The area of a freestanding or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, and are no more than three (3) feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the back-to-back faces are of unequal size, the larger of the sign faces shall be counted as the one (1) face.

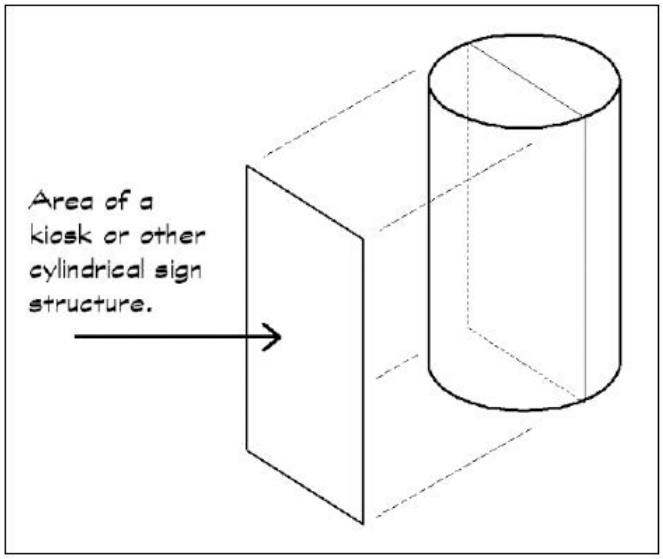
3. The area of a sign structure shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, by multiplying:
   a. The width of the body of the sign (exclusive of the sign's base or decorative cap, if any) measured at the widest portion of the sign body; times.
   b. The total height of the sign as defined in this article under "sign height."
   c. The following graphics illustrate sign measurements.

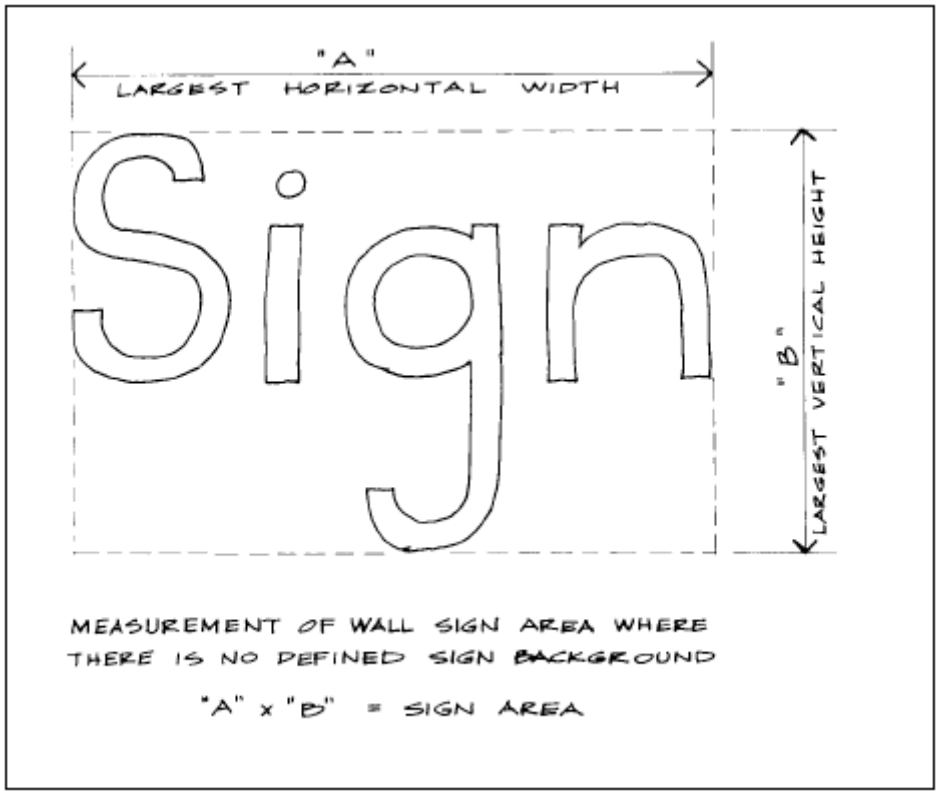


Area of Sign Structure = Width of Sign Body × Total Height

Area of Sign Face = Width of Sign Face × Height of Sign Face

4. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors or other design elements intended to convey the sign's message shall establish the area of the sign face.
5. For a kiosk or other cylindrical sign structure, the area of the sign face shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.





F. **Illumination and Movement.**

1. Except as otherwise specifically permitted in this article, signs shall not contain any intermittent, moving, blinking, flashing, oscillating, scrolling, or fluttering lights or animated parts; nor shall any device be utilized which has a changing light intensity, brightness of color or give such illusion, except as otherwise specifically permitted by this article.
2. The light source for any externally illuminated sign shall not be directly visible from adjacent streets or property. Exposed neon-type tubing as part of any sign and/or on a building shall not be permitted. Backlight silhouetted halo letters shall be permitted, provided the light source is fully concealed.
3. For all signs, the level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular traffic or pedestrians on any right-of-way or parking lot from which the sign may be viewed. All illumination must be of reasonable intensity and shall not spill onto adjacent properties or rights-of-way. Signs adjacent to residential buildings and streets shall not be of such brightness to cause reasonable objection from adjacent residential districts or uses nor to spill light and glare onto adjacent residential properties and structures.
4. Illuminated ground signs abutting a residential district or use shall be at least 25 feet from the abutting property line.
5. If illuminated, the illumination shall not interfere with the effectiveness of, or obscures, an official traffic sign, device, or signal.
6. If illuminated, the illumination shall be effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way and shall

not be of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise interfere with the operation of any motor vehicle.

G. **Safety.**

1. Signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
2. No sign shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress, or traffic visibility.
3. No sign shall be attached to the standard of a ground sign, other than the display surface originally constructed as part of the sign. No sign shall be attached to or painted or otherwise displayed on a light standard, gasoline pump, fence, wall, post or other structure, or to any supporting device, except as specifically authorized in this article.
4. Signs shall be constructed to withstand a wind pressure of at least 30 pounds per square foot of surface, and shall be otherwise fastened, suspended, or supported so not to be a menace to persons or property.
5. Signs erected, replaced, reconstructed, repaired, altered, relocated or maintained within the city shall conform to the requirements of the Standard Building Code, Chapter 23, "Signs and Outdoor Displays," and to the requirements of the National Electrical Code, article 600, "Electrical Signs and Outdoor Lighting," both of which are adopted by the city. Where the provisions of the building or electrical code and this article conflict or overlap, the most stringent requirement shall control.
6. Signs erected, replaced, reconstructed, repaired, altered or relocated after the effective date of this article having an area of 200 square feet or more and/ or a height of eight (8) feet or taller shall be designed to withstand a wind load created by a 120 mile per hour wind.

Section 16.4 Signs Exempt from Permits

The following regulations are applicable to all signs exempt from permitting in all zoning districts.

A. **Exempt Actions.** Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure unless a structural change is involved shall be exempt from permitting. The changing of a sign face is permitted; provided the sign frame and structure do not change.

B. **Exempt Signs.** A sign permit shall not be required for the signs listed in Table 16-5; provided, all other applicable requirements of this article are met.

Table 16-5, Signs Exempt from Permitting	
Type of Sign	**Requirements**
Address Sign	Property address numbers are required by the city. Numbers shall be displayed on at least one (1) of the following: a building, sign or mailbox on the pertinent property; and shall consist of minimum size lettering as follows: 3 inches in height on a mailbox, 4 inches in height on a single-family dwelling, 6 inches in height on a freestanding sign, and 8 inches in height on a multi-family or nonresidential building. Addresses on buildings shall be placed on the façade facing the street to which the address pertains.
Banners Mounted on a Pole (also known as blade signs or quill flags)	One (1) per property frontage is allowed, located no closer than 10 feet from any street right-of-way or property line, and no larger than 24 square feet in area nor be more than 8 feet in height. The banners must be maintained in good physical condition with no tattered edges or tears, and must be stored indoors when the establishment to which it refers is not open for business.
Flag[1]	Flags or insignia of any nation, state, local government, community organization or educational institution or representing a public issue or political statement. All flags mounted on a flagpole must have a minimum vertical clearance of nine (9) feet above the ground, sidewalk, private drive or parking area, as applicable. No flag on the property of a residential use shall exceed 15 square feet in area or be higher than 40 feet above the ground when mounted on a flagpole. Nonresidential uses are limited to three (3) flags, each of which must be mounted on a separate flagpole.
Incidental Signs	Sign, logo or decal, no greater than one and one-half (1½) sq. ft.
Official Governmental signs	Signs placed by or at the direction of a governmental body, governmental agency or public authority, such as but not limited to traffic signs, signals or regulatory devices or warnings; official emblems, public notices or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural of historic significance or gateways; signs announcing or providing directions to a government sponsored event; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by suck governmental body, agency or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.
Public issue signs	Signs not exceeding 32 square feet in area and eight (8) feet in height, set back at least 10 feet from any property line.
Real estate signs	Signs not exceeding 32 square feet in area and eight (8) feet in height, set back at least 10 feet from any property line.
Seasonal and holiday	Seasonal and holiday decorations that convey no commercial messages are not considered signs but shall not be displayed longer than ten (10) days after the seasonal of holiday event and are therefore not regulated by this article.
Window signs	Window signs placed on the outside or inside a windowpane or glass door of a nonresidential use are exempt from these sign regulations. Signs that are otherwise prohibited by this ordinance shall not be installed as window signs.
Yard sale signs	Signs not exceeding six (6) square feet in area and three (3) feet in height, set back at least 10 feet from any property line.
1 Flags on residential parcels do not count toward the aggregate sign area for the parcel.	

C. **Not Considered Signs.** The following are not considered signs and are not regulated by any provision of this article.

1. Seasonal and holiday decorations that convey no commercial messages.
2. Window displays of goods available within a business.
3. A building design or color that is associated with a particular establishment or organization but which conveys no message.

Section 16.5 Prohibited Signs

The following sign types are prohibited within the City of Richmond Hill:

A. Signs located so as to obscure, or otherwise interfere with the effectiveness of any official traffic sign, signal or device.

B. Signs located so as to obscure, or otherwise interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

C. Signs which obstruct any fire escape, any means of ingress, egress, or ventilation, or prevent free passage from one part of a roof to any other part thereto; signs attached in any manner to a fire escape.

D. Signs displaying any obscene message as obscenity is defined by the State of Georgia at O.C.G.A. § 16-12-80(b), or nudity as defined by the State of Georgia at O.C.G.A. § 16-12-81(b)(1).

E. Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.

F. Snipe signs.

G. Animated signs, except changeable copy signs, banners and flags as may be regulated by this article.

H. Signs otherwise prohibited by this article, installed within a building in such a manner as to be visible to passersby outside the building.

I. Signs utilizing LCD, LED or similar technology, such as an electronic changeable copy sign as any part of the sign face: provided, a digital gas pricing sign may be permitted in conjunction with a gas station freestanding sign in all districts, except the Ford and Gateway Overlay districts and may not occupy more than 20% of the sign face; shall not have any movement, scrolling or other special effects; and shall display gas pricing only. Electronic scroll price signs that are similar in appearance to manual changeable message signs may be used in the Ford and Gateway Overlay districts.

J. Signs utilizing tri-vision technology as any part of the sign face are prohibited.

K. Inflatable signs.

L. Banners, except as otherwise provided as exempt or temporary signage by this article.

M. Portable signs, except A-frame signs as may be allowed by this article for a nonresidential use, or as provided for temporary signage for a grand opening event under *Section 16.10*.

N. Festoons and/or spectacular sign or device, except as provided for temporary

signage for a grand opening event under *Section 16.10*.

O. Signs imitating public warning or traffic devices. Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, and any sign that uses the words "stop," "danger" or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green or yellow illuminated sign shall be permitted within 300 feet of any traffic light.

P. Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or signs that emit smoke, vapor or odors.

Q. Signs that advertise an activity illegal under local, state or federal law.

R. The use of trucks, cars, trailers, aircraft, boats or similar vehicles as signs is prohibited when the vehicle is parked on public or private property within 50 feet of any property line abutting a public street, except for those:

1. Lawfully parked overnight or during non-business hours in a place not visible from a public street or designated truck parking or loading area;
2. Making deliveries, sales calls or other customary practices relating to doing business;
3. Making trips to transport persons or property;
4. Used in conjunction with active construction operations on the site; or
5. Passenger vehicles, pick-up trucks and vans containing signs that do not exceed 16 square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.

S. Any sign that is displayed as commercial speech but is not affixed to the ground, attached to a building or other permanent structure, or qualifies as a vehicular sign. This prohibition includes signs mounted on flatbed or pick-up trucks for the primary purpose of mobile advertising and signs held or displayed by a person as advertising, but does not include A-frame signs allowed under *Section 16.10*.

T. Off-premise signs, except as otherwise specifically permitted.

Section 16.6 Maintenance of Signs

A. Every sign, including those signs for which permits are required and those for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times, including repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

Section 16.7 Erecting Signs on Private Property

A. No person within the city shall paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster or advertisement or notice of any kind, or cause the same to be done, on any private property, without the written consent of the owner of such property.

B. No person shall construct, erect, operate, use or maintain any sign without the written permission of the owner or other person in lawful possession or control of the property on which such structure or sign is located.

Section 16.8 Erecting Signs on Public Property

No person shall erect a sign on public property other than the governmental entity responsible for such property or public utility companies or contractors occupying or working on public property pursuant to government contract or franchise.

Section 16.9 Temporary Signs

A. **Temporary Signs; Allowed.**

1. Signs in addition to those allowed under *Section 16.4* and *Section 16.10* are allowed on a property for the duration of a temporary event (as defined below). Such additional signs shall not be restricted as to the message displayed on the sign, but must comply with the provisions of this Section.
2. Temporary signs must comply with all requirements of this article, except as modified by the provisions of this section, including the prohibitions of *Section 16.5* and general requirements applying to all signs.
3. All temporary signs must be installed at a fixed location, either attached to the ground as a freestanding sign or attached to a vehicle or other movable, animated or portable device, or attached to or displayed by a person.

B. **Temporary Event; Defined.** A temporary event is an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

1. The offering of a property or premises for sale or rent.
2. An election, political campaign, referendum or ballot proposition put to the voters as part of city, county, state or federal governance.
3. Special business promotions other than "grand openings", such as but not limited to "close-out sales" and seasonal sales events.
4. A grand opening for a new business.
5. A yard sale.
6. The construction of a building or development project, or the rehabilitation, remodeling or renovation of a building.
7. A public announcement of a special event or seasonal activity not intended for commercial use by an individual or a nonprofit organization.

C. **Duration of Temporary Sign Placement.** Temporary signs may be placed on any property upon initiation of a temporary event, and must be removed upon the termination of particular events shall be interpreted as follows:

1. ***Sale or lease of a building or premises***. Initiation upon the availability of the building or premises for sale or lease, and termination upon the closing of the sale or execution of the rental agreement.
2. ***Building construction or remodeling.*** Initiation upon issuance of a building permit authorizing the construction, interior finish or remodeling, and termination within seven (7) days after issuance of the certificate of occupancy.
3. ***Residential or nonresidential subdivision or condominium under development.*** Initiation upon preliminary plat or site plan approval by the city. Termination upon the sale of 95% of the lots, dwelling units or buildings in the final phase, or at the

end of 12 continuous months during which no building permits have been issued for new construction within the development, whichever occurs first.

4. ***Public issue.*** Initiation upon the opening day of qualification of candidate or public issue, and termination within 10 days after the election of all candidates to office or resolution of all ballot questions put to the voters in the election.
5. ***Special business promotion***.
   a. Initiation upon announcement of the special sale or sales event, and termination upon its completion or seven (7) days after initiation, whichever occurs first.
   b. A special business promotion event may not be approved for more than seven (7) continuous days once a month and no more than seven (7) total days each month on the same property for each business or tenant, regardless of the number of businesses on the property.
   c. Additional provisions apply to banners placed during a special business promotion event (See *Subsection 16.9 H*).
6. ***Grand Opening.***
   a. Initiation upon announcement of the grand opening event, and termination upon its completion or 14 days after initiation, whichever occurs first.
   b. A grand opening event may not be approved for more than 14 continuous days, and may occur only once for a business that has newly occupied the property.
   c. Portable signs and festoons are allowed for 14 days during a grand opening event. See *Subsection 16.9 H*.
7. ***Yard Sale.*** Initiation two (2) days prior to the announced date of the sale, and termination at the end of the announced date.
8. ***Nonprofit public announcement.*** Initiation upon the placement of the sign and termination within 14 days after such placement.
9. ***Other temporary events.*** The initiation and termination dates for any temporary event not listed above shall be determined by the zoning administrator for each temporary event, based on considerations such as: normal beginning and ending dates for such an event, the scheduled occurrence of the event, or similarities to other temporary events listed above or having previously occurred.

D. **Number of Temporary Signs.** Only one (1) temporary sign related to each temporary event per business or tenant may be located on a property at any one time, except for the following:

1. ***Sale or lease of a building or premises.*** One (1) freestanding sign per street frontage may be placed on a property that is available for sale or lease. For a planned center, one (1) additional building sign may be placed on each tenant space that is available for sale or lease.
2. ***Residential or nonresidential subdivision or condominium under development.*** During construction of a residential or nonresidential subdivision or condominium development: one (1) sign per entrance into the subdivision or development per builder Within the development, but not visible from any perimeter street outside the development, additional signs may be permitted to direct visitor traffic to sales offices, open houses and model homes; provided, such signs shall not

exceed six (6) square feet in area and three (3) feet in height and no more than one (1) sign shall be located at any street intersection. The number and location of internal directional signs shall be subject to approval by the planning director upon review of a layout drawing showing the proposed placement of such signs within the development; the need for signs to provide direction; and the absence of any other previously approved directional sign in the same location.

3. ***Election or political campaign.*** No limit on the number of signs.
4. ***Large non-residential buildings.*** For a non-residential building containing 50,000 square feet of gross floor area or more, the following shall apply:
   a. During the construction or remodeling of a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more, no more than two (2) temporary freestanding or wall signs shall be allowed, not exceeding 64 square feet in area nor more than 10 feet in height; and,
   b. During the start-up period while a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more is initially for sale or lease, no more than two (2) additional freestanding signs shall be allowed, not exceeding 64 square feet in area not more than 10 feet in height.
5. ***Yard sale.*** No limit on the number of signs.
6. ***Nonprofit public announcement.*** No limit on the number of signs, but shall not be located in rights-of-way. Sign applicants are responsible for obtaining property owner approval before signs are installed on private property.

Table 16-9, Temporary Sign Examples[2]

Type of Temporary Event	Duration		Number Allowed[3]
	Event Starts	Event Ends	
Sale or Lease of a Building or Premises	When put on the market	Closing of sale or execution of lease	1 freestanding per property, 1 building sign per tenant space, 1 per subdivision entrance
Building Construction or Remodeling	Issuance of building permit	Within 7 days of issuance of C.O.	1 on the construction site
Subdivision or Condominium Project Under Development	Preliminary plat or site plan approval	Sale of 95% of lots or buildings, or 12 months of no building permits	1 per entrance into the subdivision or development, or 1 per 300 feet of frontage; see *Subsection 16.9 D.2* for additional provisions
Election or Political Campaigns	Opening day of qualification of candidates	Within 10 days after election complete	No limit
Special Business Promotion	Announcement of special sale or sale event	End of sale or 7 days whichever occurs first.[4]	1 plus those allowed under *Subsection 16.9 H*

Table 16-9, Temporary Sign Examples[2]			
Type of Temporary Event	Duration		Number Allowed[3]
	Event Starts	Event Ends	
Grand Opening	Announcement of grand opening event	End of sale or 14 days, whichever occurs first	1 plus those allowed under *Subsection 16.9 H*
Yard Sale	2 days prior to announced date of sale	At the end of the sale	No limit
Nonprofit Public Announcement	Placement of sign	End of event or 14 days, whichever occurs first	No limit
Other Temporary Events	As determined by zoning administrator	As determined by zoning administrator	As determined by zoning administrator

2 Examples only. All provisions of *Section 16.9* apply in all cases.

3 See also weekend signs, *Section 16.9 H*.

4 See *Section 16.9 I* for limitations on frequency of special business promotion events.

E. **Size of Temporary Signs.** With the exception of yard sale signs, which shall follow the same size standards as a weekend sign as indicated in *Subsection 16.9 H.3*, all temporary signs are restricted to the following sign areas and sign heights:

1. ***Single-family Residential, Townhouse Condominium or Manufactured Home Lot.*** Temporary event signs located on such subdivided lots shall not exceed six (6) square feet in sign face area and five (5) feet in height.
2. ***Residential or Nonresidential Subdivision or Condominium Development under Construction.*** Signage during construction of a residential or nonresidential subdivision or condominium development shall not exceed 32 square feet in sign face area and eight (8) feet in height.
3. ***Multi-family[5], Manufactured Home Community, Nonresidential Use Property (as defined in this article).***
   a. Temporary event signs located on a multi-family, mobile home park, or nonresidential use property shall not exceed 32 square feet in sign face area and 8 feet in height.
   b. For a building containing 50,000 square feet of gross floor area or more, see Section 16.9 D.4(a), above.

F. **Location of Temporary Signs.**

1. All temporary signs shall be located on private property at least 10 feet from any street right-of-way line. Temporary signs shall be no closer to the right-of-way than adjacent permanent signs in the area. All temporary signs shall be located at least 10 feet from any side or rear property line and the pavement edge of a driveway. The sign location must not obstruct visibility exiting the drive.
2. Temporary signs are not allowed to be placed within or over a public street right-of-way or private street easement, with the exception of yard sale signs and public service announcement signs, which shall follow the same location standards as a weekend sign as indicated in *Subsection 16.9 H.1*.

5 Includes all residential developments occupying a single property in common, such as apartments, townhouse condominiums, and nursing homes.

3. A temporary sign must be a freestanding sign or building sign (as defined in this article), and shall not be affixed to any tree, utility pole or official traffic sign or structure.
4. A temporary sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.
5. Construction and Lighting Standards of Temporary Signs.
6. Construction Standards for Signs Not Requiring Building Permits. A temporary sign for which issuance of a building permit is required by a building code shall meet the same engineering design and materials standards as for permanent signs as required by the building code and shall be designed to withstand a wind load created by a 120 mile per hour wind.
7. Construction Standards for Signs Not Requiring Building Permits.
   a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
   b. The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face.
8. Changeable Copy. Automatic and manual changeable copy signs shall not be allowed.
9. Lighting. Temporary signs shall not be illuminated.

G. **Temporary Banners, Portable Signs, Festoons and Spectacular Signs or Device.**

1. ***Banners.*** One (1) banner is allowed as temporary signage during a special business promotion event in accordance with the duration, number, size, location and lighting limitations of this Section, and in accordance with the following additional provisions:
   a. Such a banner shall be placed on the site or on a building in such a manner as not to create a safety hazard as determined by the zoning administrator. They shall meet the same setback requirements as all other temporary signs. Such a banner shall not be attached to or hung from an existing freestanding sign, or used as any other form of sign.
   b. A banner that is larger than 32 square feet in size is not allowed.
2. ***Portable Signs***. During a grand opening event, one (1) portable sign is allowed as a temporary sign on a property developed for commercial, industrial or institutional use, subject to the following restrictions:
   a. *Maximum size.* The maximum size of a portable sign shall not exceed 32 square feet. Said sign shall not have flashing lights or animated devices, but may be internally illuminated and may be a manually activated changeable copy sign.
   b. *Placement.* The sign must be placed on the site in compliance with Subsection 16.9 F of this article.
   c. *Securely anchored.* To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the zoning administrator.
   d. *Electrical connections.* All electrical connections to the sign must be in compliance with the electrical code as adopted by the city, and must be inspected prior to use.

e. *Frequency and duration.* Portable signs may be allowed only in relation to a grand opening event. A grand opening event may not be approved for more than 14 consecutive days.

3. ***Festoons and Spectacular Signs or Device.*** Festoons and spectacular signs or devices such as strings of light bulbs and strings of ribbons, tinsel, pennants, streamers, pinwheels or other similar devices may be allowed as part of a grand opening event, provided that:

   a. *Location.* No part of any such festoon shall be located in, on or within 10 feet of a public right-of-way and no hazard to traffic safety shall be created; and,

   b. *Frequency and duration*. Portable signs and festoons may be allowed only in relation to a grand opening event. A grand opening event may not be approved for more than 14 consecutive days.

H. **Weekend Signs.** Weekend signs are allowed as temporary signs under the following provisions.

1. ***Location.***

   a. Such signs are allowed on properties in all zoning districts, except that any such sign shall not be affixed to any tree, utility pole or official traffic sign or structure.

   b. All temporary signs shall be located on private property beyond the street right-of-way line or 12 feet from the edge of pavement (or back of curb) of a street, whichever is less.

   c. Such signs shall be placed and maintained on private property only with the permission of the owner of the property upon which the sign is placed.

2. ***Setback.*** No setback from the street right-of-way line shall be required for a weekend sign.

3. ***Size.*** Such signs shall not exceed six (6) square feet in area not be more than three (3) feet in height.

4. ***Duration.*** Weekend signs shall be allowed only between Friday starting at 5:00 p.m. and Sunday ending at 8:00 p.m.

5. ***Permanence.*** Reusable weekend signs shall consist of permanent, weather-resistant materials such as metal or durable plastic. Weekend signs intended for use only once may consist of nonpermanent but water-resistant construction materials, such as but not limited to poster board, foam core board or illustration board. The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic or manual changeable copy signs shall not be allowed.

6. ***Lighting.*** Weekend signs shall not be illuminated.

7. ***Number Allowed***. Unlimited.

I. **Pre-Permanent Signs.** For a temporary sign used for signage by a new nonresidential or multi-family use until their permanent sign is installed, the following shall apply:

1. ***Duration.*** The pre-permanent sign shall be allowed for no more than 60 days from the date of approval of permanent sign. The pre-permanent sign permit can be issued upon the receipt of a completed permanent sign application for the corresponding permanent sign.

2. ***Number.*** No more than one (1) such sign shall be allowed per street frontage.

3. ***Size.***
   a. For a building having less than 50,000 square feet of gross floor area, the pre-permanent sign shall be no more than 32 square feet in sign face area not more than eight (8) feet in height.
   b. For a building having 50,000 square feet of gross floor area or more, the pre-permanent sign shall be no more than 64 square feet in area nor more than 10 feet in height.
4. ***Location.*** Pre-permanent signs located on a property shall comply with the requirements of *Subsection 16.9 F*.
5. ***Construction and Lighting Standards.*** Pre-permanent signs located on a property shall comply with the requirements of *Subsection 16.9 G*.
6. ***Other Restrictions.*** All other restrictions of this section that apply to temporary signs in general shall equally apply to pre-permanent signs.

Section 16.10 Permitted Signs by District

A. **Permitted Signs.** The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in Table 16-10, issuance of a sign permit and all other applicable regulations.

B. **Number.** For non-residential uses in any commercial, mixed use and industrial district, a maximum of two (2) types of signs listed in Table 16-10 and three (3) total signs shall be permitted on any lot, regardless of the number of tenants, unless otherwise specified in Table 16-10.

Table 16-10 Signs By District	
R-1, R-2, R-3, R-4 Residential Districts	
Principal Freestanding Signs for Single Family Uses (monument, hybrid monument, column, pole signs) [6]	
Number	One (1) per dwelling
Size	12 sq. ft. maximum
Location	10 ft, from right-of-way
Height	Four (4) ft. maximum
Other	Non-illuminated, no changeable copy
Principal Building Signs	
Size	12 sq. ft. maximum
Location	On the building façade
Principal Freestanding Signs for Multi-Family Developments[7]	
Size	12 sq. ft. maximum
Window Signs	
Number	One (1) per dwelling
Size	Covering no more than 20% of window, max three (3) sq. ft.
Entrance Signs for Single-Family Subdivisions	
Number	One (1) sign per corner lot; Two (2) signs per entrance maximum
Size	30 sq. ft. maximum sign face, not to exceed 40 percent of the sign structure

Table 16-10 Signs By District	
Location	At entrances to subdivision
Height	Six (6) ft. maximum
Other	External illumination (single-flood) only
Entrance Signs for Multi-Family Developments	
Number	Two (2) signs maximum per entrance fronting on a separate street
Size	30 sq. ft. maximum sign face, not to exceed 40 percent of the sign structure
Location	At entrances to development
Height	Six (6) ft. maximum
Other	External illumination (single-flood) only
C-1, C-2, C-3, I-1, MU-1, MU-2 Districts	
Principal Freestanding Signs for Building Area 50,000 gsf[8] or less	
Number	One (1) per street frontage, two (2) maximum[9]
Size	Maximum sign face of 40 sq. ft. per side; Maximum structure area of 100 sq. ft.
Location	10 ft. minimum setback from all lot lines
Height	Eight (8) ft. maximum
Other	Shall be either a monument or hybrid monument sign. Sign face shall not exceed 40 percent of the sign structure. Sign copy shall not encroach within four (4) inches of the outer edge of the sign face area. Changeable copy permitted, manually activated only. Internal and external illumination permitted.
Principal Freestanding Signs for Building Area greater than 50,000 gsf[6]	
Number	One (1) per street frontage, two (2) maximum[6]
Size	Maximum sign face of 60 sq. ft. per side; Maximum structure area of 250 sq. ft.
Location	10 ft. minimum setback from all lot lines
Height	15 ft. maximum
Other	Shall be either a monument or hybrid monument sign. Sign face shall not exceed 40% of the sign structure. Sign copy shall not encroach within four (4) inches of the outer edge of the sign face area. Changeable copy permitted, manually activated only. Internal and external illumination permitted.
Principal Building Signs for Freestanding, Single Occupant Buildings, 50,000 gsf[6] or less	
Number	One (1) sign per street frontage
Size	If fronting on one (1) dedicated street: The sign shall not exceed one (1) sq. ft. of principal building sign per one (1) linear foot of building frontage on the building side on which the sign is to be placed, or 75 sq. ft., whichever is less
	If fronting on two (2) dedicated streets7: The second sign shall not exceed one (1) sq. ft. of principal building sign per one (1) linear foot of building frontage on the building side on which the sign is to be placed or 75 sq. ft., whichever is less
Other	Internal and external illumination permitted with sign permit approval.

Table 16-10 Signs By District	
Principal Building Signs for Freestanding, Single Occupant Buildings, greater than 50,000 gsf[6]	
Number	One (1) sign per street frontage
Size	If fronting on one (1) dedicated street, 160 sq. ft. maximum
	If fronting on two (2) dedicated streets7, 300 sq. ft. maximum per sign
Other	Internal and external illumination permitted with sign permit approval.
Principal Building Signs for Multiple Tenant Buildings, 50,000 gsf[6] or less	
Number	One (1) wall sign per tenant, plus one (1) building identification wall sign
Size	One (1) sq. ft. per linear foot of tenant wall frontage, not exceeding 60 sq. ft. per tenant for tenant signs and one (1) sq. ft. per linear foot of building wall frontage, not exceeding 80 sq. ft. for building identification sign
Location	Tenant signs must be placed on the portion of the building façade occupied by the tenant, over the main entrance to the tenant space and on the same floor level facing a public or private street or parking lot. Building identification signs shall be centered on the building wall, to the extent possible, and shall not obscure individual tenant signs.
Other	Entrance to the tenant space shall be on the exterior of the building facing a street or parking lot
Principal Building Signs for Multiple Tenant Buildings, greater than 50,000 gsf[6]	
Number	One (1) wall sign per tenant, plus one (1) building identification wall sign
Size	80 sq. ft. for one (1) primary tenant; one (1) sq. ft. per linear foot of tenant frontage, not exceeding 60 sq. ft. for each other tenant and one (1) sq. ft. per linear foot of building wall frontage, not exceeding 100 sq. ft. for building identification sign
Location	Must be placed on the building façade occupied by the tenant, over the main entrance to the tenant space and on the same floor level facing a public or private street or parking lot. Building identification signs shall be centered on the building wall, to the extent possible, and shall not obscure individual tenant signs.
Other	Entrance to the tenant space shall be on the exterior of the building facing a street or parking lot
Principal Building Signs for Multiple Tenant Buildings Without Individual Exterior Public Access	
Number	One (1) sign per street frontage identifying the name of the building; one (1) tenant directory sign per common entry door
Size	Maximum 60 sq. ft. for building identification; maximum eight (8) sq. ft. per tenant directory
Location	Must be mounted on the building wall. The building identification sign shall face a street or parking area. The tenant directory sign shall be located adjacent to the entry door and the top of the sign shall not extend above the top of the door.
Other	Individual tenant signs shall not be permitted, except on the directory
Entrance Signs for Office and Industrial Parks	
Number	One (1) sign per corner lot at an entrance into the subdivision (two (2) signs per entrance) maximum
Size	30 sq. ft. per sign face

Table 16-10 Signs By District	
Location	At each entrance into the subdivision
Height	Six (6) ft. maximum
Other	Internal illumination and external illumination (multiple-flood) permitted with sign permit approval. External illumination (single-flood only) permitted.
C-3 Commercial District	
High Rise Signs	
Size	200 sq. ft. maximum
Location	On properties at least 15,000 sq. ft. in area, within the US Highway 17 or Georgia Route 144 corridors, and abutting the I-95 right-of-way. Sign shall not be located within 250 feet of the right-of-way centerline of I-95.
Height	200 ft. maximum; minimum height of 50 feet.
Other	Must be directed toward interstate highway traffic only
Billboards	
Size	In the U.S. Highway 17 and Georgia Route 144 corridors only, no single billboard shall exceed 378 sq. ft. nor 60 ft. in height. Extensions beyond the face of the sign, excluding aprons, are prohibited
Location[9,10]	Minimum of 10 feet above adjacent interstate or state route pavement, measuring from the lower portion of the sign face. Minimum of 10 feet from any property line or right-of-way. Billboard locations on the same side of the roadway shall be no less than 750 feet apart measuring from the two (2) closest points. Billboards shall not be placed within 750 feet of or so as to obstruct the view of an area of designated historical interest as listed in either the National Register of Historic Places, a state historic registry, or designated by Council
Other	Must also comply with the Georgia Outdoor Advertising Act and all state Department of Transportation requirements. Only one (1) sign shall be allowed to face the same direction, allowing for back-to-back or V-type formation. Two (2) signs facing the same direction are prohibited. All illuminated billboards shall use base mounted fluorescent or mercury vapors lights and shall be activated by photoelectric cells. Additional lighting including, but not limited to, neon, LED, animation, and running lights is prohibited.
Ford Overlay Area	
Principal Freestanding Signs in a Planned Center or Single Occupant Building less than 50,000 gross square feet	
Size	30 sq. ft. maximum per sign face, not to exceed 40 percent of the sign structure
Height	Six (6) feet maximum
In All Districts (where the use is allowed)	
Gas Station Signs (In addition to signs allowed in the district in which it is located)	
Number	One (1) wall sign on each side of a freestanding canopy that faces a dedicated street One (1) wall sign on one (1) façade of a detached car wash building that is an accessory use to the gasoline service station

Table 16-10 Signs By District	
Size	Maximum of 10% of the freestanding canopy face nor larger in sign face area than 9 sq. ft., whichever is less Not to exceed 20 sq. ft. in sign face area
Other	The detached car wash wall sign shall be consistent with the color and style of other signage on the site
Permanent Miscellaneous Freestanding Signs allowed as Accessory Uses to Multi-Family, Commercial, Industrial or Institutional Uses[11]	
Driveway Directional Signs	
Number	Two (2) signs maximum per driveway
Size	Four (4) sq. ft. maximum
Location	The area between a street right-of-way line and the minimum building setback (required front yard). May only be located within 3 feet of driveways that provide access into or from the property
Height	Three (3) ft. maximum
A-Frame Signs	
Size	Four (4) sq. ft. maximum
Location	Maximum of 6 ft. from the business entry door
Height	Three (3) ft. maximum
Other	Must be stored indoors when the establishment is closed for business
Restaurants with drive-through service windows	
Number	Two (2) signs per drive-through service window on the building
Size	32 sq. ft. maximum
Location	Beyond the minimum building setback from the street right-of-way line
Height	Eight (8) ft. maximum
Permanent Miscellaneous Building Signs allowed as Accessory Uses to Multi-Family, Commercial, Industrial or Institutional Uses[12]	
General Miscellaneous Building Signs	
Number	One (1) sign per subtenant
Size	10 sq. ft.
Location	A tenant space façade fronting on a dedicated public street
Other	Total for all such signs shall not exceed 30 sq. ft. in sign face collectively
Sidewalk Pedestrian Signs	
Number	One (1) sign per tenant (other than a subtenant) located within a planned center
Size	Six (6) sq. ft. maximum
Location	Post mounted in a sidewalk planter, mounted flat on a building wall or perpendicular to a building wall (mounted flat or hanging)

Table 16-10 Signs By District
6 Includes one-family dwellings, townhouses and manufactured homes on individual lots.
7 Limited to project entrance signs.
8 Gross square feet of floor area.
9 A parcel with entrances on two (2) dedicated non-residential streets may have two (2) principal freestanding signs, one (1) per entrance on each dedicated street, provided that the parcel has at least 200 linear front feet on both streets.
10 Billboards are prohibited along all state routes with the exception of the U.S. Highway 17 and Georgia Route 144 corridors, set out in the Definitions. Within these corridors, no billboard shall be permitted within 250 feet of the centerline of the right-of-way of I-95.
11 Along I-95, billboards shall be placed as follows: Beginning at the end of the outside edge of each on or off ramp to I-95, then measuring along the traveled land for 500 feet, no billboards shall be erected. From the 500 foot measurement and over the next 2,000 feet, a total of three (3) billboards may be erected provided no billboard stands within 500 feet of another billboard on that side of the road. No billboards may be erected along I-95 in the city that do not fall within the designated 2,000 foot zone as just described.
12 Allowed in addition to all other permitted signage within the district. Portable signs are not allowed as miscellaneous freestanding signs.
13 Allowed in addition to all other permitted signage within the district.

Section 16.11 Additional Sign Requirements

A. **Sign Materials.**

1. Construction materials used for freestanding sign structures shall be architecturally treated such as stone, brick, stucco, etc.
2. Tenant signs, both wall and freestanding, in a planned center shall all be the same type and style as the majority of existing signs.

B. **Sign Copy**. Sign copy shall be constructed as follows:

1. Sign copy, attached directly to a sign face or building front, must have a minimum of ¾" depth unless approved otherwise by the architectural review board.
2. The sign copy on sand blasted signs shall provide a minimum of ¼ " of relief relative to the sign face (dimension from face of sign copy to sign face).
3. Open face channeled letter signs are not permitted.

C. **Lighting.**

1. Reverse halo illuminated channeled letter free standing and building signs are allowed. Reverse halo illuminated channel letter sign copy shall be a minimum of 1.5" in depth unless approved otherwise by the architectural review board.
2. Illuminated face channeled letter free standing signs are allowed; provided the sign copy is mounted directly on the sign face and not a raceway.
3. External illuminated, also known as "Indirect Lighting" is allowed.

D. **Suspended Signs.**

1. If any sign is located within, suspended over or projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such a sign in such form and such amount as the zoning administrator may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least $500,000.00 per occurrence per sign.
2. Suspended signs must have a minimum clearance of eight (8) feet to grade.

E. **Changeable Copy Signs.** Manually activated changeable copy signs are permitted in conjunction with freestanding signs and joint signs so long as the changeable copy portion of the sign face does not exceed 60 percent of the overall sign face of the freestanding sign or 30 percent of the overall sign face of a joint sign; and provided that the total sign face does not exceed the size limitations imposed elsewhere by this article.

F. **Principal Freestanding Signs on Residential Property.** All principal freestanding signs shall be supported by independent means by use of a wooden stake, metal frame or other sturdy structural support inserted directly into the ground.

G. **Restrictions in Residential Zoning Districts and on all Undeveloped Lands.** Other than project entrance signs allowed hereunder, parcels located in residential zoning districts or on undeveloped lands shall not contain signs having an aggregate sign area greater than 12 square feet. No individual sign shall exceed six (6) square feet in sign area in a residential zoning district or on any undeveloped lands.

1. Signs having a height of greater than five (5) feet above the grade level of the center line of the adjacent street to which the parcel on which the sign is located shall not be located in residential zoning districts or on any undeveloped lands.
2. No residential or undeveloped parcel containing more than one (1) sign shall have any two (2) signs located less than 50 feet from one another.

Section 16.12 Additional Regulations for Overlay Districts

The following requirements are in addition to all other sign regulations in this ordinance.

A. **Ford Overlay Area.**

1. Bricks used as a sign structure shall be Savannah Grey or its approved equal.
2. Internally illuminated cabinet signs are prohibited on buildings.
3. In order to minimize light pollution and obtrusive light sources in Richmond Hill, all freestanding and building sign faces constructed from acrylic/lexan type material shall have only the sign copy transluscent and able to transmit light and an opaque sign face that does not transmit light. If the sign face is painted to achieve opacity, the paint must have a matte finish.
4. Sign color.
   a. Sign colors shall provide sufficient contrast to be legible, yet be subdued enough to blend with the natural landscape and/or surrounding structures.
   b. All elements of a sign face, including the background area and any letters, words, images or symbols, shall be of earth tones or muted colors. Matte black or white letters when required for adequate contrast and legibility are allowed. Muted colors are colors that are restricted or suppressed hues that do not show the full color value, but rather a more subtle version. Earth tones are colors that depict the colors commonly seen in nature, such as the brown hues of various woods and clays and the neutral gray and beige shades in stones and sand.
   c. Examples of acceptable muted colors and earth tones are found on the "Sign Ordinance Color Chart" as approved by city council and are available for inspection in the department of planning and zoning.

d. Bright and glossy or fluorescent colors and reflective surfaces are prohibited, except when part of the official logo. Bright and glossy or fluorescent logo colors, if used, must be muted. Temporary signs are exempt from the sign color requirements.

B. **Gateway Overlay Area.**

1. In order to minimize light pollution and obtrusive light sources in Richmond Hill, all freestanding and building sign faces constructed from acrylic/lexan type material shall have only the sign copy translucent and able to transmit light and an opaque sign face that does not transmit light. If the sign face is painted to achieve opacity, the paint must have a matte finish.
2. Sign color.
   a. Sign colors shall provide sufficient contrast to be legible, yet be subdued enough to blend with the natural landscape and/or surrounding structures.
   b. All elements of a sign face, including the background area and any letters, words, images or symbols, shall be of earth tones or muted colors. Matte black or white letters when required for adequate contrast and legibility are allowed. Muted colors are colors that are restricted or suppressed hues that do not show the full color value, but rather a more subtle version. Earth tones are colors that depict the colors commonly seen in nature, such as the brown hues of various woods and clays and the neutral gray and beige shades in stones and sand.
   c. Examples of acceptable muted colors and earth tones are found on the "Sign Ordinance Color Chart" as approved by city council and are available for inspection in the department of planning and zoning.
   d. Bright and glossy or fluorescent colors and reflective surfaces are prohibited, except when part of the official logo. Temporary signs are exempt from the sign color requirements.

Section 16.13 Landscaping

All permanent signs regulated under this article, except for those for single-family residences, shall meet or exceed the standards of *Section 15.3 F*.

Section 16.14 Sign Permits

A. **Sign Permit Required.** Unless specifically exempted from obtaining a permit under the provisions of this article, no person shall erect, construct, replace, relocate or structurally alter any sign structure within the City of Richmond Hill without first obtaining a sign permit from the city.

B. **Applications for Permanent Sign Permits.** Applications for permits shall be made upon forms provided by the city; submitted in the number of complete copies as required by the zoning administrator; and contain or have attached all required information specified on the application form. Incomplete applications will be returned to the applicant and shall not be processed.

C. **Sign Permit Fee.**

1. Each application for permit shall be accompanied by the applicable permit fees, except an application from a bona fide nonprofit organization. An organization claiming a nonprofit exemption must submit proof of its nonprofit

status with their sign permit application. Permit fees shall be as established from time to time by the mayor and council.

2. Any person commencing work on a sign before securing the necessary permit from the zoning administrator shall be subject to fees as specified in the City Revenue Ordinance.

D. **Permanent Sign Permit Review Procedures**

1. ***Application.*** Upon the filing of an application for a permit, the zoning administrator shall, within two (2) business days, determine if the application is complete in all respects as required by this section. Incomplete applications will be returned to the applicant as though no application had been received. The zoning administrator shall either review and decide upon such application or, forward it to the architectural review board for those signs described in Subsection 16.14 D.3.

2. ***Review and Decision.*** The zoning administrator shall review all plans and specifications submitted and the premises upon which the sign is proposed to be erected with regard to compliance with all applicable requirements of this article and all other ordinances and laws of the city, and shall either approve, approve with conditions, or deny the application based on the standards of subsection 6 below; provided, at his/her sole discretion, the application may be submitted to the planning commission or architectural review board, as applicable, for a decision.

3. ***Review of Signs in the Overlay Districts.*** For signs within the Ford and Gateway Overlay Districts, the architectural review board shall review and act upon all sign permit applications, except as otherwise provided in this article The architectural review board shall approve, approve with conditions, or deny the application based on the standards cited in subsection 6 below.

   a. If no decision is made within 60 calendar days, the permit shall be deemed approved, unless an extension of time is requested by the applicant or the city and agreed to by the reviewing body and applicant prior to expiration of the 60 day period.

   b. Upon approval or approval with conditions, the zoning administrator shall issue a permit accordingly.

   c. Applications that have been denied shall not be resubmitted within six (6) months from the date of denial.

4. ***Changes to Sign Face.*** Change-outs to the face of existing building signs, the face of freestanding signs and tenant signs on a freestanding sign structure shall be reviewed and decided by the zoning administrator. In such cases, the zoning administrator shall approve, approve with conditions or deny the proposed change. If a sign is completely removed or a new sign structure is being proposed, it shall be subject to the procedures specified in Section 16.14 D. 1-5.

5. ***Uniform Style in Multiple Tenant Buildings or Business Centers.*** Where a uniform sign style, lettering, colors, and materials are used throughout a business center or multiple tenant building, any change to or addition of a sign panel that is consistent with that established theme shall only be subject to zoning administrator review.

6. ***Review Standards.*** The decision of the zoning administrator or architectural review board, as applicable, shall be based on the following standards:

a. Conformance with the Findings and Purpose of this article, as stated in *Section 16.1*;

b. Compliance with the general sign provisions of *Section 16.3*;

c. Compliance with all applicable requirements of *Section 16.10*, Permitted Signs by District;

d. Potential visual obstructions for vehicular traffic passing, entering or exiting the site;

e. Potential visual obstruction of existing signs on adjacent properties;

f. Compatibility of the proposed sign materials and color in relation to adjacent uses and signs;

g. Appropriateness of proposed landscaping around the base of freestanding signs; and

h. Aesthetic qualities of the proposed sign, including but not limited to its design, size, location, structure materials, color, related landscaping, and cohesiveness in relation to the principal building(s) and other signs on the premises and contiguous area.

7. ***Sign Permit Denial and Appeal Procedures.***

a. In the event a permit is denied, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before thirty (30) calendar days after the city received the completed application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within thirty (30) calendar days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of on the date of original submission.

b. The city shall deny permits to applicants who submit applications containing any materially false statements and for signs that do not comply with the provisions of this article. Violation of any provision of this article will be grounds for terminating a permit for the erection of a sign. Should it be 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 zoning administrator shall revoke the permit. Actions to revoke a permit shall be in writing, shall document the basis for the revocation, and shall be served in the same manner as a notice of denial.

c. A permittee whose permit has been revoked may appeal the decision to the city council; provided, a written notice of appeal shall be filed with the city manager within 10 business days of the zoning administrator's notice. The appeal shall be considered by the city council at its next scheduled meeting, if the notice of appeal is received at least seven (7) business days before that meeting. Otherwise, the appeal shall be heard at the next regularly scheduled meeting more than seven (7) days following receipt of appeal. Decisions of the city council to affirm the decision of the zoning administrator or to overrule the decision of the zoning administrator and grant or continue the permit for which appeal is taken shall be issued in writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation.

d. In the event a permit holder whose permit has been revoked disputes the decision of the city council, such permit holder may petition for writ of certiorari to the superior court within 30 days of the denial.

8. Permit Expiration. If any sign for which a permit is issued is not erected and installed within six (6) months of the date the permit was issued, the permit shall become void.

E. **Applications for Temporary Sign Permits.** The placement of a temporary sign allowed under *Section 16.9* is subject to issuance of a temporary sign permit, unless exempted from obtaining a permit under the provisions of this article.

1. Each application for a temporary sign permit shall be accompanied by the applicable permit fees, except an application for permit from a bona fide nonprofit organization. Fees for permits shall be fixed from time to time by the mayor and council.
2. Applications for permits shall be made upon forms provided by the city, shall be submitted in the number of complete copies as required by the zoning administrator, and shall contain or have attached thereto all information required on that form.
3. Upon the filing of an application for a temporary sign permit, the zoning administrator shall, within two (2) business days, determine if the application is complete in all respects. Incomplete applications will be returned to the applicant as though no application had been received.
4. Upon the determination that an application is complete, within five (5) business days the zoning administrator shall approve, approve with conditions, or deny the application. An action to deny an application shall be based on reasons for such denial and stated or submitted in writing for the record.

Section 16.15 Master Sign Plan

A. **Multi-tenant Non-residential Development.** A master sign plan shall be submitted for review for all proposed multiple-tenant non-residential development in conjunction with a required site plan or revision to an approved site plan. In addition, a master sign plan may be submitted, at the owner's option, for existing multiple-tenant non-residential developments to facilitate the processing of future sign changes. Master sign plans shall identify all signs for which a sign permit is required and proposed to be located on the subject property and building(s). No sign shall be approved, unless shown as part of the master sign plan.

B. **Contents.** Master sign plans shall, at a minimum, include:

1. ***Location.*** An accurate drawing to scale showing the position of the proposed sign or signs in relation to nearby buildings or structures (including other signs), driveways, parking areas, property and right-of-way lines, and any other limiting site features (survey not required). The drawing must show or note, as applicable:
   a. the location and size of all other signs on the parcel that are proposed to remain;
   b. the distance in feet to the nearest existing freestanding sign; and
   c. the distance in feet from the location of the proposed sign(s) to the nearest residentially zoned parcel.

2. ***Specifications.*** An accurate drawing to scale of the plans, specifications and method of construction and attachment of the sign or signs to the building or ground. The drawing shall specifically include:
   a. the size of the sign structure(s) and sign face area(s),
   b. overall height of the sign(s),
   c. a sight distance diagram,
   d. any protective devices around the base of freestanding sign(s), and
   e. for all signs having a sign structure area of 200 square feet or more and/or a height of eight (8) feet or taller, the sign shall be designed to withstand a wind load created by a 120 mile per hour wind and the drawing shall be an engineered structural drawing designed to the International Building Code.
3. ***Design.*** The master sign plan shall include all drawings and specifications necessary to clearly illustrate the design elements of the sign or signs, including construction materials, size, letter style and color, including the sign structure, the sign face, and background surfaces.
4. ***Additional Information.*** The master sign plan shall also contain other information as the architectural review board or planning commission, as applicable, may require to show full compliance with this and other ordinances.

C. **Exempt Signs.** Signs that are otherwise exempt under this article need not be shown on the master sign plan.

D. **Conformance with Sign Requirements.** The master sign plan shall conform to all requirements of this article, unless a variance is granted by the city council.

E. **Recordation of Approved Master Sign Plan.**
1. Following approval or approval with conditions of the sign permit, the master sign plan as approved or revised shall be included in any sale, lease or other transfer of right of occupancy affecting any part of the development or premises to which the master sign plan applies.
2. A copy of the approved master sign plan shall be filed with the zoning administrator prior to issuance of any certificate of occupancy for the development or final sign inspection approval, whichever first occurs.
3. All tenants of the property or development, whether an owner, lessee, subtenant, purchaser or other occupant, shall comply with the approved master sign plan.

Section 16.16 Variances

A. Variances may be granted by the mayor and council from the application of the provisions of this article only if all of the following findings are made:
1. That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property;
2. That because of such physical circumstances or conditions of the property, signage cannot be erected in strict conformity with the provisions of this article without undue hardship;

3. That granting the variance will not result in authorization of a sign not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.

B. The procedures for consideration of sign variances shall be the same as for variances generally, as specified in *Article 29*.

Section 16.17 Inspection and Maintenance

A. The zoning administrator shall periodically inspect each permanent and temporary sign to ascertain its general soundness and compliance with the requirements of this article. Responsibility for the safety of signs and security of their attachment or erection, however, remains at all times with the sign owner.

B. Every sign, regardless of whether a permit or fees are required, shall be maintained in a safe, presentable and sound structural condition at all times, including repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

Section 16.18 Enforcement

The provisions of this section shall be enforced by the zoning administrator, with the aid of the police department and other city agencies.

Section 16.19 Removal

A. The zoning administrator shall cause the removal of any sign that, in his sole discretion, endangers the public safety, such as an abandoned; dangerous; or materially, electrically or structurally defective sign. Any other sign for which no permit has been issued or which is otherwise in violation of this article shall also be subject to removal in accordance with this section.

B. The zoning administrator shall prepare a written notice to be sent by certified and first class mail which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within 30 days, the sign shall be removed in accordance with the provisions of this section.

C. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to that person's last known address, if any, and posted on the sign or on the premises.

D. Any person having an interest in the sign or the property may appeal the determination of the zoning administrator ordering removal or compliance by filing a written notice of appeal within ten 10 business days after receipt of notice. Procedures for the appeal shall be the same as provided in *Section 16.14 D.7*.

E. Notwithstanding the above, in cases of emergency, the zoning administrator may cause the immediate removal of a dangerous or defective sign without notice.

F. Any sign removed by the zoning administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred in connection with the sign's removal.

G. When it is determined by the zoning administrator that the sign would cause imminent danger to the public safety and contact cannot be made with a sign owner or building owner, no written notice shall be required. In this emergency situation, the zoning administrator shall document the imminent danger and attempts to contact the sign owner, and may correct the danger, all costs being charged to the sign owner and property owner.

H. If it is necessary for the zoning administrator to remove a sign pursuant to this section and material derived from the removal can be sold or salvaged, the zoning administrator may cause that material to be sold at private or public sale at the best price obtainable. The proceeds, if any, shall be used to offset the costs of removal. Where the proceeds derived from such a sale are less than the cost of removal, the deficiency shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as city property taxes.

Section 16.20 Nonconforming Signs

A. Signs that, on the effective date of this article or any amendments thereto, were approved and legally erected under previous sign restrictions, and that became or have become nonconforming with respect to the requirements of this article due to its adoption or amendment, may continue in existence subject to the remaining provisions of this section.

   1. No increase in size of the nonconforming sign shall be permitted.
   2. Any existing sign that was legally erected but has become nonconforming with respect to setback from a street due to road widening may be moved to meet the setback requirement of this article; provided, the sign shall not be increased in size, shape or changed in any manner, except to become conforming.
   3. In all zoning districts, the following signs shall be prohibited and shall be removed by the owner:
      a. Signs illegally erected or maintained with respect to prior ordinances.
      b. Signs located in the public right-of-way (except as permitted by this article).

B. All newly erected signs shall conform to this ordinance. Existing, legally nonconforming signs, hereafter reconstructed, repaired, altered or replaced due to damage incurred by an act of God or other accident, shall be allowed to be restored to their original condition.

C. Unless the structural base, pole or support of a sign is completely replaced; repairs, alterations and replacements made to legally nonconforming signs including, but not limited to, LED/LCD reader boards, do not constitute a new sign and thus will be allowed to be restored to their original condition. In the event of conflict between the provisions of this article and other articles of the zoning ordinance, the most stringent requirements shall prevail and be controlling.

D. Upon failure to comply with any requirement of this section, the zoning administrator or his authorized agent may cause the removal of such sign at the owner's expense.

E. Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repair 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 article; provided, that signs damaged by fire, accident or act of God may be restored to their original condition.

F. The provisions of this section shall be enforced by the zoning administrator, with the aid of the police department and other city agencies.

General Provisions
Site Development Plan
Conditional Use
SIGNS

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Article 17
Site Development Plan

17

Section 17.1 Purpose

The purpose of this article is to establish a uniform set of requirements for the planning and design of developments within the city in order to achieve the following objectives: to determine compliance with the provisions of this ordinance; to promote the orderly development of the city; to prevent depreciation of land values; to ensure a consistent level of quality throughout the community; to ensure a harmonious relationship between new development and the existing natural and manmade surroundings; to achieve the purposes of the City of Richmond Hill Comprehensive Plan; to promote consultation and cooperation between applicants and the city in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the comprehensive plan.

Section 17.2 Applicability

Varying levels of site plan review are established, depending on the scale of the proposed development and potential impacts it may have on the community and immediate surroundings. This section defines the parameters under which varied levels of plans will be required for all commercial, industrial, two-family, multiple family and condominiums and defines the review authority, as follows:

A. **Administrative Review.** The planning director shall review site plans in connection with the creation of a use or the erection of a building or structure as indicated in Table 17-2; provided, if a use is subject to the requirements of the Ford or Gateway overlay districts, the architectural review board shall first review the plan and submit a recommendation to the planning director.

B. **Concept Plan Review.** The city council, after review and recommendation by the planning commission and, if applicable, the architectural review board, shall act upon all concept site plans in connection with the creation of a mixed use or PUD district, or as otherwise required.

C. **Final Plan Review**. The planning commission shall act upon all final site plans in connection with the creation of a use or erection of a building or structure as indicated in Table 17-2; provided, if a use is subject to the requirements of the Ford or Gateway overlay districts, the architectural review board shall be responsible for review and action with regard to signs, landscaping and building design.

D. **Applicable Projects.** Table 17-2 specifies the project categories applicable to each level of site plan.

Table 17-2, Site Plan Review Authority			
Applicable Projects	**Administrative**	**Concept**	**Final**
New construction of a principal building in any zoning district			X
Construction of a new accessory building, not exceeding 600 sq. ft.	X		
Construction of a new accessory building, greater than 600 sq. ft.			X
Additions of less than 10 percent of the current gross floor area of an existing building or 5,000 sq. ft., whichever is less, in any zoning district.	X		
Changes in the use of any existing building in any zoning district; provided, the use is a "permitted" use in that district and any expansion does not exceed 10 percent or 5,000 sq. ft., as stated above	X		
Construction or expansion of a parking lot, not involving new buildings or additions	X		
When, in the opinion of the planning director, a project which otherwise qualifies for administrative review may have a significant impact on surrounding properties, he may, in his sole discretion, submit the site plan to the planning commission for review. In such cases, the planning commission shall follow the review procedure for final site plans and may require any additional information needed to make an informed decision	X		
Any mixed use district		X	
Any planned unit development district		X	
As otherwise required by this ordinance		X	
Mixed use development for which a concept plan and zoning have been approved by city council			X
Planned unit development for which a concept plan and zoning have been approved by city council			X
Conditional uses			X
As otherwise required by this ordinance			X

Section 17.3 Exemptions

Site plan review shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exist no other building or use or for any home occupation or accessory building in a residential district or mixed use district.

Section 17.4 Application and Review

The process of reviewing a site plan shall be as follows:

A. **Administrative Plan Reviews.** Administrative reviews shall be performed by the planning director, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the city, shall be submitted to the planning director along with an application for that purpose and a fee, as established by the city council.

2. The planning director shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from city departments or consultants.
3. The planning director shall consider the site plan, any comments received, and the applicable standards of this ordinance and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. At the planning director's sole discretion, the application may be submitted to the planning commission or architectural review board, as applicable, for comment or a decision.
4. The reasons for the planning director's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
5. If approved, two (2) copies of the final site plan shall be signed and dated by the planning director and the applicant. One (1) copy shall be kept on file with the city and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and planning director prior to issuance of any permits.

B. **Concept Plan Reviews.** Concept plan reviews shall be performed by the planning commission and city council, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the city, shall be submitted to the planning director along with an application for that purpose and a fee, as established by the city council.
2. The planning director shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from city departments or consultants. If the proposed project is located within the Ford or Gateway overlay districts, the planning director shall also distribute the application materials to the architectural review board for review and comment.
3. Once the planning director determines that the site plan is complete, he or she shall transmit the site plan, along with comments from city departments and consultants to the planning commission for consideration at its next meeting. The planning director shall not be required to submit any site plan for review which was submitted less than 10 calendar days prior to the next regularly scheduled planning commission meeting.
4. The planning commission shall consider the site plan and shall recommend that the city council either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. The planning commission review shall be based on the requirements of this article and, specifically, the review standards of *Section 17.6*.
5. The reasons for the planning commission's recommendation, along with any proposed conditions shall be forwarded to the city council for action on the request. The city council shall makes its decision based on the standards of *Section 17.6*.

6. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
7. If approved, two (2) copies of the final site plan shall be signed and dated by the mayor and the applicant. One (1) copy shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the mayor, prior to issuance of any permits.

C. **Final Plan Reviews.** Final site plan review shall be performed by the planning commission, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the city, shall be submitted to the planning director along with an application for that purpose and a fee, as established by the city council.
2. The planning director shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from city departments or consultants
3. Once the planning director determines that the site plan is complete, he or she shall transmit the site plan, along with comments from city departments and consultants to the planning commission for consideration at their respective next meeting; provided, if the proposed project falls within the Ford or Gateway overlay districts, he or she shall also forward copies of the final plan to the architectural review board. The planning director shall not be required to submit any site plan for review which was submitted less than 20 days prior to the next regularly scheduled meeting of the planning commission.
4. The architectural review board shall review the plan and submit its comments and recommendation to the planning commission.
5. The planning commission shall consider the site plan, along with the recommendation of the architectural review board, and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. The planning commission review shall be based on the requirements of this article and, specifically, the review standards of *Section 17.6*.
6. If approved, two (2) copies of the final site plan shall be signed and dated by the planning commission chairman and the applicant. One (1) copy shall be kept on file with the city and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the planning commission chairman, prior to issuance of any permits.

Section 17.5 Development Plan Requirements

A. **Required Content.** Each site plan submitted shall contain the following information, as applicable:

Table 17-5, Development Plan Required Information			
Required Information	**Site Plan Level**		
	Administrative	**Concept**	**Final**
General Information			
Date, north arrow and scale	X	X	X
Name and address of property owner and petitioner	X	X	X
Location sketch	X	X	X
Legal description of the subject property	X	X	X
Boundary survey	X	X	X
Size of subject property (in acres)	X	X	X
Name and firm address of plan preparer	X	X	X
Preparer's professional seal			X
Existing Conditions			
Existing zoning classification of subject property	X	X	X
Property lines and required setbacks	X	X	X
Location, width and purpose of all easements	X	X	X
Location and dimensions of all existing structures on the property	X	X	X
Location of all existing driveways, parking areas and total number of existing parking spaces on the property	X	X	X
Location of all existing structures, driveways and parking areas within 300 feet of the subject property		X	X
Location of all existing structures, driveways and parking areas within 50 feet of the subject property	X		
Abutting street right-of-way width		X	X
Existing water bodies (lakes, streams, wetlands, etc.)	X	X	X
Existing landscaping and vegetation on the property	X	X	X
Size and location of existing utilities (water, sanitary and storm)	X	X	X
Location of all existing surface water drainage facilities	X	X	X
Proposed Development			
Layout and typical dimensions of proposed parcels and lots		X	X
Location and dimensions of all proposed buildings	X		X
Finished floor elevations of all buildings	X		X
Number of proposed dwelling units (by type – detached, attached, multiple-family, etc.), including typical floor plans for each type of unit		X	X

Table 17-5, Development Plan Required Information			
Required Information	**Site Plan Level**		
	Administrative	**Concept**	**Final**
Location of all proposed streets, drives and sidewalks	X	X	X
Dimensions and radii of proposed drives, acceleration/deceleration lanes and sidewalks	X		X
Curbing, parking areas (including dimensions of typical space and total number of spaces to be provided), and unloading areas	X		X
Location of walls and fences	X	X	
Height and materials of walls and fences			X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for common or public use	X	X	
All deed restrictions or covenants			X
Landscape plan, per *Article 15*	X		X
Exterior lighting location, fixture type		X	
Signs (location, dimensions, setbacks), per *Article 16*	X		X
Narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	X	X	
Proposed method of handling sanitary sewage and providing potable water	X	X	X
Location and type of all proposed surface water drainage facilities	X	X	X
Traffic impact analysis, per *Section 14.6*, if applicable			X
Building Details			
Typical elevation views of all sides of each building type	X		X
Elevation views of building additions	X		X
Color and material specifications	X		X
Building height	X	X	X
Gross and net floor area of non-residential buildings	X		X
Livable floor area of dwellings by type	X		X
Additional Information			
Any other information required by the planning director, planning commission, architectural review board or city council to demonstrate compliance with other applicable provisions of this ordinance	X	X	X

B. **Information Waiver.** Specific requirements of any required site plan may be waived by the respective reviewer, planning director, planning commission or city council, as applicable, where it is determined that such information is not relevant to the subject request.

Section 17.6 Review Standards

A site plan shall be approved only upon a finding of compliance with the following standards:

A. The site plan must comply with all standards of this article and all applicable requirements of this ordinance and all other applicable laws and regulations.

B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

C. The site must be designed so as to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.

D. Unless a more specific design standard is required by the city through a different ordinance, all uses and structures subject to site plan review shall comply with the following design standards:

1. ***Traffic Circulation.*** The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties. Right-of-way recommendations for major streets, as contained in the South Bryan County Transportation Study or comparable plan or study adopted by city council, shall be met and setbacks from such streets shall be measured accordingly.

2. ***Stormwater.*** Stormwater detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system.

3. ***Landscaping.*** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.

4. ***Screening.*** Where non-residential uses abut residential uses, appropriate screening shall be provided, in accordance with *Article 15*, so as to shield residential properties from noise, headlights and glare.

5. ***Lighting.*** Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.

6. ***Utility Service.*** All utility service shall be underground, unless impractical and approved by the city engineer.

7. ***Exterior Uses.*** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
8. ***Emergency Access.*** All buildings and structures shall be readily accessible to emergency vehicles.
9. ***Water and Sewer.*** Water and sewer installations shall comply with all city specifications and requirements.
10. ***Signs.*** Permitted signs shall be located to avoid creating distractions, obstructions and visual clutter.
11. ***Building Design.*** New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity.

Section 17.7 Conditions

Conditions which are designed to ensure compliance with the intent of this ordinance and the City of Richmond Hill code of ordinances may be imposed on site plan approval.

Section 17.8 Changes to Approved Site Plan

Changes to an approved site plan shall be permitted only under the following circumstances:

A. The holder of an approved site plan shall notify the planning director of any proposed change to the site plan.

B. Changes to an administrative site plan may be approved by the planning director.

C. Minor changes to concept or final site plans may be approved by the planning director upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

1. Reduction in building size or increase in building size up to five (5) percent of total approved floor area.
2. Movement of buildings or other structures by no more than 10 feet.
3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
4. Changes in building materials to a comparable or higher quality.
5. Changes in floor plans which do not alter the character of the use.
6. Changes required or requested by a city or county, state, or federal regulatory agency in order to conform to other laws or regulations.

D. A proposed change to a concept or final site plan, not determined by the planning director to be a minor change, shall be submitted to the planning commission as a site plan amendment and shall be reviewed in the same manner as the original application, including recommendations by the architectural review board, if applicable, and approval by the city council of revised concept plans.

Section 17.9 Expiration

Site plan approval shall expire 24 months after the date of approval, unless substantial construction has been commenced and is continuing. The planning director, in the case of an administrative site plan, or the planning commission or architectural review board, as applicable, in the case of a final site plan, may grant one extension of up to 12 additional months; provided the applicant requests, in writing, an extension prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

Section 17.10 Appeal

Any person having a special interest in a decision relating to the approval or denial of a site plan or the conditions imposed shall have the right to appeal the decision to the city council.

Article 18
Storm Water Management

18

Section 18.1 Findings of Fact

A. It is hereby determined that:

1. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, which could increase incidents of flooding thereby endangering infrastructure, public and private property and human life;
2. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters water levels and fluctuations and increases pollutant transport and deposition in wetlands, rivers and streams;
3. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters salinity concentrations and fluctuations and increases primary productivity and pollutant transport and deposition in estuaries;
4. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and increases bacteria transport and deposition in near coastal waters, which leads to beach contamination and poses a serious threat to human health;
5. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates and volumes, and decreases the amount of rainfall that is available to recharge shallow groundwater aquifers;
6. The negative impacts of the land development process on local aquatic resources can adversely affect the health, safety and general welfare of the general public as well as the quality of life of its citizens;
7. Every residential and non-residential parcel of real property, both public and private, benefits from the implementation of stormwater management regulations as well as proper maintenance and operation of the municipal storm sewer system (MS4);
8. The negative impacts of the land development process can be controlled and minimized through the management of stormwater runoff rates, volumes and pollutant loads;
9. Communities located within Georgia's Coastal Nonpoint Source Management Area and Area of Special Interest are required to comply with a number of state and federal regulations that require the adverse impacts of the land development process to be controlled and minimized;

B. Therefore, the City of Richmond Hill has determined that it is in the public interest to control and minimize the adverse impacts of the land development process and has established this set of local stormwater management regulations to control post-construction stormwater runoff rates, volumes and pollutant loads on development and redevelopment sites.

Section 18.2 Purpose and Intent

The purpose of this article is to protect and maintain the integrity of local aquatic resources and, consequently, the health, safety and welfare of the general public, by

establishing local stormwater management regulations that control and minimize the adverse impacts of the land development process. The ordinance [from which this article derives] seeks to achieve these goals by enacting provisions that:

A. Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of a municipal storm sewer system, including public and private facilities in the city's service area.

B. Comply with the Georgia Department of Natural Resources (DNR) and federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act. These requirements include:

   1. Control the discharge of stormwater and contribution of pollutants to the municipal storm sewer system (MS4) by stormwater discharges associated with impervious area and the quality of stormwater discharged from sites with impervious area;
   2. Prohibit illicit connections and/or discharges to the MS4;
   3. Control discharge to municipal storm sewers of spills, dumping or disposal of materials other than stormwater; and
   4. Control, through intergovernmental agreements, contribution of pollutants from one municipal/county system to another.

C. Establish minimum requirements and procedures to regulate the adverse effects of increased stormwater runoff and development in flood hazard areas.

D. Establishing decision-making processes that can be applied during the site planning and design process to help protect the integrity of local aquatic resources;

E. Establishing post-construction stormwater management and site planning and design criteria to help protect natural resources from the direct impacts of the land development process and preserve existing hydrologic conditions on development sites;

F. Establishing post-construction stormwater management and site planning and design criteria to help reduce flooding, channel erosion and pollutant transport and deposition in local aquatic resources;

G. Establishing design guidelines for green infrastructure and stormwater management practices that can be used to meet the post-construction stormwater management and site planning and design criteria;

H. Encouraging that green infrastructure practices, which include better site planning techniques, better site design techniques and low impact development practices, be used to the maximum extent practical on development sites;

I. Establishing provisions for the long-term inspection and maintenance of green infrastructure and stormwater management practices to ensure that they continue to function as designed and pose no threat to public safety; and,

J. Establishing administrative procedures for the submittal, review, approval and disapproval of stormwater management plans and for the inspection of approved development projects.

Section 18.3 Applicability and Exemptions

A. This article shall be applied to all land disturbing activities, unless exempt pursuant to Subsection B listed below. The stormwater management regulations presented within this article shall be applied to any new development or redevelopment activity that meets one or more of the following criteria:

1. New development that involves the creation of 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one (1) acre or more;
2. Redevelopment that involves the creation, addition or replacement of 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one acre or more.
3. New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules.
   a. New residential development shall provide a stormwater master plan for all intended phases of development at full site buildout. Each phase of development shall be compliant with regulations of the Stormwater Management Ordinance.
   b. New commercial development shall provide a stormwater master plan for all intended phases of development at full site buildout. Each phase of development shall be compliant with regulations of the Stormwater Management Ordinance.
4. New development or redevelopment, regardless of size, that involves the creation or modification of a stormwater hotspot, as defined herein as well as in the city's code of ordinances; the Stormwater Utility User Fee Credit Manual; the Georgia Stormwater Management Manual (GSMM); and the Coastal Stormwater Supplement (CSS) to the GSMM; and other related technical guidance.

B. The following activities are exempt from *Sections 18.10*, *18.11*, *18.12*, and *18.13* of this article. Exempt activities remain subject to the remaining sections herein:

1. New development or redevelopment that involves the creation, addition or replacement of less than 5,000 square feet of impervious cover and that involves less than one acre of other land disturbing activities.
2. New development or redevelopment activities on individual residential lots that are not part of a larger common plan of development and do not meet any of the applicability criteria listed above.
3. Additions or modifications to existing single-family homes and duplex residential units that do not meet any of the applicability criteria listed above. However, soil erosion best management practices shall be used.
4. Development projects that are undertaken exclusively for agricultural or silvicultural purposes within areas zoned for agricultural or silvicultural land use.
5. Maintenance and repairs of any green infrastructure or stormwater management practices deemed necessary by the city manager (or his designee).
6. Any part of a land development project and/or master plan that was approved

by the City of Richmond Hill prior to the adoption of this article provided that it meets the stipulations outlined in applicable sections of this article.

7. Redevelopment activities that involve the replacement of impervious cover when the original impervious cover was wholly or partially lost due to natural disaster or other acts of God occurring after January 1, 2017 and no additional impervious cover may be added under the exemption.

Section 18.4 Scope of Responsibility

A. The provisions of this article shall apply throughout the city and to drainage systems maintained by intergovernmental agreement between the city and the county and/or other municipal jurisdictions.

B. The city manager (or his designee) shall be responsible for the administration, implementation, and enforcement of the provisions of this article.

C. The city manager (or his designee) shall be responsible for the conservation, management, extension and improvement of the municipal storm sewer system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in the City of Richmond Hill's NPDES Phase II Municipal Separate Storm Sewer System (MS4) permit.

D. The application of this article and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other local requirements authorized by state statute. Other stormwater project improvements and/or environmental requirements, as defined under state or federal law, may be required.

Section 18.5 Responsibility of the City

The City of Richmond Hill planning department (the department) in consultation with the city public works department will:

A. Administer, coordinate and oversee acquisition, design, and construction of municipal stormwater facilities and conveyances;

B. Establish or oversee establishment and implementation of development standards and guidelines for controlling stormwater runoff;

C. Determine the manner in which stormwater facilities should be operated;

D. Observe the installation and the ongoing operation of private systems which discharge to the city municipal separate storm sewer system (MS4);

E. Advise the mayor and city council on issues related to stormwater management;

F. Manage facilities and properties controlled by the city and prescribe how they are used by others;

G. Require that new, increased, or significantly changed stormwater contributions comply with the terms of this article and any local design manual; and

H. Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system (MS4).

Section 18.6 Compatibility with Other Regulations

This article is not intended to interfere with, modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 18.7 Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be judged 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.

Section 18.8 Stormwater Management Local Engineering Design Standards

A. The City of Richmond Hill will adopt the latest edition of the CSS to the GSMM to serve as the city's primary technical reference for stormwater management and the information in the CSS will be utilized as the basis for stormwater management design, construction and maintenance within the city. In addition, the latest version of the Richmond Hill Engineering Design Standards (EDS) will be utilized to assist with implementation of this article. The EDS shall serve as a companion document to the CSS and the GSMM. The EDS shall endeavor to accomplish the following:

   1. clarify discrepancies between the CSS and any section of the city's stormwater management ordinance and other related development regulations;
   2. provide guidance to supplement information contained in the city's stormwater management ordinance and other related development regulations;
   3. establish minimum stormwater management related design standards and criteria; and
   4. further describe the stormwater management design preparation, submittal, review and approval requirements.

B. The criteria within the EDS shall be considered minimum design standards and, in the event of a conflict, supersede design standards set forth in the CSS and/or the GSMM. A copy of the EDS shall be made available from the city upon request.

C. In addition, Richmond Hill encourages the application of the practices and concepts contained in the Green Growth Guidelines by the Georgia Department of Natural Resources, Coastal Resource Division, to meet the goals and objectives of the Richmond Hill Post Construction Stormwater Management Ordinance. A copy of the Green Growth Guidelines can be viewed and downloaded from the following link for use in site design activities (http://coastalgadnr.org/cm/green/guide).

D. The City of Richmond Hill also encourages the applicant to refer to the Stormwater Utility Ordinance and City of Richmond Hill Stormwater Utility User Fee Credit Manual for the conceptual planning and design of the site development in order to reduce the impact of stormwater runoff on the city's stormwater management system and obtain stormwater "credits" that can lower the customer's stormwater user fee charge. A copy of the Stormwater Utility User Fee Credit Manual can be viewed and downloaded from the following link for use in the site design activities (http://www.richmondhill-ga.gov/DocumentCenter/View/991).

E. The City of Richmond Hill also encourages the use and application of the "Coastal Stormwater Supplement Site Planning & Design Worksheet" spreadsheet tool to evaluate compliance with the CSS design guidelines. A copy of the spreadsheet tool can be obtained from the following website link (https://epd.georgia.gov/georgia-epd-coastal-stormwater-supplement-stormwater-management-manual).

F. These references and assistance tools may be updated and expanded periodically, based on additional information obtained through scientific research, performance monitoring and local experience.

Section 18.9 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. It should be noted that the provisions of this article are required by Georgia law and the definition of terms listed in this section is prescribed by state law. Definitions contained in this section shall only apply with respect to this article if the same term is defined differently in *Article 32*, in which case the term shall have the meaning ascribed by *Article 32* with respect to all other provisions of this ordinance.

Accidental discharge shall be defined as a discharge prohibited by this article into the municipal storm sewer system which occurs by chance and without planning or consideration prior to occurrence.

Appeal authority shall mean the city council, one of whose purpose is to review appeals to this article and render decisions and variances.

Applicant shall mean a property owner or agent of a property owner who has submitted an application for a post-construction stormwater management development plan review.

Aquatic buffer shall mean an area of land located around or near a stream, wetland, or waterbody that has intrinsic value due to the ecological services it provides, including pollutant removal, erosion control and conveyance and temporary storage of flood flows.

Aquatic resource protection shall mean measures taken to protect aquatic resources from several negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations.

Base flood elevation (BFE) shall mean the minimum expected water surface elevation identified by the Federal Emergency Management Agency (FEMA) or as determined by the city manager.

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

Better site design techniques shall mean site design techniques that can be used during the site planning and design process to minimize land disturbance and the creation of new impervious and disturbed pervious cover. Better site design techniques include reducing clearing and grading limits, reducing roadway lengths and widths and reducing parking lot and building footprints.

Better site planning techniques shall mean site planning techniques that can be used during the site planning and design process to protect valuable aquatic and terrestrial resources from the direct impacts of the land development process. Better site planning techniques include protecting primary and secondary conservation areas.

Building shall mean any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than 100 square feet of area.

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

Clean Water Act shall mean the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

Coastal stormwater supplement (CSS) shall mean the latest edition of the CSS to the GSMM, or the latest published version. This document is a technical design supplement to the GSMM that was developed for coastal Georgia. The CSS addresses stormwater management practices and BMPs that are specific and applicable to coastal stormwater quantity and quality issues.

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

Conservation areas shall mean permanently protected areas of a site that are preserved, in perpetuity, in an undisturbed, natural state.

Conservation easement shall mean a legal agreement between a land owner and a local, state or federal government agency or land trust that permanently protects conservation areas on the owner's land by limiting the amount and type of development that can take place within them but continues to leave the conservation areas in private ownership.

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

Dedication shall mean the deliberate appropriation of property by its owner for general public use.

Department shall mean the City of Richmond Hill planning department which is primarily responsible for implementation of the provisions of this article.

Detention shall mean the temporary storage of stormwater runoff in a stormwater management practice for the purpose of controlling the peak discharge rates and providing gravitational settling of pollutants.

Detention facility shall mean a permanent stormwater management facility whose primary purpose is to temporarily store stormwater above the normal groundwater surface elevation and release the stored runoff at controlled rates. Acceptable types may include but are not limited to lagoons, ponds, wetlands, parking areas, and subsurface pipes.

Developer shall mean a person who undertakes a land development project,

Development activity shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, clearing, grubbing, scraping, grading, filling, paving, excavation or other activities significantly disturbing the soil or vegetation.

Development project shall mean a new development or redevelopment project.

Development site shall mean a parcel of land where land disturbing activities have been or will be initiated to complete a land development project.

Director shall mean either the city manager (or his designee).

Discharge shall mean the release of treated or untreated water to the municipal storm sewer system.

Drainage easement shall mean a legal right granted by a land owner to a grantee allowing the grantee to convey, treat or manage stormwater runoff on the private land subject to the drainage easement.

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

Erosion and sediment control plan shall mean a plan that is designed to minimize and control the accelerated erosion and increased sediment loads that occur at a site during land disturbing activities.

Evapotranspiration shall mean the loss of water to the atmosphere through both evaporation and transpiration, which is the evaporation of water from the aerial parts of plants.

Extended detention shall mean the temporary storage of stormwater runoff in a stormwater management practice for an extended period of time, typically 24 hours or greater.

Extreme flood protection shall mean measures taken to protect downstream properties from dangerous extreme flooding events and help maintain the boundaries of the existing 100-year floodplain.

Fee in lieu contribution shall mean a payment of money in place of meeting all or part of the stormwater management criteria required by a post-construction stormwater management ordinance.

Flooding shall mean a volume of stormwater runoff that is too great to be confined within the banks of a stream, river or other aquatic resource or the limits of a stormwater conveyance feature and that overflows onto adjacent lands.

Flood hazard area shall mean those delineated geographical areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or as determined by the city manager (or his designee).

Georgia Stormwater Management Manual (GSMM) shall mean the latest edition of all volumes of the Georgia Stormwater Management Manual, a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia.

Governing body shall mean the elected officials consisting of the mayor and city council.

Green infrastructure practices shall mean the combination of three complementary, but distinct, groups of natural resource protection and stormwater management practices and techniques, including better site planning and design techniques and low impact development practices, that are used to protect valuable terrestrial and aquatic resources from the direct impacts of the land development process, maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

Hydrologic soil group (HSG) shall mean 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.

Illicit connection and discharge shall mean a connection to a municipal storm sewer system which results in an unauthorized discharge that is not composed entirely of stormwater runoff except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit (other than the NPDES permit for discharges from the municipal storm sewer).

Impaired waters shall mean those streams, rivers, lakes, estuaries and other water bodies that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act.

Impervious cover shall mean a surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets and roads.

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

Infill development shall mean land development that occurs within designated areas based on local land use, watershed and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

Infiltration shall mean the process of allowing stormwater runoff to percolate into the underlying native soils.

Infiltration practice shall mean a green infrastructure or stormwater management practice designed to provide infiltration of stormwater runoff into the underlying native soils. These stormwater management practices may be above or below grade.

Inspection and maintenance plan agreement shall mean a written agreement and plan providing for the long-term inspection and maintenance of all green infrastructure practices, stormwater management practices, stormwater conveyance features and stormwater drain infrastructure on a development site.

Jurisdictional wetland shall mean 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, and are those waters of the United States that are under the jurisdictional of the Army Corps of Engineers (ACOE).

Land development shall mean any project undertaken to change or improve a site that involves one or more land disturbing activities.

Land disturbing activity (LDA) shall mean any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Land owner shall mean the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Low impact development (LID) practice shall mean small-scale stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system and reduce post-construction stormwater runoff rates, volumes and pollutant loads. Low impact development practices include soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

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

Municipal separate storm sewer system (MS4) shall mean a system of drainage conveyances including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, canals, manmade channels, storm drains detention ponds, other stormwater facilities that are owned and legally operated by the City of Richmond Hill.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit shall mean a permit issued by the United State Environmental Protection Agency (USEPA), or by a state under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

New development shall mean a land development project undertaken on a previously undeveloped or unimproved site.

Nonpoint source pollution shall mean pollution from any source other than from a discernible, confined and discrete conveyance, such as a wastewater treatment plant or industrial discharge. Sources of nonpoint source pollution include, but are not limited to, agricultural, silvicultural, mining and construction activities, subsurface disposal and urban stormwater runoff.

Nonstructural stormwater management practice shall mean any natural resource protection or stormwater management practice or technique that uses natural processes and natural systems to intercept, convey, treat and/or manage stormwater runoff. Nonstructural stormwater management practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building footprints, soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

Off-site stormwater management practice shall mean a green infrastructure or stormwater management practice located outside the boundaries of a development site.

On-site stormwater management practice shall means a green infrastructure or stormwater management practice located within the boundaries of a development site.

Open tidal waters shall mean natural bodies of water influenced by daily tide fluctuations that have no downstream manmade flow restrictions.

Overbank flood protection shall mean measures taken to protect downstream properties from damaging overbank flooding events.

Owner shall mean the legal or beneficial owner of a piece of land, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm, or corporation in control of the site.

Partial impervious surface shall mean areas which allow for limited infiltration of rainfall and surface water runoff into the soil in the manner that is more similar to natural conditions than "impervious cover" as defined above. Partial impervious surfaces influence and affect stormwater runoff such that the runoff is collected, concentrated and/or flows in a manner that is materially different from what would occur if the land were in an unaltered natural condition. Common partial impervious surfaces include, but are not limited to, compacted gravel and/or compacted soils.

Permanent stormwater management practice shall mean a green infrastructure or stormwater management practice that will be operational after the land disturbing activities are complete and that is designed to become a permanent part of the site for the purposes of managing post-construction stormwater runoff.

Permit shall mean the permit issued by a local development review authority to an applicant, which is required for undertaking any land development project or land disturbing activities, typically referred to as a land disturbance activity (LDA) permit.

Person shall mean any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Pollution shall mean the contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor of such waters or discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post developed conditions shall mean the conditions following the completion of the land development activity in terms of topography, vegetation, land use, and rate and direction of stormwater runoff.

Pre-developed conditions shall mean those land use conditions that exist prior to the initiation of the proposed land development activity in terms of topography, vegetation, land use, and quality, rate, volume, and direction of stormwater runoff.

Post-development hydrology shall mean the set of hydrologic conditions that may reasonably be expected to exist on a development site, after the completion of all land disturbing and construction activities.

Pre-development hydrology shall mean the set of hydrologic conditions that exist on a development site prior to the commencement of any land disturbing activities (i.e. the wooded undisturbed/undeveloped condition).

Private shall mean property or facilities owned by individuals, corporations, and other organizations and not by city, county, state, or federal government.

Procedure shall mean a procedure adopted by the city, by and through the city manager (or his designee), to implement a regulation or regulations adopted under this article, or to carry out other responsibilities as may be required by this article.

Receiving stream or receiving aquatic resource shall mean the body of water or conveyance into which stormwater runoff is discharged.

Recharge shall mean the replenishment of groundwater aquifers.

Record drawings shall mean a set of engineering or site drawings that delineate the permitted stormwater management facility as actually constructed.

Redevelopment shall mean a change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

Regional stormwater management practice shall mean a stormwater management practice designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may participate in providing land, financing, design services, construction services and/or maintenance services for the practice.

Regulation shall mean any regulation, rule or requirement adopted by the city pursuant to the requirements of this article.

Responsible party shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater inspection and maintenance plan agreement as responsible for the long-term operation and maintenance of one or more green infrastructure or stormwater management practices.

Retention facility shall mean a permanent facility whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration or evaporation.

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

Site shall mean any lot, plot, parcel or tract of land.

Stop work order shall mean an order issued that requires that all land disturbing activity on a site be stopped.

Stormwater shall mean stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater hotspot shall mean an area where land use or pollution generating activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater runoff. Stormwater hotspots include, but are not limited to, fueling stations (including temporary fueling stations during construction), golf courses, public works yards and marinas.

Stormwater management shall mean the interception, conveyance, treatment, and management of stormwater runoff in a manner that is intended to prevent flood damage, channel erosion, habitat degradation and water quality degradation and to enhance and promote the public health, safety and general welfare.

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

Stormwater management plan shall mean a written document that details how stormwater runoff will be managed on a development site and that shows how the stormwater management criteria that apply to the development project have been met.

Stormwater management practice shall mean a practice or technique, either structural or nonstructural that is used to intercept stormwater runoff and change the characteristics of that runoff. Stormwater management practices are used to control post-construction stormwater runoff rates, volumes and pollutant loads to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation.

Stormwater management system shall mean the entire suite of green infrastructure and stormwater management practices and stormwater conveyance features that are used to intercept, convey, treat and manage stormwater runoff on a development site.

Stormwater retrofit shall mean a green infrastructure or stormwater management practice designed for an existing development site that previously had no green infrastructure or stormwater management practice in place or had a practice that was not meeting local stormwater management criteria.

Stormwater runoff shall mean the direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

Stormwater runoff reduction shall mean providing for the interception, evapotranspiration, infiltration, or capture and reuse of stormwater runoff to help maintain pre-development site hydrology and help protect aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality.

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

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

Water quality shall mean those characteristics of stormwater runoff that relate to the physical, chemical, biological or radiological integrity of water.

Water quality protection shall mean adequately treating stormwater runoff before it is discharged from a development site to help protect downstream aquatic resources from water quality degradation.

Water quantity shall mean those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Watercourse shall mean a permanent or intermittent stream or other body of water, either natural or manmade, which collects and/or conveys surface water.

Watershed shall mean the drainage area contributing stormwater runoff to a single point in the stormwater system.

Watershed or subwatershed management plan shall mean a document, usually developed cooperatively by government agencies and other stakeholders, to protect,

restore and/or otherwise manage the water resources found within a particular watershed or subwatershed. Watershed or subwatershed management plans commonly identify threats, sources of impairment, institutional issues and technical and programmatic solutions or projects to protect and/or restore water resources.

Wetland hydroperiod shall mean the pattern of fluctuating water levels within a wetland caused by the complex interaction of surface water, groundwater, topography, soils and geology within a wetland.

Section 18.10 Post Construction Stormwater Management Site Planning and Design Criteria

A. The following post-construction stormwater management and site planning and design criteria shall be applied to all new development and redevelopment activities that are subject to the provisions of this article. The criteria have been designed to protect valuable local natural resources from the negative impacts of the land development process. If local natural resource protection and stormwater management goals and objectives warrant greater protection than that provided by the post-construction stormwater management and site planning and design criteria outlined below, Richmond Hill may impose additional requirements on new development and redevelopment activities that it has determined are necessary to protect local aquatic and terrestrial resources from the negative impacts of the land development process.

1. ***Natural Resources Inventory.*** Prior to the start of any land disturbing activities, including any clearing and grading activities, acceptable site reconnaissance and surveying techniques should be used to complete a thorough assessment of the natural resources, both terrestrial and aquatic, found on a development site. The natural resources inventory shall be completed in accordance with the information presented within the Latest edition of the CSS to the GSMM. The natural resources inventory data compilation effort shall be performed in general accordance with the CSS, or using a comparable methodology as approved by the city manager or his designee.
2. The preservation and/or restoration of the natural resources found on a development site, through the use of green infrastructure practices, may, at the discretion of Richmond Hill, be assigned quantifiable stormwater management "credits" that can be used when calculating the stormwater runoff volumes associated with the post-construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance and the EDS. The green infrastructure practices that qualify for these "credits," and information about how they can be used to help satisfy the post-construction stormwater management criteria outlined in the Richmond Hill Stormwater Management Ordinance, is provided in the latest edition of the CSS to the GSMM.
3. ***Use of Green Infrastructure Practices.*** Green infrastructure practices are encouraged to be used to the maximum extent practical during the creation of a stormwater management concept plan for a proposed development project. Green infrastructure practices can be used to help protect local terrestrial and aquatic resources from the direct impacts of the land development process, and to help maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

4. All green infrastructure and stormwater management practices shall be selected, designed, constructed and maintained in general accordance with the information presented in the latest edition of the CSS to the GSMM and the Richmond Hill EDS. applicants are referred to the GSMM, the CSS to the GSMM and the Richmond Hill EDS, for guidance on selecting green infrastructure and stormwater management practices that can be used to satisfy the post-construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance.
5. ***Supporting Documentation to Substantiate Designs.*** For green infrastructure or stormwater management practices that are not included in the CSS to the GSMM, or for which pollutant removal and runoff reduction rates have not been provided, the effectiveness of the green infrastructure or stormwater management practice must be documented through prior studies, literature reviews or other means, and receive approval from the city manager or his designee before being included in a stormwater management system design.
6. ***Stormwater Runoff Reduction.*** The stormwater runoff volume generated by the 85th percentile storm event (and "first flush" of the stormwater runoff volume generated by all larger storm events), as defined in the latest edition of the CSS to the GSMM, shall be reduced on-site to the maximum extent practicable in order to help maintain pre-development site hydrology and help protect local aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality. This equates to reducing the stormwater runoff volume generated by the first 1.2-inch rainfall event (and the stormwater runoff generated by the first 1.2 inches of all larger rainfall events.) In general, a stormwater management system is presumed to comply with these criteria if:
   a. It includes the implementation of green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, that have been selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the CSS to the GSMM and the City of Richmond Hill EDS; and,
   b. It is designed to provide the amount of stormwater runoff reduction specified in the latest edition of the CSS to the GSMM.
7. The city manager (or his designee) may vary the amount of stormwater runoff reduction needed to satisfy these criteria on development sites that are considered to be stormwater hotspots or that have site characteristics or constraints, such as high groundwater, impermeable soils, contaminated soils or confined groundwater aquifer recharge areas, that prevent the use of green infrastructure practices. In situations where the amount of stormwater runoff reduction equal to the first 1.2-inch rainfall event cannot be achieved due to site characteristics or constraints, the following process shall be completed in accordance with Section 4.4.1. of the CSS:
   a. Provide information documenting the permeability of soils as well as groundwater table elevations from a state licensed Geotechnical Engineer.
   b. Provide a brief explanation of why additional runoff reducing green infrastructure practices cannot be used for the development site and that the reduction provided is all that can be provided in a practical manner and include technical documentation to substantiate the explanation, as applicable.

c. Formulate a design plan to capture and treat any of the stormwater runoff generated by the 1.2-inch storm event (and the first 1.2 inches of all larger events) that is not reduced such that:

   i. Eighty percent of the total suspended solids (TSS) loading are removed;

   ii. Nitrogen and bacteria loadings are reduced to the maximum extent practicable; and

   iii. Stormwater runoff pollutant reduction efforts comply with other watershed-specific, service area-specific or site-specific water quality requirements, if applicable.

8. ***Stormwater Quality Management and Protection.*** In order to protect local aquatic resources from water quality degradation, post-construction stormwater runoff shall be adequately treated before it is discharged from a development site. applicants can satisfy these criteria by achieving the stormwater runoff reduction criteria set forth and as required in the Richmond Hill Stormwater Management Ordinance. However, if any of the stormwater runoff volume generated by the runoff reduction storm event, as defined in the Latest edition of the CSS to the GSMM, cannot be reduced on the development site, due to site characteristics or constraints, it shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids (TSS) loads and that reduce nitrogen and bacteria loads to the maximum extent practical. When seeking to satisfy these criteria through the use of one or more stormwater management practices, applicants shall:

   a. Intercept and treat stormwater runoff in stormwater management practices that have been selected, designed, constructed and maintained in accordance with the information presented in the GSMM, the latest edition of the CSS to the GSMM and the Richmond Hill EDS; and

   b. Provide adequate documentation to the city manager (or his designee) to show that total suspended solids, nitrogen and bacteria removal were considered during the selection of the stormwater management practices that will be used to intercept and treat stormwater runoff on the development site.

9. ***Aquatic Resources Protection and Energy Dissipation.*** In order to protect local aquatic resources from several other negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations, applicants shall provide aquatic resource protection in accordance with the information provided in the latest edition of the CSS to the GSMM. The following drainage areas are considered primary conservation areas for the aquatic resource protection criteria:

   a. Sterling Creek

   b. Ogeechee River

   c. Lost Swamp

   d. Elbow Swamp, and

   e. All marsh buffers,

10. Aquatic resources protection shall be provided for each site through management and extended detention of the one-year 24-hour storm event

released over a period of 24 hours following the 24-hour storm (for a total duration of 48 hours) to reduce the frequency and duration of channel forming events. Velocity control and energy dissipation measures shall be installed at all new and existing stormwater outfalls in accordance with criteria and guidance provided in Section 4.5 of the GSMM (Volume 2) and applicable sections of the CSS.

11. ***Overbank Flood Protection.*** All stormwater management systems shall be designed to control the peak discharge generated by the overbank flood protection storm event (25-year, 24-hour storm event), as defined in the latest edition of the CSS to the GSMM, to prevent an increase in the duration, frequency and magnitude of downstream overbank flooding. A stormwater management system is presumed to comply with these criteria if it is designed to provide overbank flood protection in accordance with the information provided in the latest edition of the CSS to the GSMM.
12. ***Extreme Flood Protection.*** All stormwater management systems shall be designed to safely pass (as a minimum) the peak discharge generated by the extreme flood protection storm event (100-year, 24-hour storm event), as defined in the latest edition of the CSS to the GSMM, to prevent an increase in the duration, frequency and magnitude of downstream extreme flooding and protect public health and safety. A stormwater management system is presumed to comply with these criteria if it is designed to provide extreme flood protection in accordance with the information provided in the latest edition of the CSS to the GSMM.
13. ***Redevelopment Criteria.*** Redevelopment activities that are not exempt from Stormwater Management for Development Activities shall meet at least one of the following criteria to meet the runoff reduction volume and the stormwater quality protection criteria of the Stormwater Management Ordinance:
    a. Reduce impervious cover: Reduce existing site impervious cover by at least 20 percent, unless otherwise approved by the city manager or his designee.
    b. Provide stormwater management: Manage the stormwater runoff from the site's existing impervious cover and any new impervious cover in accordance with the post-construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance and the EDS. The green infrastructure and stormwater management practices used to comply with these criteria shall be selected, designed, constructed and maintained in accordance with the information presented in the Latest edition of the CSS to the GSMM.
    c. Provide off-site stormwater management: Provide, through the use of off-site stormwater management practices, a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by satisfying the post-construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance.
    d. Combination of measures: Any combination of subsections a. through c. above that is acceptable to Richmond Hill.
    e. *Section 18.10 A.5*, *6* and *7* are still applicable to all redevelopment sites.

14. ***Compliance Through Off-site Stormwater Management Practices or Direct Discharge into Open Tidal Waters.*** All stormwater management design plans shall include on-site stormwater management practices, unless arrangements are made with the city manager (or his designee) to manage post-construction stormwater runoff in an off-site or regional stormwater management practice. The off-site or regional stormwater management practice must be located on property legally dedicated to that purpose, be designed and sized to meet the post-construction stormwater management criteria presented in the City of Richmond Hill Stormwater Management EDS, provide a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by on-site green infrastructure and stormwater management practices and have an associated inspection and maintenance plan agreement. In addition, appropriate stormwater management practices shall be installed, where necessary, to protect properties and drainage channels that are located between the development site and the location of the off-site or regional stormwater management practice.
15. To be eligible for compliance through the use of off-site stormwater management practices, the applicant must submit a stormwater management design plan to Richmond Hill that shows the adequacy of the off-site or regional stormwater management practice and demonstrates, to the satisfaction of the city manager (or his designee), that the off-site or regional stormwater management practice will not result in the following impacts:
    a. Increased threat of flood damage or endangerment to public health or safety;
    b. Deterioration of existing culverts, bridges, dams and other structures;
    c. Accelerated streambank or streambed erosion or siltation;
    d. Degradation of in-stream biological functions or habitat; or
    e. Water quality impairment in violation of state water quality standards and/or violation of any other state or federal regulations.
16. In addition, the requirement for on-site stormwater management practices can be waived if one of the two conditions stipulated below can be met to the satisfaction of the city manager (or his designee):
    a. the development directly discharges into open tidal waters or
    b. provisions are made to provide for a drainage system with adequate capacity to carry site runoff flows for the 100-year, 24-hour design storm to open tidal waters. The city will require the developer or owner to coordinate this request with adjacent or downstream property owners and/or local governments as outlined in applicable sections of the EDS.

Section 18.11 Stormwater Management Design Procedures and Requirements

A. **Development Plan Submittal Review Requirements.** No owner or developer shall undertake any non-exempt development activity without first meeting the requirements of this article and receiving city approval for the proposed land development activity from the City of Richmond Hill. Unless specifically exempted by this article or granted a waiver by the city manager (or his designee) from specific requirements, any owner or developer proposing a development project shall

submit to the City of Richmond Hill the required information in a format specified by the City of Richmond Hill. The application process consists of three (3) phases as follows: Pre-Application Conference (Optional, but recommended); Completeness; and Application Review.

1. ***Pre-Application Conference (Optional, but recommended).*** For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the applicant is encouraged to arrange a pre-application conference with the City of Richmond Hill prior to the submission of a formal application package. The consultation meeting shall include a discussion on the proposed development project, the stormwater management concept plan and the approach that will be used to satisfy the post-construction stormwater management and site planning and design criteria that apply to the development site. For the pre-application conference, the applicant shall prepare a stormwater management concept plan. The applicant shall refer to the Richmond Hill EDS for stormwater management conceptual plan requirements.

2. ***Completeness.*** All site development applications must be submitted directly to the City of Richmond Hill. Applications shall be reviewed for completeness and subsequently accepted, only if they are submitted in the required format, include all mandatory information and are accompanied by the appropriate fees. Upon the receipt of any site development application, the city shall make a record of the date of receipt and stamp the date of receipt on the application and all supporting documentation. The city shall examine the application for completeness and either deem the application complete and continue the appropriate review process, or deem the application incomplete and notify the applicant.

   a. During the completeness review the city may, at the request of the applicant, waive any of the checklist completeness items at his/her discretion. For each waiver request, the applicant shall provide a written explanation as to the reasonableness of the request.

   b. Any application that is determined to be incomplete, within seven (7) days of its submittal, shall be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees.

   c. The applicant shall submit, at a minimum, the following information as part of the application package to the city:

      i. Record of a pre-conference application meeting held in accordance with subsection A.1 or a statement that a pre-application conference was not requested;

      ii. Stormwater management design plan prepared in accordance with the Richmond Hill EDS along with completed stormwater management design checklist;

      iii. Stormwater management system inspection and maintenance agreement prepared in accordance with Subsection B; and

      iv. Application and development plan review fees submitted in accordance

with *Section 18.11 C*, and the city's most recently adopted fee schedule.

v. The EDS provides additional details and requirements pertaining to the preparation, submittal, review and approval process associated with stormwater management design and development plans.

3. ***Application Review.*** The city shall review the application for completeness in accordance with Subsection 2 and compliance with the requirements of this article and the EDS, and if found to be in compliance, will instruct the applicant to submit two (2) signed and sealed originals of the site plan and supporting calculations for review by the city. The city shall have 14 days from the time the application to issue submittal review comments or approval.

a. Should during the course of the review the city issue comments on the submittal, the applicant will be informed in writing. Once the applicant resubmits review documents for city consideration, the city shall have 14 days to provide a review and issue additional comments or approval. This process will be repeated as required until all city comments have been addressed. Once all city comments have been addressed, the city will notify the applicant in writing to provide two (2) additional signed and sealed plan and calculations (final approval package) for city files. Upon receipt and brief review of the final submittal package, the city shall issue a development permit for the project within seven (7) days of receipt, provided all other applicable legal requirements and permit approvals have been met.

b. Notwithstanding approval of the stormwater management design, in undertaking the new development or redevelopment activity, the applicant or other responsible person shall be subject to the following requirements:

i. The owner shall comply with all applicable requirements of the approved stormwater management design plan and the provisions of this article and shall provide a statement that all land disturbing and development activities will be completed in accordance with the approved stormwater management design plan;

ii. The development project shall be conducted only within the area specified in the approved stormwater management design plan;

iii. The city manager (or his designee) shall be allowed to conduct periodic inspections of the development project in accordance with applicable sections of this article;

iv. No changes may be made to an approved stormwater management design plan without review and written approval by the city manager (or his designee); and

v. Upon completion of the development project, the applicant or other responsible person shall submit a statement, signed and sealed, that the project has been completed in accordance with the approved stormwater management design plan. The applicant shall also submit as built plans for the stormwater management system, as required under the applicable sections of this article. The applicant shall also provide all sureties required under the city code prior to release of the development permit to the applicant.

B. **Stormwater Management System Inspection and Maintenance Plan Agreement.** Prior to the issuance of a LDA permit for any new development or redevelopment activity that requires one, the applicant or owner of the development site, if

different, must execute an inspection and maintenance plan agreement that shall be binding on all subsequent owners of the site, unless the stormwater management system is dedicated to and accepted by the City of Richmond Hill. Modifications to the inspection and maintenance agreement and plan must be in writing and are only effective after written approval by the City of Richmond Hill via a legally binding document which shall be recorded. A sample copy of the stormwater facility inspection and maintenance plan agreement is included in the City of Richmond Hill Stormwater Management EDS. The owner shall comply with all applicable requirements as set forth in the Richmond Hill Development Regulations.

1. The inspection and maintenance plan agreement shall include the following information:
   a. A legal description of the property.
   b. Identification by name or official title the person(s) responsible for carrying out the inspection and maintenance;
   c. A statement confirming that responsibility for the operation and maintenance of the stormwater management system, unless assumed by City of Richmond Hill, shall remain with the property owner and shall pass to any successive owner;
   d. A provision stating that, if portions of the development site are sold or otherwise transferred, legally binding arrangements shall be made to pass responsibility for the operation and maintenance of the stormwater management system to the appropriate successors in title; these arrangements shall designate, for each portion of the stormwater management system, the person(s) to be permanently responsible for its inspection and maintenance;
   e. A maintenance schedule stating when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management system;
   f. Plans for annual inspections to ensure proper performance of the stormwater management system between scheduled maintenance activities; and
   g. Plans for record keeping or acknowledgement of record keeping requirement by all future owners.
2. The inspection and maintenance agreement and plan shall be approved by the city manager or his designee prior to approval of the stormwater management design plan and recorded with the deed upon approval of the stormwater management design plan.
3. In addition to enforcing the terms of the inspection and maintenance agreement and plan, Richmond Hill may also enforce all of the provisions for ongoing inspection and maintenance contained in this subsection of the Richmond Hill Stormwater Management Ordinance.
4. The terms of the stormwater management system inspection and maintenance agreement and plan shall provide for the city manager or his designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. These terms include the right to enter a property when the city manager or his designee has a reason to believe that a violation of an approved stormwater management system inspection and maintenance agreement and plan has occurred and when necessary for abatement of a public nuisance or correction of a violation of this article or an approved stormwater management

system inspection and maintenance agreement and plan.

C. **Development Review Fees.** The City of Richmond Hill will develop and periodically amend the fee schedule related to the costs associated with the administrative, managerial and technical review activities related to implementation of this article. In accordance with the adopted fee schedule, the city will collect a non-refundable development review fee at the time the stormwater management design package is submitted to the city for initial review. The development review fees that are collected shall be used to support the administrative, managerial and technical review activities associated with the plan review and approval process as well as the development inspection of related project elements that are subject to the requirements of this article.

Section 18.12 Construction Inspection of Stormwater Management Systems

Final inspection and as-built plans. Subsequent to the final installation and stabilization of all green infrastructure and stormwater management practices shown on the approved stormwater management design plan, and before the issuance of a certificate of occupancy or a certificate of construction acceptance (if appropriate), the applicant is responsible for documenting that the project has been completed in accordance with the approved stormwater management design plan through the submittal of as-built plans for all stormwater management practices shown on the approved stormwater management design plan. The as-built plans must show the final design specification data for all green infrastructure and stormwater management practices (i.e. invert elevations, slopes, facility and pipe locations, dimensions, etc). In addition, a licensed professional engineer must provide a design certification that the development has been constructed in substantial accordance with the approved stormwater management design plan. A final inspection may be conducted by the city manager (or his designee) to confirm the accuracy of the as-built plans as well as the information provided in the design certification. A final inspection is required before any performance bond or other guarantee can be released, unless otherwise agreed to by the city manager (or his designee) per this article. All as-built certification work shall be completed in accordance with applicable sections of this article and the EDS.

Section 18.13 On-Going Inspection and Maintenance of Stormwater Management Systems

A. **Maintenance Responsibility.** The responsible party named in the recorded stormwater management system inspection and maintenance plan agreement, shall maintain in good condition and promptly repair and restore all privately maintained green infrastructure and stormwater management practices, maintenance access routes and appurtenances, including, but not limited to surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control practices and other devices. Such repairs and restoration and maintenance activities shall be performed in accordance with an approved inspection and maintenance plan agreement.

1. If the responsible party named in the recorded inspection and maintenance plan agreement is a homeowner's association, or other association, the responsible party shall submit to the city manager (or his designee) a copy of a recorded declaration that provides:

   a. That privately maintained green infrastructure and stormwater management practices are part of the common elements of the development site and

shall be subject to the requirements of the stormwater management system inspection and maintenance plan agreement;

b. That membership in the entity responsible for maintenance shall be mandatory and automatic for all homeowners or parcel owners of the development site and their successors;

c. That the entity responsible for maintenance shall have lien authority, or a mechanism comparable and satisfactory to the city, to ensure the collection of dues from all members;

d. That the requirements of the inspection and maintenance plan agreement shall receive priority for expenditures by the entity responsible for maintenance except for any other expenditures that are required by law to have a higher priority;

e. That a fund shall be maintained by the entity responsible or have proof of the borrowing capacity sufficient for the routine maintenance, reconstruction and repair of the green infrastructure and stormwater management practices, and kept in an account insured by the Federal Deposit Insurance Corporation (FDIC), or by another method acceptable to the city;

f. That the routine maintenance, reconstruction and repair funding source shall contain at all times, or have proof of the borrowing capacity sufficient for, the dollar amount reasonably determined by the design engineer to be adequate to pay for the major maintenance and rehabilitation of the privately maintained water quality management facilities such as but not limited to: detention ponds, retention ponds, flood control structures and repair cost (but not routine maintenance cost) of the privately maintained stormwater management system for a three-year period; unless otherwise agreed to by the city; and

g. That, to the extent permitted by law, the entity responsible for maintenance shall not enter into voluntary dissolution unless responsibility for the privately maintained green infrastructure and stormwater management practices is transferred to an appropriate successor.

2. In lieu of an inspection and maintenance plan agreement, the City of Richmond Hill may accept the dedication of any existing or future green infrastructure or stormwater management practice for maintenance, provided that such practice meets all of the requirements of this article, is in proper working order at the time of dedication and includes adequate and perpetual access and sufficient area for inspection and regular maintenance. Such adequate and perpetual access shall be accomplished by granting of an easement to Richmond Hill or through a fee simple dedication to Richmond Hill.

B. **Inspections.** The city manager (or his designee), bearing proper credentials and identification, shall be permitted to enter, in accordance with local, state and federal laws, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this article. The city manager (or his designee) shall duly notify the owner of said property or the representative on site prior to the inspection, except in the case of an emergency. The city manager (or his designee), bearing proper credentials and identification, shall be permitted to enter, in accordance with local, state and federal laws, all properties for which the city holds a negotiated easement for inspection, repairs, maintenance and other purposes related to any portion of the stormwater management facilities lying within said easement.

1. The city manager (or his designee) shall determine inspection schedules necessary to enforce the provisions of this article.
2. Measurements, tests and analyses performed by the department or required of any discharger to the MS4 shall be in accordance with applicable sections of the city code of ordinances, unless another method is approved by the city manager (or his designee).
3. All inspections should be documented in written reports that contain the following information:
   a. The date and location of the inspection;
   b. The name of the person who performed the inspection;
   c. The condition of:
      i. Vegetation and filter media;
      ii. Fences and other safety devices;
      iii. Spillways, valves and other hydraulic control structures;
      iv. Embankments, slopes and safety benches;
      v. Reservoirs and permanent pools;
      vi. Inlet and outlet channels and structures;
      vii. Underground drainage structures;
      viii. Sediment and debris accumulation in storage and forebay areas; and
      ix. Any other item that could affect the proper function of the stormwater management system.
4. Upon completion of the field inspection, the inspector shall prepare a written description of repair, restoration and maintenance needs for the system in a summary format. If any repair, restoration or maintenance needs are found, the responsible party shall be notified in writing about the repair, restoration or maintenance needs and the remedial measures that are required to bring the stormwater management system into compliance with the provisions of this article and the approved stormwater management system inspection and maintenance plan agreement. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in this article may be undertaken by the City of Richmond Hill against the responsible party named in the approved stormwater management system inspection and maintenance plan agreement.

C. **Records of Maintenance Activities.** The responsible party shall make and maintain records of all inspections, maintenance and repairs, and shall retain the records for a minimum of five years. These records shall be made available to the City of Richmond Hill during inspections and at other reasonable times upon request of the City of Richmond Hill.

D. **Failure to Maintain.** If the responsible party fails or refuses to meet the terms and conditions of an approved stormwater management system inspection and maintenance plan agreement and/or the requirements of this article, the City of Richmond Hill or its authorized representative may correct a violation by performing the work necessary to place the green infrastructure or stormwater management practice in proper working condition after 30 days' written notice. The exception

to the 30-day period would be if the city properly establishes that the violation constitutes an immediate danger to public health or safety in which case the city would grant 24 hours' notice to the property owner.

E. **Cost Recovery for City Funded Stormwater Management Services.** If the City of Richmond Hill performs repair, remediation and/or maintenance work in accordance with the provisions of this article, and other applicable city ordinances, the city may assess the responsible party (or parties) for the cost of the work. This cost shall be in the form of a lien on the property and may be placed on the customer's stormwater utility bill for such property and collected in the ordinary manner for such fees by the City of Richmond Hill.

Section 18.14 Enforcement, Variances and Appeals

A. **Enforcement.** Any action or inaction that violates the provisions of this article or the requirements of an approved stormwater management design plan, land development related permit, or inspection and maintenance plan agreement, may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time may be deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

B. **Notice of Violation.** If the city determines that an owner, applicant or other responsible person has failed to comply with the provisions of this article, or the terms and conditions of an approved stormwater management design plan, LDA permit, or the inspection and maintenance plan agreement, it shall issue a written notice of violation (NOV) to said owner, applicant or other responsible entity. Where an entity is engaged in a new development or redevelopment activity covered by this article without having first secured approval of the stormwater management design, the NOV shall be served on the owner, person or entity in charge of the new development or redevelopment activity being conducted on the development site. The NOV shall contain the following information:

1. The name and address of the owner, applicant or other 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 provisions of this article, or the terms and conditions of the approved stormwater management design plan, land development related permit, or inspection and maintenance plan agreement, and the date for the completion of such remedial plan by the responsible parties;
5. A statement of the penalty or penalties that may be assessed against the person to whom the NOV is issued; and
6. A statement that the determination of violation may be appealed to the City of Richmond Hill by filing a written notice of appeal within 30 days after the NOV (except, that in the event the violation constitutes an immediate danger to public health or safety, a written notice of appeal must be filed within 24 hours after the NOV).

C. **Penalties.** In the event that the remedial measures described in the NOV have not been completed by the date set forth for completion in the NOV, any one or more of the following actions or penalties may be taken or assessed against the person to

whom the NOV was issued. Before taking any of the following actions or imposing any of the following penalties, the City of Richmond Hill shall first notify the owner, applicant or other responsible person or entity 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 safety, 24 hour notice shall be sufficient) to correct the violation. In the event the owner, applicant or other responsible person fails to correct the violation by the date set forth in said notice, the city may take any one or more of the following actions or impose any one or more of the following penalties.

1. ***Stop Work Order.*** The city manager (or his designee) may issue a stop work order that shall be served on the owner, applicant or other responsible person. The stop work order shall remain in effect until the owner, applicant or other responsible person has taken the remedial measures set forth in the NOV or has otherwise corrected the violation or violations described therein. The stop work order may temporarily be withdrawn or modified by city manager to enable the applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.
2. ***Withhold Certificate of Occupancy (CO).*** City manager may refuse to issue a CO for the building or other structure constructed or being constructed on the development site until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein.
3. ***Suspension, Revocation, or Modification of LDA Permit.*** The city manager may suspend, revoke or modify the LDA permit authorizing the development project. A suspended, revoked or modified LDA permit may be reinstated after the owner, applicant or other responsible person has taken the remedial measures set forth in the NOV or has otherwise corrected the violation or violations described therein. The LDA permit may be modified by the city manager to enable the owner, applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.
4. ***Civil Penalties.*** In the event the owner, applicant or other responsible person fails to take the remedial measures set forth in the NOV or otherwise fails to correct the violation or violations described therein, by the date set forth in the notice of violation, the City of Richmond Hill may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains un-remedied after the date set forth in the NOV. In assessing the civil penalty, the City of Richmond Hill may consider the following factors:
   a. Damages to the city, including compensation for the damage or destruction to the MS4, and also including any penalties, costs, and attorney fees incurred by the city as the result of the illegal activity, as well as the cause of the discharge or violation;
   b. The severity of the discharge and its effects upon the MS4 and upon the quality and quantity of the receiving waters;
   c. Effectiveness of action taken by the violator to cease the violation;
   d. The technical and economic reasonableness of reducing or eliminating the discharge; and
   e. The economic benefit gained by the violator.

5. ***Criminal Penalties.*** For intentional and flagrant violations of this article, the City of Richmond Hill may issue a citation to the owner, applicant or other responsible person, requiring said person to appear in municipal court to answer to criminal charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00, imprisonment for up to 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

D. **Appeals.**

1. Any person aggrieved by a decision of the city manager (including any decision with reference to the granting or denial of a variance from the terms of this article) may appeal same by filing a written notice of appeal with the city manager within five days of the issuance of said decision by the city manager. A notice of appeal shall state specific reasons.
2. The city manager shall prepare and send to city council and appellant a written response to said notice of appeal within ten days of receipt of the notice of appeal.
3. All appeals shall be heard by city council. The hearing shall be held within 30 days after receipt of notice of appeal or a date mutually agreed upon in writing by the appellant and the city manager. The city council shall then make its findings within ten days of the appeal hearing.
4. If the appellant is dissatisfied with city council's decision, he or she can appeal said decision to the superior court of the county.

E. **Variances from Requirements.**

1. The city manager may grant a variance from requirements of this article if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and will not fulfill the intent of the ordinance. The city manager may grant a variance from requirements of this article if the proposed development activity will not:
   a. Increase in rate, volume, or concentration of runoff to the existing downstream storm sewer system;
   b. Increase the base flood elevation upstream or downstream; or
   c. Have a negative impact on any wetland, watercourse, or water body; or
   d. Contribute to degradation of water quality.
2. A written request for a variance shall be required and shall state the specific variance sought and the reasons a variance should be granted. The request shall be accompanied by all necessary supporting data and provided in a format that is deemed acceptable by the city. The city manager will conduct a review of the variance request within ten working days of receiving the request.

Section 18.15 Illicit Discharge and Illicit Connection

A. **Prohibition.**

1. It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal storm sewer system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.

2. It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, modify, or tamper with any stormwater structure, appurtenance, or equipment.
3. It shall be unlawful, without prior written authorization of the city manager (or his designee), to alter in any way any part of the stormwater system including, but not limited to, rerouting, removing, deepening, widening, enlarging, filling or obstructing any part of the stormwater system including fencing easements and rights-of-way which render the system inaccessible to equipment necessary to perform maintenance and repairs.
4. It is unlawful for any person, company, corporation, etc. to connect any pipe, open channel, any other conveyance system that discharges anything except stormwater or unpolluted water which is approved by the city manager (or his designee), based on the exemptions listed below, to the municipal storm sewer system.
5. Improper connections in violation of this article must be disconnected and redirected, if applicable, to the city's sanitary sewer system upon approval by the city manager (or his designee) and in accordance with the City of Richmond Hill code of ordinances.

B. **Exemptions.** The following activities are exempt from the prohibition provision above:
1. Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.
2. Unpolluted pumped ground water.
3. Unpolluted discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, snowmelt, dechlorinated swimming pool discharges, flows from riparian habitats and wetlands, and street wash water.
4. Unpolluted discharges or flows from firefighting.
5. Other unpolluted discharges with approval from the city manager (or his designee).

C. **Watercourse Protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

D. **Accidental Discharge.** In the event of an accidental discharge to the MS4 of any material or substance other than stormwater runoff, the person concerned shall inform the City of Richmond Hill Code Enforcement staff, and all other impacted entities immediately but no later than two hours after said person becomes aware of the incident and notify the city as to the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain, treat, or take other actions to minimize effects of the discharge on the municipal storm sewer system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

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Article 19
Floodplain Management

19

Section 19.1 In General

A. **Statutory Authorization.** Article IX, section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Richmond Hill Georgia, does ordain as follows.

B. **Findings of Fact**.

1. The flood hazard areas of the city are subject to periodic inundation which results 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.
2. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

C. **Statement of Purpose.** It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
4. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
5. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

D. **Objectives.** The objectives of this article are:

1. To protect human life and health;
2. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
3. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
4. To minimize expenditure of public money for costly flood control projects;
5. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
6. To minimize prolonged business interruptions; and
7. To insure that potential homebuyers are notified that property is in a flood area.

E. **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context

clearly indicates a different meaning. It should be noted that the provisions of this article are required by Georgia law and the definition of terms listed in this section is prescribed by state law. Definitions contained in this section shall only apply with respect to this article if the same term is defined differently in *Article 32*, in which case the term shall have the meaning ascribed by *Article 32* with respect to all other provisions of this ordinance.

Accessory structure means a structure having minimal value and used for parking, storage and other nonhabitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

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".

Appeal means a request for a review of the planning and zoning director's interpretation of any provision of this article.

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

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 42-7.

Base flood, means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means that portion of a building having its floor sub grade (below ground level) on all sides.

Building, means any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

(1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

(2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

(3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(4) Generating plants, and other principal points of utility lines.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated building means a nonbasement 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.

Existing construction means for the purposes of determining rates, structures for which the start of construction commenced before April 21, 1992.

Existing 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 final site grading or the pouring of concrete pads) is completed before April 21, 1992.

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 either final site grading or the pouring of concrete pads.

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

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

Floodplain means any land area susceptible to flooding.

Floodproofing means any combination of structural and nonstructural 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 means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action,

bridge openings, and the hydrological effect of urbanization of the watershed.

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

Historic structure means any structure that is;

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register:

(2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district:

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the secretary of the interior; or

(b) Directly by the secretary of the interior in states without approved programs.

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 ordinance.

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 also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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 the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

New construction means, for the purposes of determining insurance rates, structures for which the start of construction commenced after April 21, 1992 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after April 21, 1992.

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 April 21, 1992.

North American Vertical Datum (NAVD) has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

Recreational vehicle means a vehicle, which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start 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 and/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 ordinance requirements). 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.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision means the division of a single lot into two or more lots for the purpose of sale or development.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's 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 structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Note: the market value of the structure should be:

(1) The appraised value of the structure prior to the start of the initial repair or improvement; or

(2) In the case of damage, the value of the structure prior to the

damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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 structure commences, whether or not that alteration affects the external dimensions of the structure.

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

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

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

F. **Lands to Which this Article Applies.** This article shall apply to all areas of special flood hazard within the jurisdiction of the city.

G. **Basis for Area of Special Flood Hazard.**

1. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study (FIS), dated April 17, 1984, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article. For those land areas acquired by a municipality through annexation, the current effective FIS, supporting data and any revision thereto, for Bryan County, dated May 16, 1983.
2. Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.
3. The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located: City of Richmond Hill, Planning and Zoning Department, 85 Richard R. Davis Drive, Richmond Hill, Georgia.

H. **Establishment of Development Permit.** A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

I. **Compliance.** No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

J. **Abrogation and Greater Restrictions.** This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

K. **Interpretation.** In the interpretation and application of this chapter all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

L. **Warning and Disclaimer of Liability.** The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This 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 of Richmond Hill or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

M. **Penalties for Violation**. Failure to comply with the provisions of this chapter or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than one day, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section 19.2 Administration

A. **Designation of Ordinance Administrator.** The planning and zoning director is hereby appointed to administer and implement the provisions of this chapter.

B. **Permit Procedures.** Application for a development permit shall be made to the planning and zoning director on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

1. Specifically, the following information is required:
   a. *Application stage.*
      i. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
      ii. Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed;

iii. Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of *Subsections 19.3 B.2* and *D.2*;

iv. Design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a coastal high hazard area will meet the criteria of *Subsection 19.3 F.5*;

v. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and

b. *Construction stage.* For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Where a structure is subject to the provisions applicable to coastal high hazards areas, after placement of the lowest horizontal structural members. Any regulatory floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

2. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

3. The planning and zoning director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

C. **Duties and Responsibilities of the Administrator.** Duties of the planning and zoning director shall include, but shall not be limited to:

1. Review all development permits to assure that the permit requirements of this article have been satisfied;

2. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

3. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

4. When base flood elevation data or floodway data have not been provided in accordance with *Section 19.1.G*, then the planning and zoning director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of Section 19.3 of this article.

5. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor, including basement, of all new or substantially improved structures in accordance with Subsection 19.2 B.1.b.

6. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with Subsection 19.2 B.1.b.

7. When floodproofing is utilized for a structure, the planning and zoning director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Subsection 19.2 B.1.a.iv and *Subsection 19.3 B.2* or *Subsection 19.3 D.2*.
8. Obtain design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a coastal high hazard area will meet the criteria of *Subsection 19.3 F.5*.
9. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
10. Notify adjacent communities and the state 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).
11. For any altered or relocated watercourse, submit engineering data/analysis within six months to FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood-carrying capacity of any altered or relocated watercourse is maintained.
12. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the planning and zoning 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 article.
13. All records pertaining to the provisions of this article shall be maintained in the office of the planning and zoning director and shall be open for public inspection.

Section 19.3 Provisions for Flood Hazard Reduction

A. **General Standards.** In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
3. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
4. Elevated buildings. All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. (Not applicable in coastal high hazard areas).
   a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
      i. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one (1) foot above grade; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

b. So as not to violate the "lowest floor" criteria of this article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

5. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. 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;

7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

10. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

B. **Specific Standards.** In all areas of special flood hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

1. ***New Construction and/or Substantial Improvements.***

a. Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation.

b. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Subsection 19.3 A.4.

c. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be elevated at or above one (1) foot above the base flood elevation.

2. ***Nonresidential Construction.*** New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility

and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in *Subsection 19.2 C.6*.

3. ***Standards for Manufactured Homes and Recreational Vehicles.*** Where base flood elevation data are available:
   a. All manufactured homes placed and/or substantially improved on:
      i. Individual lots or parcels;
      ii. In new and/or substantially improved manufactured home parks or subdivisions;
      iii. In expansions to existing manufactured home parks or subdivisions; or
      iv. On a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one (1) foot above the base flood elevation.
   b. Manufactured homes placed and/or substantially improved in an either existing manufactured home park or subdivision may be elevated so that:
      i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation; or
      ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
   c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Reference Subsection 19.3 A.6).
   d. All recreational vehicles placed on sites must either:
      i. Be on the site for fewer than 180 consecutive days;
      ii. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
      iii. The recreational vehicle must meet all the requirements for "new construction", including the anchoring and elevation requirements of subsections 3a. and c. above.
4. ***Floodway.*** Located within areas of special flood hazard established in *Subsection 19.1 G*, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
   a. Encroachments are prohibited, including earthen fill, new construction,

substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

b. Only if subsection 4a. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of *Section 19.3*.

C. **Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-zones).** Located within the areas of special flood hazard established in *Subsection 19.1 G*, where streams exist but no base flood data have been provided (A-zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

1. When base flood elevation data or floodway data have not been provided in accordance with *Subsection 19.1 G*, then the planning and zoning director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of *Section 19.3*. Only if data are not available from these sources, then the following provisions of subsections 2 and 3 shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than one (1) foot increase in flood levels during the occurrence of the base flood discharge.
3. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. (Note: require the lowest floor to be elevated one (1) foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed).
   a. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of *Subsection 19.3 A.4*.
   b. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three (3) feet above the highest adjacent grade at the building site.
4. The planning and zoning director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

D. **Standards for Areas of Special Flood Hazard (zones AE) with Established Base Flood Elevations without Designated Floodways.** Located within the areas of special flood hazard established in *Subsection 19.1 G*, where streams with base flood elevations are provided but no floodways have been designated, (zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with *Section 19.3 B*.

E. **Standards for Areas of Shallow Flooding (AO zones).** Areas of special flood hazard established in *Section 19.1 G* may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. The following provisions apply:

1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of *Subsection 19.3 A.4*.
2. The planning and zoning administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
3. New construction or the substantial improvement 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 (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in *Subsections 19.2 B.1.a* and *19.2 B. 1.b*.
4. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

F. **Coastal High Hazard Areas (V-Zones).** Located within the areas of special flood hazard established in *Section 19.1 G*, are areas designated as coastal high hazard areas (V-zones). These areas have special flood hazards associated with wave action and storm surge, therefore, the following provisions shall apply:

1. All new construction and substantial improvements of existing structures shall be located landward of the reach of mean high tide;
2. All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one (1) foot above the base flood

elevation level. All space below the lowest supporting member shall remain free of obstruction or constructed with nonsupporting breakaway walls. Open wood lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection 6 below;

3. All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls;
4. All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components, both (nonstructural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the standard building code;
5. Registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsections 2—4 herein;
6. All space below the lowest horizontal supporting member must remain free of obstruction. Open wood lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action without causing structural damage to the supporting foundation or elevated portion of the structure. The following design specifications are allowed:
   a. No solid walls shall be allowed; and
   b. Material shall consist of open wood lattice or mesh screening only.
   c. If aesthetic open wood lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
7. Prior to construction, plans for any structures having open wood latticework or decorative screening must be submitted to the planning and zoning director for approval;
8. Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with open wood latticework or decorative screening, as provided in this section;
9. There shall be no fill used as structural support. Noncompacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The planning and zoning director shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
   a. Particle composition of fill material does not have a tendency for excessive natural compaction;
   b. Volume and distribution of fill will not cause wave defection to adjacent properties; and

c. Slope of fill will not cause wave run-up or ramping.

10. There shall be no alteration of sand dunes or mangrove stands, which would increase potential flood damage;

11. Prohibit the placement of manufactured homes, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection 4 are met.

G. **Standards for Subdivisions.**

1. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
2. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
4. For subdivisions and/or developments greater than 50 lots or five (5) acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

H. **Standards for Critical Facilities.**

1. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
2. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

Section 19.4 Variance Procedures

A. **Variances.**

1. The city council shall hear and decide requests for appeals or variance from the requirements of this article.
2. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the planning and zoning director in the enforcement or administration of this article.
3. Any person aggrieved by the decision of the city council may appeal such decision to the county superior court as provided in O.C.G.A. § 5-4-1.
4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
5. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no

reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. In reviewing such requests, the city council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

B. **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, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. The provisions of this article are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
4. The planning and zoning director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
5. Upon consideration of the factors listed above and the purposes of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

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Article 20

Soil Erosion, Sedimentation and Pollution Control

20

Section 20.1 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. It should be noted that the provisions of this article are required by Georgia law and the definition of terms listed in this section is prescribed by state law. Definitions contained in this section shall only apply with respect to this article if the same term is defined differently in *Article 32*, in which case the term shall have the meaning ascribed by *Article 32* with respect to all other provisions of this ordinance.

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

Board: The board of natural resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Coastal Marshlands: Shall have the same meaning as in O.C.G.A. 12-5-282.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified professional in erosion and sediment control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

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

Department: The Georgia Department of Natural Resources (DNR).

Design professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Coastal Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

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

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

Erosion, sedimentation and pollution control plan: A plan required by the Erosion and

Sedimentation Act, O.C.G.A. chapter 12-7, that includes, as a minimum, protections at least as stringent as the state general permit, best management practices, and requirements in section [34-113(c)] of this article.

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

Final stabilization: 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.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

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

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

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in *Section 20.2 E* of this article.

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

Local issuing authority: The governing authority of any county or municipality which is certified pursuant to O.C.G.A. 12-7-8(a).

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

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

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

NOI: A notice of intent form provided by EPD for coverage under the state general permit.

NOT: A notice of termination form provided by EPD to terminate coverage under the state general permit.

Operator: The party or parties that have:

(1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

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

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

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

Phase or phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

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

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

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

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

Soil and water conservation district approved plan: An erosion, sedimentation and pollution control plan approved in writing by the Coastal Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the

installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

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

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

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

Trout streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative erosion and sedimentation control measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

(1) Permanent seeding, sprigging or planting, producing long-term vegetative cover, or

(2) Temporary seeding, producing short-term vegetative cover; or

(3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia".

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

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 20.2 Exemptions

This article applies to all land-disturbing activities 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. Minor land-disturbing activities such 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 construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams, pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no waiver or modification to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant a modification 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 waiver or modification to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. § 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

E. Agricultural operations, as defined in O.C.G.A. § 1-3-3, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

F. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in *Section 20.3 C. 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 (3) years after completion of such forestry practices;

G. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

H. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters. For purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and; provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs A, B, C, D, E, F, G, I or J of this section;

I. Construction or maintenance projects undertaken or financed, in whole or in part, by the Department of Transportation, the state highway authority, or the state road and tollway authority; or any road construction or maintenance project undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the state road and tollway authority which disturb one (1) or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the state 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.

Section 20.3 Minimum Requirements Using Best Management Practices

A. **General Provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sections 20.3 B and C. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES general permit.

B. **Minimum Requirements/ BMPs.**

1. Best management practices as set forth in subsections B. and C. of this section 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 20.3 B.2 of this section or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a 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 for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land- disturbing permit issued by a local issuing authority or of any state general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.
4. The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

5. The local issuing authority may set more stringent buffer requirements than stated in Sections 20.3 C. 15 and 16, in light of O.C.G.A. § 12-7-6(c).

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type, so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts, except when such methods are not feasible; provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 20.3 B.2;
15. Except as provided in paragraph 16 and *17* of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal

stream flow or wave action, except where the director determines to allow a waiver of modification that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed; provided, adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year-round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a waiver or modification is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities; provided, they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

   i. Stream crossings for water lines; or

   ii. Stream crossings for sewer lines.

16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated

in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

   i. Stream crossings for water lines; or

   ii. Stream crossings for sewer lines.

17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of

recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single–family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

d. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in 391-3-7-.01(r); provided, that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.

D. Nothing contained in O.C.G.A. § 12-7-1 et. seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in *Sections 20.3 B* and *C*.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.

Section 20.4 Application and Permit Process

A. **General.** The property owner, developer and designated planners and engineers shall design and review the requirements of this article before submitting site development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the unified development ordinance, this article and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the city. However, the owner and/or operator are the only parties who may obtain a permit.

B. **Application Requirements.**

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the city without first obtaining a permit from the planning and zoning department to perform such activity and providing a copy of notice of intent submitted to EPD, if applicable.
2. The application for a permit shall be submitted to the planning and zoning department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Plans shall include, as a minimum, the data specified in *Section 20.2 C*. 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 20.4 B and C will be met. Applications for a permit will not be accepted unless accompanied by five (5) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD rule 391-3-7-.10.
3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) of O.C.G.A. § 12-5-23(a); provided, 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 proposed 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 division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the city.
4. Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any waivers or modifications required by *Sections 20.3 C. 15* and *16* have been obtained, all fees have been paid, and bonding, if required, has been paid. A 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 the 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 to act within 35 days shall be considered an approval of the revised plan submittal.

5. If a permit applicant has had two (2) or more violations of previous permits, this article, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.
6. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. **Plan Requirements.**

1. Plans must be prepared to meet the minimum requirements as contained in Section 20.4 B and C, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
2. Data required for the site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. **Permits.**

1. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt of a completed application by the local issuing authority, providing waivers or modifications and bonding are obtained, where necessary, and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district

and the local issuing authority has affirmatively determined that the plan is in compliance with this article, any waivers or modifications required by *Sections 20.3 C. 15* and *16* are obtained, bonding requirements, if necessary, as per Section 20.4 B.6 are met and all ordinances, rules and regulations in effect within the jurisdictional boundaries of the city are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The local issuing authority may reject a permit application if the applicant has had two (2) or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three (3) years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

Section 20.5 Inspection and Enforcement

A. The city's building inspectors will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities, as defined herein, has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he/she shall be deemed 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's building inspectors shall have the power to conduct such investigations as considered reasonably deem necessary to carry out duties as prescribed in this

article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

D. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

E. The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

F. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to 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.

Section 20.6 Penalties and Incentives

A. **Failure to Obtain a Permit for Land-Disturbing Activity.** If any person commences any activity requiring a land-disturbing permit, as prescribed in this article, without first obtaining a permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

B. **Stop-Work Orders.**

1. For the first and second violations of the provisions of this article, the director or the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be halted until necessary corrective action or mitigation has occurred. However, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning.

2. For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop-work order.
3. When a violation occurs in the form of: taking action without a permit; failure to maintain a stream buffer; or discharging significant amounts of sediment into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued.
4. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Stop work orders 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 control measures.

C. **Bond Forfeiture.** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of this article. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. **Monetary Penalties.** Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order issued by the director, 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 under this article shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 20.7 Education and Certification

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one (1) person who is in responsible charge of erosion and sedimentation control activities on behalf of that 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 be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this article.

D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A § 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Section 20.8 Administrative Appeal; Judicial Review

A. **Administrative Remedies.** The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the city council within 30 days after receipt by the local issuing authority of written notice of appeal.

B. **Judicial Review.** Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the county superior court.

Section 20.9 Effectivity, Validity and Liability

A. **Effectivity.** This article shall become effective on the first day of April, 2011.

B. **Validity.** If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.

C. **Liability.**

1. Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the local issuing authority or district for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this article or the terms of the permit.
3. No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

Article 21

Subdivision - Purpose and Procedures

21

Section 21.1 Scope and Purpose

A. **Authority.** These land development regulations are adopted pursuant to the authority granted in the following acts: subdivisions adjacent to state right-of-way, O.C.G.A. § 32-6-150 et seq.; local restrictions on condominiums, O.C.G.A. § 44-3-114; Georgia Land Sales Act, O.C.G.A. § 44-3-1 et seq.; Georgia Condominium Act, O.C.G.A. § 44-3-70 et seq.; approval by planning commission or city council on plat of subdivision required for filing or recording in superior court clerk's office, O.C.G.A. § 15-6-67(d).

B. **Jurisdiction.** These regulations shall apply to all subdivisions of land located within the incorporated areas of the City of Richmond Hill.

C. **Scope and Purpose.** This ordinance is enacted for the following purposes:

1. To assure that land development occurs in accordance with the comprehensive plan, zoning ordinance and other plans, current or future, adopted by the city;
2. To assure that the development of land will have economic stability;
3. To assure the adequacy of streets, utilities and other facilities in land development;
4. To assure that safe and convenient traffic access is provided for vehicles and pedestrians;
5. To assure that the needed public open spaces and building sites for recreation, education and other purposes will be provided through dedication or reservation of land;
6. To establish the procedures for subdivision approval;
7. To assure that development complies with all city, county, state, and federal ordinances and codes;
8. To promote the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the city.

D. **Official Filing of Regulations.** Upon the effective date of this ordinance, no subdivision plat for any land within the City of Richmond Hill, unless exempted below, shall be filed with or recorded by the clerk of the superior court until the plat has been submitted and approved according to the procedures set forth in this ordinance.

E. **Approval Authority.** The authority to approve subdivisions shall be as specified in *Table 21-3*. For exempt subdivisions, it shall be the planning and zoning director; minor subdivisions shall be the planning commission; and major subdivisions shall be the city council.

F. **Sale of Land in Subdivision.** No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of, or by use of a plat of subdivision before that plat has been approved and recorded in the manner prescribed in this article. Any sale or transfer contrary to the provision of this subsection is void. The use of a metes and bounds description of such lot in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from provisions of this article.

G. **Application of Regulations.** No street or other public way or land shall be accepted or maintained; nor shall any municipal water lines, sewerage, electricity, gas, street

lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the City of Richmond Hill for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this ordinance.

H. **Application Certification.** All applications for all procedures under this ordinance shall be certified by the applicant under penalty of perjury, and if the applicant is not the owner of the affected lands, shall also be certified by the owner of the affected lands under penalty of perjury. The planning and zoning department shall develop and furnish the necessary forms for such certifications with each application.

I. **Effect of Plat Approval by Planning Commission on Dedications.** The approval of a plat by the planning commission shall not be deemed to constitute or effect an acceptance by the city council of the dedication of any street or other ground shown upon the plat.

Section 21.2 Fees and Penalties

A. **Fees.** Filing fees in an amount determined from time to time by the city council and set forth in the schedule of fees and charges shall be paid when the application for a subdivision is submitted. The filing fee shall be paid in legal tender or by check or money order.

B. **Violations.**

1. Wherever the council finds in the case of any approval granted pursuant to the provisions of these regulations, noncompliance of any term, condition, or restriction upon which such approval was granted, the council may either rescind and revoke the approval after giving due notice to all parties concerned and granting full opportunity for a public hearing; or grant a grace period not to exceed 90 days for the correction of such deficiencies, but in no case shall more than one (1) grace period be granted.
2. In the event that any violation of this article occurs and continues, the continuance of such violation shall be considered a separate and distinct offense for each day that each violation is continued. Provided further that so long as such violation continues, the lot or lots upon which the violation is being committed shall not be eligible to petition for any further approvals, variances, or any other procedure under this article.
3. The original jurisdiction of all violations of this section shall be vested in the recorder's court of the city.

C. **Penalties.**

1. Any person who willfully violates any rule or provision of this article or fails to comply with any order pursuant thereto shall be punished as prescribed by law. Fines may be recovered, with costs, in a civil action brought in the superior court of Bryan County by a legal representative of the city in the name of the city and for use thereof. Provided further that, at its sole discretion, the planning commission, or its designated agent, may cite any offender into the recorder's court of the city, where the offender shall be subject to a maximum penalty of $500.00 for each violation of this article.
2. A county recorder who records a plat contrary to the provisions of this article shall forfeit and pay not less than $100.00 nor more than $500.00 to be recovered

with costs in a civil action by the prosecuting attorney in the name of and for the use of the City of Richmond Hill.

3. Any person, whether he be the owner or agent of the owner who transfers any lot or tract of land from or in accordance with a plat before the plat has been recorded in the office of the county recorder, shall forfeit and pay the sum of not less than $100.00 nor more than $500.00 for each lot or tract of land so sold. The description of such lot or tract in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

Section 21.3 Subdivision Types and Approval Authorities

A. **Exempt Subdivisions.** The following types of subdivisions are exempt from the planning commission or city council review process outlined in this article. Exempt subdivisions are those that meet any one (1) of the following conditions and street access and public water and sewer are already available. :

1. The combination or recombination of portions of previously platted lots, where the total number of lots is not increased and the resultant lots are equal to the then current standards of the city.
2. Lot line adjustments,

B. **Minor Subdivisions.** Minor subdivisions are land developments that consist of subdividing a parcel of land into five (5) lots or less, provided:

1. All resulting lots must meet the minimum lot area, width and frontage requirement of the applicable zoning district on a public or private street;
2. The subdivision only involves the platting where street access and public water and sewer are already available
3. The subdivision complies with all requirements of these regulations.

C. **Major Subdivisions.** Major subdivisions are land developments that consist of one (1) or more of the following:

1. Subdividing a parcel of land into six (6) lots or more,
2. Subdivisions of land that involve the platting, construction or opening of new streets, improvements to existing streets, or the extension of utility lines, or
3. Subdivisions that do not meet the criteria for exempt or minor subdivision review.

D. **Authorities.** Subdivision review and approval authorities are outlined in Table 21-3:

Table 21-3, Authority Matrix

Type	Staff			Planning Commission	City Council
	Planning and Zoning Dept.	City Engineer	Fire Department		
Exempt	Approve				
Minor Subdivision Informal Plan	Approve		Review		
Minor Subdivision Final Plat	Approve		Review		
Major Subdivision Informal Plan	Approve		Review		

Major Subdivision Preliminary Plat	Review		Review	Review	Approve
Major Subdivision Construction Plans	Review	Review/ Approval	Review		
Major Subdivision Surety	Approve	Review			
Major Subdivision Final Plat	Approve				

Section 21.4 Exempt Subdivisions

A. **Approval Process.** Exempt subdivisions shall be reviewed and approved by the planning and zoning director; provided, at his/her sole discretion, the application may be submitted to the planning commission for comment and/or a decision.

B. **Informal Plan.** Prior to filing an application for an exempt subdivision approval, the subdivider is urged, but not required, to consult informally with the planning and zoning director regarding the proposed subdivision.

1. At a meeting, the subdivider or their representative may present the plan for the new subdivision, seek the advice and assistance of the planning and zoning director and become familiar with the regulations governing the subdivision of land.
2. Informal plan submittal requirements and contents are included in *Article 23*.
3. No fee shall be charged for the pre-application review and no formal application shall be required.

C. **Final Plat.** Final plat submittal requirements, contents and certificates are specified in *Article 23*.

Section 21.5 Minor Subdivisions

A. **Approval Process.** The procedure for review and approval of minor subdivision plats shall consist of the following steps:

1. Optional pre-application review of an informal plan.
2. Staff review and approval of application.

B. **Informal Plans.**

1. Prior to filing an application for minor subdivision approval, the subdivider is urged, but not required, to consult informally with the planning and zoning director regarding the proposed subdivision.
2. At a meeting, the subdivider or their representative may present the plan for the new subdivision, seek the advice and assistance of the planning and zoning director and become familiar with the regulations governing the subdivision of land.
3. Informal plan submittal requirements and contents are included in *Article 24*.
4. No fee shall be charged for the pre-application review and no formal application shall be required.

C. **Final Plat.** The planning and zoning director shall review the plat and the findings in accordance with the following:.

1. ***Requirements.*** Final plat submittal requirements and contents are included in *Article 24*.
2. ***Submittal.*** The subdivider shall submit four (4) copies, plus an electronic version, of a survey (i.e., plat) of the proposed minor subdivision prepared by a registered land surveyor or civil engineer to the planning and zoning director.
3. ***Review for Conformance.*** The planning and zoning director shall review the plat for conformance to the rules and regulations of this article and all applicable provisions of this ordinance. Comments from other city departments will be requested, as applicable. A staff report containing the findings shall be prepared and provided to the subdivider.
4. ***Planning and Zoning Director Review.***
   a. The planning and zoning director shall review plats using the standards set forth in this *Section 21.7*.
   b. Notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the plat is disapproved.
   c. Three (3) copies of the approved plat shall be returned to the subdivider or his agent to be recorded, as specified in *Section 21.10*. One (1) copy of the recorded plat shall be returned by the subdivider to the city zoning administrator. The subdivider shall be responsible for payment of the recording fee at the time of submission of the minor subdivision plat. No building permit shall be issued until the zoning administrator receives the copy annotated with the map book, volume and page numbers as recorded.

Section 21.6 Major Subdivisions

A. **Approval Process.**

1. The procedure for review and approval of major subdivision plats shall consist of the following steps:
   a. Optional pre-application review.
   b. Review and approval of preliminary plat.
   c. Construction or review of surety:
      i. Inspection and approval of site improvements and review and approval of maintenance guarantee; or
      ii. Review and approval of a surety.
   d. Review and approval of final plat.
2. Approval of the preliminary plat, site development plan and construction plans shall be completed prior to making any street improvements or installing utilities. Lots within the proposed subdivision shall not be sold until final plat approval has been received and the subdivision has been duly recorded.

B. **Pre-Application Review.**

1. Prior to filing an application for preliminary plat approval, the subdivider is urged, but not required, to consult informally with the planning and zoning director regarding the proposed subdivision.
2. Informal plans shall be submitted in complete form and shall include the required information and contents outlined in *Article 23*.

3. No fee shall be charged for the pre-application review and no formal application shall be required.

C. **Preliminary Plats.**

1. ***Application.*** Following the pre-application review of a proposed subdivision, as set out in Subsection 21.6 B, the subdivider shall prepare a preliminary plat for submission to the planning commission. The subdivider shall submit to the planning and zoning director, the following:

   a. An application for subdivision review requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the planning commission of the preliminary plat shall be sent.

   b. Two (2) copies, plus an electronic version, of the preliminary plat and other documents, as specified in *Article 23*.

   c. A preliminary plat filing fee, as set forth in the schedule of fees and charges.

   d. A traffic impact analysis, as specified in *Section 14.6*, may be required by the planning and zoning director or the planning commission, in accordance with the provisions of the city's engineering design standards, based on such factors as number of lots proposed, anticipated trip generation of the development, connectivity or lack thereof with adjacent properties, proximity of proposed street intersections to existing intersections, sight distances and other similar factors.

   e. Development of Regional Impact Thresholds (DRI) Study. The city is included in the Savannah Metropolitan Region. Therefore, development of regional impact thresholds apply. If the development meets or exceeds any of the thresholds, a DRI study must be submitted to the planning and zoning director before any actions can be taken by the city.

2. ***Planning Commission Action.***

   a. *Review for conformance.* The planning and zoning director shall review the preliminary plat for conformance to the rules and regulations of this article and all applicable provisions of this ordinance. Comments from other city departments will be requested, as applicable. A staff report containing the findings and recommendations shall be forwarded to the planning commission.

   b. *Review and recommendation.* The planning commission shall review the preliminary plat against the criteria set forth in *Section 21.7* and the planning and zoning director's findings and recommendations.

      i. The planning commission shall recommend approval or disapproval of the preliminary plat, including a statement of the reasons for disapproval if applicable. One (1) copy of the preliminary plat shall be returned to the subdivider or his agent and one (1) copy added to the records of the planning commission.

      ii. The written recommendation of the planning commission shall be transmitted to the city council.

3. ***City Council Action.*** At a regularly scheduled meeting, the city council shall review the preliminary plat against the criteria set forth in *Section 21.7*, the planning and zoning director's report and recommendations and the planning

commission's recommendation. Upon consideration of all of the relevant information, the city council shall either approve, deny or table the preliminary plat.

4. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

D. **Effective Period of Approval.** An approval if a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. The approval shall expire and be null and void after a period of three (3) years unless the final plat is submitted or an extension of time is approved by the planning and zoning director. One (1) extension of not more than 12 months may be approved, based upon a finding that unusual and unforeseen circumstances such as severe weather or natural disaster have prevented the completion of the required improvements.

E. **Construction Plans.**

1. ***Plan Requirements.*** The subdivider shall furnish the planning and zoning director with detailed drawings depicting all necessary infrastructure improvements, with cross sections of each as provided in *Article 23*. All infrastructure improvements must be designed and constructed in accordance with the city's engineering and stormwater standards, as applicable. Construction plans shall be prepared by a registered civil engineer.

2. ***Review Process.***

   a. *Administrative review.* Two (2) sets of construction plans shall be submitted to the planning and zoning director who shall review them for conformance to city requirements and coordinate with the city engineer and other applicable entities regarding standards for utilities, streets, stormwater management, soil erosion control and other applicable regulations. Comments shall be provided, in writing, to the applicant.

   b. *Revisions.* To the extent revisions are required, the applicant shall furnish two (2) revised sets of construction plans and written responses that address all comments to the planning and zoning director.

F. **Final Plat.** A final plat application shall not be submitted until one of the following has been completed:

1. ***Completion of all infrastructure and site improvements.*** All infrastructure and site development is complete and has been inspected and certified as compliant by the city and a maintenance bond has been provided on a form for that purpose.

2. ***Delayed completion of infrastructure and site improvements.*** In lieu of the completion of any required improvement, the developer shall make an application to the city requesting that the council accept either a check or cash deposit in compliance with *Section 21.8* to secure the developer's obligations under this article.

3. ***Final Plat Application.*** The subdivider shall submit four (4) copies, plus an electronic version, of a survey (i.e., plat) of the proposed major subdivision prepared by a registered land surveyor or civil engineer to the planning and zoning director.

a. The subdivider shall submit to the city an application for final plat approval within three (3) years of receiving approval of a preliminary plat by the city council, unless an extension is granted in accordance with Subsection 21.6 D.

b. An application for final plat approval shall include the name and address of the person to whom notice of the planning commission hearing on the final plat shall be sent.

c. The final plat shall be prepared by a registered surveyor and meet the requirements provided in *Article 22*.

4. ***Review.*** The planning and zoning director shall be responsible for review and approval of the final plat. Review shall be based on conformance of the final plat with the approved preliminary plat and the approved construction plans.

5. ***Approval.*** Three (3) copies of the approved plat shall be returned to the subdivider or his agent to be recorded, as specified in *Section 21.10*. One (1) copy of the recorded plat shall be returned by the subdivider to the city zoning administrator. The subdivider shall be responsible for the payment of the recording fee at the time of submission of the subdivision plat. No building permit shall be issued until the zoning administrator receives the copy annotated with the map book, volume and page numbers as recorded.

G. **Modification of Requirements.** The requirements of this article may only be modified in the case of developments approved as a planned unit development, mixed use development or other authorized process, such as a variance. No other modification shall be authorized. All applications for modification shall be considered by both the planning commission and the city council under the criteria set forth at Section 21.7 of this article.

Section 21.7 Subdivision Review Criteria

A. The planning commission and city council shall consider the following criteria in their respective reviews of plats, as required under this article:

1. Does the proposed subdivision meet all requirements of this and any other applicable ordinances?
2. Does the proposed subdivision meet all of the requirements of state and federal law?
3. Will the proposed subdivison be consistent with the comprehensive plan of the city?
4. Will the proposed subdivision interfere with or obstruct the flow of traffic, or create any traffic or safety hazards upon the street system of the city?
5. Will the proposed subdivision restrict or otherwise interfere with any future street or thoroughfare plan?
6. Is the proposed subdivision laid out and designed in such a way so as to minimize its inhabitant's exposure to arterial and collector streets and other major thoroughfares?
7. Is the proposed subdivision designed and laid out so as to accommodate fire and other emergency vehicles?
8. Will the proposed subdivision have any adverse impact on the local school system or any other public services provided by other government entities?

9. Will the proposed subdivision harmonize with neighboring properties?
10. Will the proposed subdivision or any logical extension thereof have any adverse environmental impact?

B. **Additional mitigation requirements.** The planning commission may suggest and the council may require such additional restrictions and standards (i.e., buffer strips, screening, etc.):

1. To meet the intent and purpose of the zoning and subdivision requirements;
2. To protect the health, safety and general welfare;
3. To protect the value and use of property in the general neighborhood; and

Section 21.8 Review of Surety

A. **Surety Required.** Before a subdivision plat is approved for recording, the developer shall provide surety for the construction, completion and maintenance of all improvements as provided in this article.

B. **Deposit in Lieu of Completion; Inspection Fees.**

1. ***Application.*** In lieu of completing all required improvements in any subdivision, whether or not such improvement is to be dedicated, the developer shall make an application to the city requesting that a check or a cash deposit be accepted to secure the developer's obligations under this article.
2. ***Posting.*** In addition to the requirements set forth in Subsection 21.9 B, no plat of subdivision in the city shall be approved until the developer shall have posted a bond or cash deposit to secure the developer's obligations for maintenance and warranty of the improvements or roads under this article.
3. ***Amount.*** Where the city receives an application for final plat approval prior to the completion of all required improvements in a subdivision, the planning and zoning director shall review all plans and data submitted for the subdivision, including, but not limited to any cost estimates by contractors or engineers, and shall set an amount of not less than 125% of the estimated construction cost, as prepared by the applicant's engineer and reviewed by the city engineer, to secure the city to the extent of the cost of building and/or completing all required improvements.

C. **Maintenance.** Where improvements have been completed, the amount shall cover the cost of maintaining the improvements in the event the developer defaults. Warranty guarantees shall be no less than 10% of the construction cost.

1. ***Form of surety.*** The bond or cash deposit shall be in a form acceptable to the city.
2. ***Warranty inspection fee.*** In addition to the bond or cash deposit, the city shall require payment of a non-refundable one time inspection fee to assist in covering the costs of city engineers, other city employees or contractors in inspecting the roads and improvements in the subdivision to insure compliance with city standards. This fee shall be in the amount of one-half (½) of one (1) percent of the warranty bond or cash deposit, and shall be paid directly into the city treasury, free of any fiduciary, trust or other obligations.
3. ***Enforcement.*** The city council have the power to enforce the bond or cash deposit by appropriate legal and equitable remedies.

Section 21.9 Dedication and Acceptance

A. **Dedication.** After final plat approval and completion of all required improvements, the developer shall offer all required improvements to the city as a dedication.

1. The offer of dedication shall be provided to the city on the final plat.
2. Upon receipt of such offer of improvements, the city shall inspect the improvements.
   a. If the improvements are found to not meet the specifications as required by the subdivision plans and the city engineering standards, the developer shall be notified in writing of such deficiencies. After correction of any deficiencies, the developer shall again offer the improvements for acceptance.
   b. If no deficiencies are found, the council shall approve and accept the improvements, subject to the three (3)-year warranty and maintenance period required by this section.

B. **Warranty and Inspections.** No improvements in any subdivision shall be accepted or approved unless the developer warrants and maintains those improvements for a period of three (3) years after acceptance.

1. ***Inspection after One Year.*** One (1) year after acceptance of any subdivision improvement under Subsection 21.9 A, the developer shall make application to the city for inspection of the improvements. The application shall be upon forms specified by the planning commission, who shall cause an inspection of the improvements to be made; and if any improvements are found not to be maintained up to specifications, as required by the subdivision plans and city engineering standards, the developer shall be notified in writing of the deficiencies. After correction of any deficiencies, the developer shall again offer the improvements for inspection. If there are no deficiencies found, the city shall notify the developer and shall release 20 percent of the developer's bond, cash deposit or irrevocable letter of credit.
2. ***Inspection after Two Years.*** Two (2) years after the acceptance of any public improvements in any subdivision, the developer shall request, in writing, an additional inspection of the improvements to be made. If the improvements are found not to be maintained up to specifications, as required by the subdivision plans and city engineering standards, the developer shall be notified in writing of such deficiencies. After correction of any deficiencies, the developer shall again offer the improvements for inspection. If there are no deficiencies found, the city shall notify the developer and shall release an additional 20 percent of the developer's bond, cash deposit or irrevocable letter of credit.
3. ***Inspection after Three Years.*** Three (3) years after the acceptance of any public improvements in any subdivision, the developer shall request, in writing, an additional inspection of the improvements to be made. If the improvements are found not to be maintained up to specifications, as required by the subdivision plans and city engineering standards, the developer shall be notified in writing of such deficiencies. After correction of any deficiencies, the developer shall notify the city of such corrections and offer the improvements for inspection. If there are no deficiencies found, the city shall notify the developer and shall release the balance of developer's bond, cash deposit or irrevocable letter of credit.

C. **Public Streets.** The city council shall not accept, lay out, open, improve, grade,

pave or light any street or lay any utility lines in any street which has not attained the status of a public street, unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map adopted by the city council. However, the city council may accept, lay out, open and improve any street not so platted if it first submits such proposed action to the planning commission for its review and comment.

D. **Private Streets.** Any development containing private streets not built to city engineering standards shall be gated.

Section 21.10 Filing and Recording

A. **Recording Plat.** Upon approval of the final plat, the subdivider shall have the plat recorded in the office of the clerk of Superior Court of Bryan County. The subdivider shall be responsible for payment of the recording fee at the time of submitting the final plat as provided in Subsection 21.10 D.

B. **Approval Longevity.** A subdivision approval granted by the council shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the council.

C. **Certificates.** Subsequent to recording the final plat, one (1) copy with all certificates endorsed thereon shall be made for the records of the planning commission and submitted to the zoning administrator. The map book, volume and page numbers where the plat is recorded shall be indicated. The final plat shall then be returned to the subdivider. No building permits shall be issued until the zoning administrator receives the copy annotated with the map book, volume and page numbers on which the plat is recorded.

D. **Fees.**

1. ***Filing fees.*** Filing fees in an amount established from time to time by the city council and set forth in the schedule of fees and charges shall be paid when the application for a subdivision is submitted.
2. ***Payment of filing fee.*** The filing fee shall be paid in legal tender or by check or money order.

Section 21.11 Amendments to Subdivision Approvals

A. **Minor Amendments.** Minor amendments to an approved final plat shall be reviewed by the planning and zoning director for approval. Minor amendments include modifications that are not considered major amendments.

B. **Major Amendments.** Major amendments to an approved final plat following approval shall require the applicant to resubmit the subdivision plan for review by the city council. The following shall be considered major amendments:

1. An increase in the number of lots;
2. Significant modification to the basic layout of the street system, utility design or non-motorized transportation system, such as removal of a connection, realignment of the street network, or change in the type or widths of streets or public rights-of-way;

3. A reduction of more than 10 percent of total open space or 5 percent of usable open space on the site; or
4. Substantive removal or dilution of features or amenities that were essential elements of the approved subdivision plan.
5. A modification to any condition of approval.

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Article 22
Subdivision - Design Requirements

22

Section 22.1 Minimum Requirements

No building permit shall be issued and no structure shall be erected in the city unless all subdivision procedures required under *Articles 21*, *22* and *23* of this ordinance, and the requirements of all other applicable ordinances, have been met and the street giving access to any lot has been accepted as a public street or is a private street which has been approved under the ordinances of the city.

Section 22.2 Streets

A. **Access.** Access to every subdivision shall be provided over a public street or a private street approved by the city. All public and private street designs shall meet the city engineering standards.

B. **Paving.** All secondary and local streets within a subdivision shall be improved and paved by the subdivider in accordance with the city engineering standards.

C. **Conformance to Adopted Major Street Plan.** All streets and other features of any major street plan for the city shall be platted by the subdivider in the location and dimension indicated on the major street plan adopted by the city council.

D. **Grading.** The subdivider shall clear and grade proposed streets to their full right-of-way width, except where a lesser degree of grading is approved as necessary to protect tree critical root zones. Where slopes from edges of rights-of-way are required to meet yard grades, such slopes shall be placed on private property.

E. **Continuation of Existing Streets.** Existing streets shall be continued at the same or greater width, but in no case less than the required width, as specified in the city engineering standards, unless a lesser width is recommended by the planning commission and approved by the city council.

F. **Development along a Major Street, Limited-Access Highway, or Railroad Right-of-Way.** Where a subdivision abuts or contains a major street, a limited-access highway, or a railroad right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way, either as a marginal-access street or at a distance suitable for an appropriate use of the intervening land, with a non-access reservation suitably platted. In determining distances, due regard shall be given to requirements for approach grades, future grade separations and suitable vehicle stacking space to avoid conflicting turning movements. Lots shall have no access to a major street or limited-access highway, but only to access streets. The following criteria shall be considered:

   1. Traffic studies;
   2. Expected densities;
   3. The road and street plan of the city;
   4. Expected traffic increases or decreases.

G. **Street Jogs.** Street jogs with centerline offsets of less than 150 feet shall not be permitted.

H. **Cul-de-Sac.** Except where topographic or other natural conditions make a greater length unavoidable, cul-de-sac or dead-end streets shall not be greater than 600 feet in length. They shall be provided at the closed end with a turnaround having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet. In certain cases, the usage of a "T" or "Y" shaped turning area shall be

allowed subject to the approval of the fire marshal. The following criteria shall be considered:

1. Traffic studies;
2. Expected densities;
3. The road and street plan of the city;
4. Expected traffic increases or decreases;
5. Existing topographical conditions.

I. **Alleys.** Alleys shall not be required unless deemed necessary by the planning commission, but in no instance shall they be narrower than 20 feet. The following criteria shall be considered:

1. Traffic studies;
2. Expected densities;
3. The road and street plan of the city;
4. Expected traffic increases or decreases;
5. The need for rear lot access.

J. **Street Names and Traffic Control Signs.**

1. Street names shall require approval from Bryan County.
2. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street.
3. Names of new streets shall not duplicate nor closely approximate those of existing streets anywhere in the county.
4. Traffic control signs shall be constructed to the specifications outlined in the city Manual on Uniform Traffic Control Devices.

K. **Reserve Strips.** Reserve strips controlling access to streets, alleys and public grounds shall not be permitted unless approved and accepted by the city council. The following criteria shall be considered:

1. Traffic studies;
2. Expected densities;
3. The road and street plan of the city;
4. Expected traffic increases or decreases; and
5. Need for alternative access routes and connectivity.

L. **Obstruction to Vision at Road Intersections.** In order to minimize accidents at road intersections, the following regulations shall apply in all districts:

1. A clear vision corner shall be maintained, in accordance with *Section 12.4 A*, at all street intersections.
2. Requirements of this section shall not be deemed to prohibit any necessary retaining wall.
3. Trees shall be permitted in the clear vision space; provided, foliage shall be cut away within the prescribed height.

M. **Vision Clearance at Private Drives and Entrances.** At the intersection of any private drive, or entrance, or exit with a public street, no fence, wall hedge or other

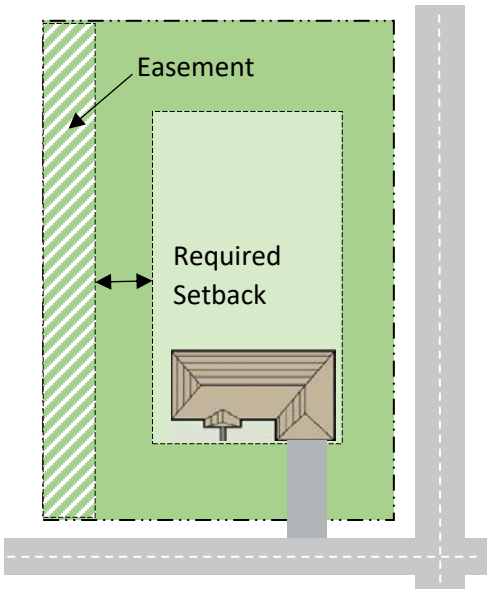
planting, or sign forming a material impediment to visibility over a height of 30 inches shall be erected, planted, placed or maintained.

N. **Private Streets.** Any development containing private streets not built to city engineering standards shall be gated.

O. **Mail Box Clusters.** Mail box clusters shall be provided near the entry to residential subdivisions. A turn-out/off-set area shall be provided adjacent to the mail box cluster of sufficient dimension (minimum 66 feet long by 7 feet wide) to accommodate at least three (3) standing vehicles.

Section 22.3 Easements

Easements having a minimum width of 20 feet shall be provided along the front and/or rear lot lines, as required, for utility lines, underground mains and cables, and other utility purposes, in accordance with the requirements of the city engineering design standards. Such easements shall be provided along the side lot line and/or common lot line, if necessary. Setbacks shall be measured from the interior edge of such easements located within a lot. As an alternative, easements may be located within dedicated common open space areas outside of platted lots. The city council, in its discretion, may require additional easements along any lot line of any lot in the city. In the exercise of such discretion, the city council shall consider and be bound by the following criteria:



A. The location of the proposed lot vis-a-vis the location of existing utilities.

B. The capacity and reserve capacity of the utility lines or connections in the area of the lot.

C. The likelihood of further subdivision and development of the lot in question, as well as other nearby lands.

D. Any known future plans of any utility provider.

E. The zoning of the property.

F. The comprehensive land use plan of the city.

G. Any unique features of the lot, such as unusual shape, size, location or topography.

H. The criteria of the city engineering design standards.

Section 22.4 Blocks

A. **Generally.** The lengths and widths of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitations and opportunities of topography; and convenient access to public recreation areas.

B. **Block Length.** Blocks shall not exceed 1,000 feet in length and through/connecting

streets shall be required.

C. **Width.** Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth, except where single tier lots are required to separate residential development from through vehicular traffic, to separate lots from another type of use, to provide for uncongested traffic flow, to allow for unusual topographic conditions or in instances where lots are adjacent to subdivision perimeter property lines.

Section 22.5 Lots

A. **Lots Abutting Public Streets.** Each lot shall abut upon a dedicated public or approved private street. No structure shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or approved private street.

B. **All Lots Abutting Interstate Highways, Industrial Property, and Railroads.** Such lots shall be buffered in accordance with the provisions of *Article 15*.

Section 22.6 Building Lines

A building line meeting the front yard setback requirements of the zoning district in which the subdivision is located shall be established on all lots.

Section 22.7 Public Site and Open Spaces

A. **Required Open Space.** When the planning commission determines that a local recreation site is necessary to carry out the purposes of this ordinance, they shall either require the dedication of such sites to the city or the payment of a fee by the developer in lieu of required dedication. The planning commission, in making such decisions, shall apply the following criteria:

1. Number of lots;
2. Expected population density;
3. Proximity of existing recreational facilities;
4. Capacity of existing recreational facilities;
5. Ease of access to existing recreational facilities.

B. **Dedication of Open Space.** If the dedication of property is the preferred alternative, it shall be carried out in accordance with the following standards:

1. The land to be dedicated (fee simple) shall be suitable in size, dimensions, topography, access and general character for open park space. Size and location of the space should be considered in the development stages and shall be shown on the preliminary plans.
2. The amount of land required for this purpose shall be a minimum of 10 percent of the total gross area of the subdivision, excluding dedicated rights-of-way.
3. Where it is determined by the planning commission, under the criteria in Section 22.7 A, that an amount of land in excess of the 10 percent is needed to meet the requirements for a specific area of the city, the planning commission shall document its reasons for this finding and indicate the open space requirements to the subdivider upon approval of the preliminary plat.
4. Whenever the planning commission finds that land proposed for dedication to public use in a plat is not required or suitable for such public use, the planning

commission shall refuse to approve the plat and shall notify the city council of the reasons for such action.

C. **Fee in Lieu.**

1. The planning commission may determine that a payment of fee in lieu of required dedication is appropriate based on the following criteria:
   a. There are less than 20 lots in the subdivision;
   b. The subdivision contains less than 10 gross acres;
   c. The area required for dedication for recreation or open space use would result in a site deemed by the planning commission to be too small to be useable, or otherwise inappropriate;
   d. The development is located within one-half (½) mile of an existing public recreation facility;
   e. Existing public recreation facilities in proximity to the subdivision satisfy the desired objective of providing suitable neighborhood recreation opportunities for city residents. In making this determination, the planning commission shall consider:
      i. The existing facilities offer suitable recreational activities and equipment and cater to varied ages and abilities;
      ii. The facilities are well maintained;
      iii. The facilities are easily accessible to the subdivision residents via pathways or sidewalks; and
      iv. The capacity of the existing public recreation facility can accommodate the new users from the subdivision.
2. The planning and zoning director shall recommend to the planning commission the required fee, based on the following.
   a. The amount of the fee shall be substantially equal to the value, as determined by the city prior to the development of the land, which would be set aside if the standards specified in Section 22.7 B were to be applied. The criteria to be used in this consideration shall include:
      i. Tax value; and
      ii. Comparable sales.
   b. The fee shall be paid to the city's planning and zoning department prior to the approval of the final plat.

D. **Other Public Lands.** When features of plans adopted by the city council (such as schools or other public building sites, parks, or land for similar public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

E. **Resident Amenities.** In lieu of public open space or payment in lieu, the planning commission or city council may require the provision of private amenities such as parks, open spaces, clubhouse, swimming pool, trails and similar features to serve the needs of the resident population of the subdivision and their guests. These amenities shall be installed prior to final plat approval or guaranteed through a surety, as provided in *Section 21.8*.

Section 22.8 Sidewalks and Crosswalks

A. Sidewalks shall be required for all major subdivisions, except where the requirement is waived or modified by the city engineer based on the low potential for pedestrian activity in the development, the density of the development, the type of development, and the potential for future network connectivity.

B. Sidewalks shall be placed on both sides of streets and shall meet the city engineering standards. Such sidewalks shall run the entire length of the property where the property adjoins any street (i.e. corner lots must have sidewalks on both streets).

C. Crosswalks shall be provided for any location considered the most direct and safest approach to community facilities, commercial areas, schools and parks.

Section 22.9 Storm Sewers and Drainage

A. Provision shall be made for an adequate storm drainage system for the proper drainage of all surface water. The design of such system shall be in accordance with *Article 18* and subject to approval of the city engineer.

B. Drainage easements within any side yard shall follow and be divided equally on both sides of the side lot line. Minimum required side yard setbacks shall be measured from the easement line.

Section 22.10 Utilities

All utilities shall be installed underground, unless specifically permitted otherwise by the city council during the preliminary plat approval.

Section 22.11 Street Lighting

Lighting shall meet the requirements of Table 22-11.

Table 22-11, Subdivision Lighting Requirements

Type Area	Minimum Average Lighting Level Requirement	Minimum Distance Between Street Light Poles
Residential Area	.02 foot-candle	300 ft.
Commercial Area	.04 foot-candle	300 ft.
Industrial Area	.25 foot-candle	300 ft.

Section 22.12 Fire Hydrants

Where public water service is available within the subdivision, the subdivider shall be responsible for the installation of fire hydrants in accordance with the city standards.

Section 22.13 Area Subject to Flooding

Land subject to flooding, improper drainage, or erosion or that is, for topographical or other reasons, unsuitable for residential use shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety or property destruction unless the hazards can be and are corrected.

Section 22.14 Large-Scale Developments

The requirements of this article may be modified in the case of a large-scale community or neighborhood unit, such as a housing project or shopping center not subdivided into customary lots, blocks and streets, or a planned unit development, if the development is recommended for approval by the planning commission and approved by the city council and is in conformity with the purpose and intent of this article. All such applications for modification shall be considered by both the planning commission and the city council under the criteria set forth at *Section 21.7 A*.

Section 22.15 Subdivision Name and Entrance

A. The name of the subdivision must have the approval of the city council. The name shall not duplicate nor closely approximate the name of any existing subdivision.

B. Each subdivision comprising five (5) acres or more shall have an entrance way compatible to the structures to be built or built in the subdivision. The entrance way must have the approval of the city council.

Section 22.16 Building Details for Townhomes

A. A plan shall be submitted showing the following details for the townhome development:

1. Typical elevation views of all sides of each building type
2. Elevation views of building additions
3. Color and material specifications
4. Building height
5. Livable floor area of dwellings by type

B. New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity.

Article 23

Subdivision - Plat Specifications

23

Section 23.1 Informal Plans

A. An informal plan, as permitted in *Article 21* for exempt, minor and major subdivisions, shall contain the following information:

1. The name and address of the owner of record of all tracts and of the subdivider, if different;
2. Total acreage in the tract to be divided;
3. Tentative street and lot arrangement;
4. Approximate rights-of-way, easements, and lot lines;
5. Average lot areas and approximate number of lots;
6. Existing and proposed uses of land throughout the subdivision;
7. General location of significant natural features, such as trees, wetlands and drainage ways,
8. Zoning classification; and
9. A vicinity map showing the relationship between the proposed subdivision and surrounding area at a scale of at least one inch equals 1,000 feet, including the land use and zoning of the area within a radius of 300 feet of the subdivision.

Section 23.2 Preliminary Plat

A. A preliminary plat shall contain the following information:

1. Name and address of the owner of record of all tracts and of the subdivider, if different.
2. Proposed name of the subdivision and its acreage.
3. North arrow, graphic scale and date of preparation.
4. Vicinity map showing location and acreage of the subdivision.
5. Exact boundary lines of the tract by bearings and distances.
6. Names and owners of record of adjoining land.
7. Existing streets, utilities and easements on and adjacent to the tract.
8. Proposed layout, including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than single-family dwellings.
9. Block numbers and lot numbers.
10. Provisions for water supply, waste water and stormwater drainage in accordance with the pertinent city ordinances.
11. Minimum building setback lines.
12. Such street cross section and centerline profiles as may be required by the city engineer or other city official.
13. Minor streets will be included in subdivision plats where applicable.
14. Wetlands delineated.
15. Flood zones delineated.

B. The preliminary plat shall meet the following specifications:

1. The preliminary plat shall be clearly and legibly drawn at a minimum scale of 100 feet to the inch.
2. Sheet size shall be no larger than 18 by 24 inches. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size. Two (2) complete sets of the approved preliminary plat drawings shall be provided to the city, along with one electronic (PDF) copy.
3. The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coastal and Geodetic Survey (or a datum plane approved by the city engineer):
   a. For land that slopes less than two (2) percent, the preliminary plat shall show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.
   b. If the ground slope is regular, show contours with an interval of not more than five (5) feet.
   c. If the ground slope is irregular, show contours with an interval of not more than two (2) feet.
   d. A tie to one (1) or more benchmarks shall be shown.
   e. A certificate of tentative approval of the preliminary plat by the planning commission shall be inscribed on the plat as follows:

"Pursuant to the Subdivision Ordinance of Richmond Hill, Georgia, all the requirements of tentative approval having been fulfilled, this preliminary plat was given tentative approval by the Richmond Hill Planning Commission on _____, 20_____ and the city council on _____, 20_____. This tentative approval does not constitute approval of a final plat. This certificate of tentative approval shall expire and be null and void on _____, 20_____."

_____	_____
(Date)	Chairman, Richmond Hill Planning Commission
(Date)	Mayor, City of Richmond Hill

This is a preliminary Plat, Not to be Recorded.

Section 23.3 Construction Plans

A. The following shall be shown on the construction plans:

1. ***Existing Site Data.***
   a. City boundary lines, property lines, rights-of-way, easements, streets, railroads, bridges, and buildings;
   b. Utility transmission lines, storm sewers, ditches and culverts, sanitary sewers and water mains, including information on both size, equipment, and location;
   c. Wooded areas, marshes, ponds, and watercourses;

d. Contours, showing the topography of the site at a vertical interval of two (2) feet; and

e. Areas subject to flooding, accompanied by high water elevation, if available.

2. ***Proposed Site Data.***

a. Final street rights-of-way, profiles, cross-sections, pavement widths, grades, and street name

b. Final plans and calculations prepared by a registered engineer for sanitary sewers, storm sewers, water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, laterals stubbed to each lot, cross sections, necessary manholes, lift stations and force mains and sizes)

c. Other easements and rights-of-way including location, dimensions, and purposes

d. Contour changes to be made by grading at two (2) foot intervals;

e. A stormwater and sediment control plan including necessary easements, open ditches, pipes, culverts, storm sewers, drop outlets, catch basins and other necessary appurtenances;

f. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines;

g. Parks, school sites, and other public areas, if any;

h. Areas to be used for purposes other than residential and public within the site, if any, with the purpose, location, and dimensions of each indicated;

i. DOT-approved street name signs installed at all intersections within a subdivision;

j. Traffic control signs (stop, yield, etc.). The locations of such signs shall be approved by the city engineer;

k. Street lights and poles that meet the requirements for lighting in *Table 22-11*; and

l. Markers and monuments as required by local and state ordinances and as recommended by the city engineer.

3. ***Other Information.***

a. Name of subdivision;

b. Name and seal of engineer of record;

c. Name and address of owners and developers;

d. Date of plan, north point, graphic scale; and

e. Tract parcel numbers for parent tract;

f. The names and contact information of the relevant home owners association or property owners association;

g. Site data: total acreage in tract, acreage in public or other land usage, minimum lot size, average lot size, total number of lots, linear feet in streets.

4. ***Landscaping and tree preservation plan, including type and size of plant***

material, as well as location and design of the entrance way and street signage. Any site features (posts, fence section or planters) that may be used shall also be indicated.

5. Location of street name signs within a subdivision.
6. Location of street lights and poles.

Section 23.4 Final Plat

B. The final plat reflects "as-built" conditions, easements, and lot corner monuments as set in the field.

C. The final plat shall be clearly and legibly drawn in permanent ink on plastic mylar. Sheet sizes shall be no larger than 18 by 24 inches, and where more than one (1) sheet is required an index map shall be required on the same size sheet. Four (4) complete hard-copies of the approved final plat drawings shall be provided to the city, along with one electronic (PDF) copy. In addition, a photographic reduction at a scale of one inch equals 200 feet of the street and lot layout portion of the final plat shall be prepared by the subdivider and furnished to the city.

D. The following specific details shall be shown on the final plat:

1. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments, a minimum of three of which shall be accurately described on the plat.
2. Municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
3. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed 1:5,000.
4. Name of the subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the plat.
5. Street center lines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
6. Lot lines with dimensions to the nearest one-tenth foot and bearings.
7. Lot numbers in numerical order and blocks lettered alphabetically.
8. "911" addresses as assigned by the Bryan County 911 director.
9. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use.
10. Accurate location, material and description of monuments and markers.
11. A statement, either directly on the plat or in an identified attached document, of any private covenants.
12. The following certifications:
    a. Surveyor's certification, directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future," and their location, size, type and material are correctly shown, and that all engineering requirements of the City of Richmond Hill, Georgia, have been fully complied with.

By: _____ Registered Georgia

Land Surveyor No. _____"

b. Owner's certification, directly on the final plat, as follows:

"Owner's Certificate

State of Georgia, County of Bryan

The owner of the land shown on this plat whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this was made from an actual survey, and that all state, city and county taxes or other assessments now due on this land have been paid.

Agent:_____ Owner:_____

Date:_____ Date:_____"

c. Certificate of dedication, a certificate by the owner submitted with the final plat, which sets forth the description of the areas and improvements dedicated by the owner to the public and the extent of title which is being dedicated. The certificate shall contain the following: "All streets, rights-of-way, utilities, easements and any sites for public use, as noted on this plat are hereby dedicated for the use intended."

d. Certificate of approval of final plat, a certificate of approval of the final plat shall be made directly on the plat as follows:

"Pursuant to the Subdivision Regulations of City of Richmond Hill, Georgia, all the requirements of approval having been fulfilled, this final plat was given final approval on _____, 20_____.

_____	_____
Date	Mayor, City of Richmond Hill
_____	_____
Date	City Representative"

Section 23.5 Plat Recordation

Filing and recording of a final plat shall be in accordance with the provisions of *Section 21.10*.

Article 24
Administration and Enforcement

24

Section 24.1 Procedures for Administration

It shall be unlawful for any person to commence excavation for or construction of any building or structure, or moving of any existing building or structure without first obtaining a permit from the zoning administrator. No permit shall be issued for the construction, moving, placement or alteration of any building or structure until proper approval has been granted and fees have been submitted in accordance with the provisions of this ordinance.

Section 24.2 Minimum Requirements

In the interpretation and application of this ordinance, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than this zoning ordinance; or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by any existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control. Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, morals and general welfare.

Section 24.3 General Responsibility

The provisions of this ordinance shall be administered and enforced by the mayor and city council, planning commission, zoning board of appeals, architectural review board, planning director, zoning administrator and their respective designees. The zoning administrator shall, among other duties, issue all permits and notices of violations provided for in this ordinance.

Section 24.4 Enforcement

A. Zoning Enforcement Administrator. The mayor and council shall provide for the enforcement of this ordinance by appointing a zoning administrator, who shall, jointly with other inspections personnel, have the right to withhold building permits. The zoning administrator shall not have the authority to grant approval to any building permit that does not meet the requirements of the zoning ordinance.

B. Violations.

   1. Any building or structure that is erected, altered, converted, or maintained in violation of this ordinance shall be subject to a minimum penalty of $500.00. Continuance of a violation shall be considered a separate and distinct offense for each day the violation is continued. Furthermore, such structure that is in violation of this ordinance is not eligible to petition for a variance or other zoning action and will be subject to fines until the structure is brought within compliance with this ordinance.

   2. Any person or entity that violates any provision of this ordinance or fails to comply with the requirements thereof shall be subject to a minimum penalty of

$500.00 for each such violation. Continuation of any violation of this ordinance shall be considered a separate and distinct offense for each day any such violation is continued.

C. Enforcement of Violations. When the zoning administrator finds that any provision of this ordinance is being violated, the zoning administrator or agent thereof shall execute the following procedures;

1. 30 days prior to legal action by the city, send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional notices may be sent at the zoning administrator's discretion.
2. 15 days prior to legal action by the city, send a final notice by certified mail stating the action the zoning administrator intends to pursue if the violation is not corrected and shall advise that the zoning administrator's decision may be appealed to the mayor and council at the next scheduled meeting.
3. Upon approval by mayor and council the zoning administrator shall file the complaint with the clerk of the municipal court.
   a. Upon receipt of the complaint, the clerk of the municipal court shall cause the complaint and a hearing notice to be issued and served upon the owner of and any parties in interest in the property or sign which is involved in or is the subject of the complaint. Such hearing shall be held before the judge of the municipal court not less than 10 days nor more than 30 days after service of the complaint.
   b. Complaints or orders issued by the municipal court pursuant to the provisions of this ordinance shall, in all cases, be served upon each person in possession of said property, each owner, and each party in interest; and the return of service signed by the public officer or his agent or an affidavit of service executed by any citizen of this state, other than the resident initiating the complaint; and the return of such public officer or agent thereof or the affidavit of such citizen that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence shall be conclusive as to such service.
   c. If any of the owners and parties in interest reside out of the city, service shall be perfected by causing a copy of such complaint or orders to be served upon such party or parties by the sheriff or any lawful deputy of the county of the residence of such party or parties or such service may be made by any citizen; and the return of services signed by the public officer or his agent or an affidavit of service executed by any citizen of this state, other than the resident initiating the complaint; and the return of such sheriff or lawful deputy or the affidavit of such citizen that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence shall be conclusive as to such service.
   d. Nonresidents of this state shall be served by posting a copy of such complaint or orders in a conspicuous place on premises affected by the complaint or orders. Where the address of such nonresidents is known, a copy of such complaint or orders shall be mailed to them by registered or certified mail.
   e. In the event either the owner or any party in interest is a minor or an insane person or person laboring under disabilities, the guardian or other personal

representative of such person shall be served and if such guardian or personal representative resides outside the county or municipality or is a nonresident he shall be served as provided for in Subsection 24.4 C.3.d of this section. If such guardian or personal representative or in the event such minor or insane person lives outside the city or is a nonresident, service by leaving a copy at the place of his residence which shall be sufficient evidence as to the service of such person or persons; in the case of other persons who live outside of the city or are nonresidents, service shall be perfected by serving the judge of the probate court of the county wherein such property is located who shall stand in the place of and protect the rights of such minor or insane person or appoint a guardian ad litem for such person.

f. In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the zoning administrator in the exercise of reasonable diligence, the zoning administrator shall make an affidavit to that effect. Then the service of such complaint or order upon such persons shall be made in the same manner as provided in Subsection 24.4 C.3.d of this section or service may be perfected upon any person, firm, or corporation holding itself out as an agent for the property involved.

g. A copy of such complaint or orders shall also be filed in the proper office or offices of the municipal court and such filing of the complaint or orders shall have the same force and effect that appropriate lis pendens notice and may contain a statement to the effect that a lien may arise against the described property and that an itemized statement of such lien is maintained on a lien docket maintained by the city clerk.

D. Complaints Regarding Violations. Whenever the zoning administrator receives a written, signed complaint alleging a violation of this ordinance, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

E. Persons Liable for Violations. The owner, tenant, or occupant of any building or land or part thereof and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 24.5 Public Nuisance, Per Se

Any building or structure which is erected, repaired, altered, or converted; or any use of premises or land which is begun or changed subsequent to the time of passage and in violation of any of the provisions of this ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 24.6 Performance Guarantees

A. As a condition of approval of a final plat and/or prior to the issuance of a certificate of occupancy for a non-residential structure, if some or all required improvements have not been made, a financial guarantee may be required of sufficient sum to assure the installation of those features or components of the approved activity or construction that are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Those features or components, referred to as "improvements" may include, but shall

not be limited to, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

B. Performance guarantees shall be processed in the following manner:

1. Prior to approval of a final plat and/or issuance of a certificate of occupancy for a non-residential structure, the applicant shall submit an itemized estimate of the cost of those required improvements subject to the performance guarantee, which shall then be reviewed by the zoning administrator. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies, but not-to-exceed 125 percent of the estimated cost of construction and materials.
2. The required performance guarantee may be in the form of a cash deposit, certified check or cashier's check.
3. Upon receipt of the required performance guarantee, a building permit shall be issued for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the city.
4. The city, upon the written request of the owner, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed, as determined by the city. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all required improvements have been completed, the owner shall send written notice to the city of completion of the applicable improvements. Thereupon, the city shall cause an inspection to be made of all the improvements and approve, partially approve, or reject the improvements with statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be retained and the owner will be directed to complete the missing items. Where partial approval is granted, the owner shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved. The city may withhold issuance of the certificate of occupancy until all improvements are completed.
6. A record of authorized performance guarantees shall be maintained by the zoning administrator.

Section 24.7 City Council Oversight

Certain responsibilities for review and approval of requests within this ordinance are delegated to administrative officials and bodies other than the city council. It is the intent of these provisions to minimize delay and improve efficiency for the city and the applicants. Nevertheless, the mayor shall have the authority, within five (5) business days of any such action by staff or other designated review authority, to suspend that action and refer the matter to the city council for consideration where it is determined by the mayor that:

A. An approval was granted that was not in the best interests of the city or surrounding neighborhood;

B. Conditions were attached to an approval that were inappropriate or excessive; or

C. A request was erroneously approved or denied.

Section 24.8 Public Notification

Whenever a public hearing is required by this ordinance, the following notification requirements shall be followed:

A. Legal Notice. Notice of public hearings shall be published within a newspaper of general circulation within the city in which are carried the legal advertisements of the city. The notice shall state the time, place and purpose of the hearing and include the location of property that is the subject of the zoning action, the present zoning district of the property, and the proposed zoning district or proposed zoning action, as applicable. The notice shall be published once, at least 15 days; but, not more than 45 days prior to the date of the hearing.

B. Signs Posted. Where a zoning action of property is initiated, the zoning administrator shall post a sign at least 15 days prior to the required public hearing, in a conspicuous place on the property which is the subject of an application. The sign or signs will contain information as to the current zoning district, the proposed zoning district or zoning action, and the date, time and location of the public hearings.

C. Notification to Adjacent Property Owners. At least seven (7) days, but not more than 45 days before the date of the public hearing, a notice setting forth the date, time and place for the hearing shall be sent by mail to the applicant, the mayor and council, and all owners of property located adjacent to, or within 300 feet of, or across a public right-of-way from the property that is the subject of the zoning application. The notice shall also include the location of the property, its present zoning classification and the proposed zoning classification or requested zoning action. The names and addresses of owners of those properties to be notified shall be provided by the applicant. However, where a map amendment is initiated by the planning commission the names and addresses of those adjacent property owners shall be provided by the zoning administrator. Failure of the zoning administrator to send notices or failure of the property owner to receive notification shall not affect the validity of any zoning action. This procedure exists as a supplement to the legally required notification procedures.

D. Additional Notice to Military Base. The zoning administrator shall with respect to each proposed zoning decision involving land that is adjacent to or within 3,000 feet of any military base or military installation or within the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II, as prescribed in the definition of an Air Installation Compatible Use Zone, of a military airport investigate and make a recommendation with respect to each of the matters, in addition to any other duties with which the zoning administrator is charged by the City of Richmond Hill. The zoning administrator shall request from the commander of such military base, military installation, or military airport a written recommendation and supporting facts relating to the use of the land being considered in the proposed zoning decision at least 30 days prior to the public hearing. If the base commander does not submit a response to such request by the date of the public hearing, there shall be a presumption that the proposed zoning decision will not have any adverse effect on the installation. Any such information provided shall become a part of the public record.

E. Public Hearings Records Standards. The public hearing proceedings shall be

recorded. Any party desiring a transcript of any public hearing must arrange at his/her expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the city clerk. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning action's file.

Section 24.9 Other Actions Affected by this Ordinance

A. Alcohol Beverage License. The mayor and council shall not approve an alcohol beverage license for any establishment that is not in compliance with this ordinance.

B. Occupational Taxes. No business shall receive an occupational tax certificate unless such business is in compliance with this ordinance.

C. Bryan County Tax Assessment. Zoning actions conducted pursuant to the provisions of this ordinance may affect the tax assessed value of a lot or parcel in the city. It is the responsibility of the land owner to notify the assessor of such changes.

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Article 25
Permits and Fees

25

Section 25.1 Permits Required for Construction

The following is a list of permits needed for construction of a building or structure or the movement of a building or structure in the city.

A. Building Permit. A building permit issued by the zoning administrator is required in advance of initiating construction, erection, moving, location, relocation or alteration of any building or structure. All applications for building permits shall be accompanied by an approved site development plan, in accordance with *Article 17* provided a permit request for an individual single family detached dwelling or two family dwelling shall be accompanied by a plat or plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot and such other information as may be essential for determining whether the provisions of this ordinance are being observed. A record of the application and site development plan, plat or plan shall be kept by the zoning administrator. A building permit shall also be required for swimming pools, fences, and lawn irrigation systems.

B. Relocation Permit. A relocation permit is required any time a manufactured home, mobile home, trailer, out building, house or structure is moved from any location to any lot or parcel within the city limits of the city. Electrical, mechanical and plumbing permits are included within this permit.

C. Sign Permit. Prior to the erection of any sign, except as may be specifically exempted from a permit requirement, the zoning administrator must first issue a permit in accordance with the sign regulations set forth in *Article 16* of this ordinance. Permits are required for both temporary signs as well as permanent signs.

D. Demolition Permit. Prior to destruction of a building, structure or sign, a demolition permit shall be obtained from the zoning administrator.

E. Electrical permit. An electrical permit shall be obtained prior to installing any electrical wiring or fixtures, except if a re-location permit or building permit has already been issued for the structure.

F. Plumbing Permit. A plumbing permit shall be obtained prior to installing any plumbing, except if a re-location permit or building permit has already been issued for the structure.

G. Mechanical Permit. A mechanical permit shall be obtained prior to installing any mechanical systems, except if a re-location permit or building permit has already been issued for the structure.

H. Other Permits in Conjunction with this Ordinance. The following are permits required by other government entities that may be applicable to development within the city.

1. Land disturbing activity permit. Under the Georgia Soil Erosion and Sedimentation Act (O.C.G.A. 12-7-7), any disturbance of land of over one (1) acre requires a land disturbing permit from the city zoning administrator.
2. Construction in wetlands. In conjunction with Georgia Department of Natural Resources (DNR), the United States Army Corps of Engineers maintains the authority to delineate the location of wetlands and is responsible for permitting any land disturbing activity in them under Section 404 of the Federal Clean Water Act.
3. Individual well systems. If an individual well system is required for any land

development, a well permit is required from the Bryan County Board of Health.

4. Individual sewer systems. If a lot or parcel is not served by city sewer utilities, a permit is required from the Bryan County Board of Health.
5. Entrances on state and federal highways (curb cuts). If the development of a lot, tract, or parcel requires an entrance onto a State or Federal highway, a permit is required by the Georgia Department of Transportation (GDOT).
6. City right-of-way permit. Work that takes place in a city right-of-way, not part of a larger project already permitted, shall require a right-of-way permit from the planning and zoning department before work may begin.

I. Wells for Irrigation Only. If a property owner intends to use a well for the irrigation of his/her landscape, a well drilling permit must be obtained from the zoning administrator and the pump installation and design must meet the plumbing codes set forth by Southern Building Code Congress International and the laws of the state of Georgia.

Section 25.2 Actions Required by this Ordinance

The following are actions authorized by this ordinance that may require specific approval, as described in the relevant sections of the ordinance.

A. Conditional Uses. Each of the use tables in the zoning districts denotes certain uses that, because of their operational characteristics or potential nuisance effects, require review and approval based on a set of general standards and, in some cases, additional requirements specific to that use. The procedures and standards are found in *Article 13*.

B. Site Development Plan Approval. All land development activities, other than detached single and two- family structures, must submit a site development plan o for review prior to the issuance of any land development permits. The site development plan shall conform to the requirements and procedures specified in *Article 17* of this ordinance.

C. Zoning Variance. Where strict enforcement of this ordinance may present a practical difficulty or unnecessary hardship upon a lot or parcel of land, the owner may apply for a zoning variance in accordance with the provisions of *Article 29*.

D. Amendment to the Zoning Map. A change in zoning classification of any property is considered to be an amendment to the ordinance. Such action requires a public hearing before the planning commission and approval by the council at a scheduled meeting after consideration of the criteria in *Article 22* of this ordinance.

E. Amendment to the Text of this Ordinance. An amendment to the text of the zoning ordinance follows the same process as an amendment to the zoning map. However, a text amendment requires different materials to be included with the application, to wit: the language of the proposed text amendment and a written explanation of what part or parts of this ordinance is proposed for amendment by such text.

F. Planned Unit Development. This is a process whereby a large parcel of land or group of contiguous parcels may be consolidated into a single development based upon a long-term development plan. Approval of a planned unit development requires a public hearing, planning commission recommendation and approval by the council in accordance with *Article 10* of this ordinance.

G. Mixed-Use Development. Development within either of the mixed-use districts, as described in *Article 9*, is subject to approval of a concept plan and a final development plan. If rezoning of the property is needed, the amendment procedures noted in Subsection 25.2 D, above, will be followed, including a public hearing.

H. Application for Extension of Time. An application for extension of time may be made when permitted by the provisions of this ordinance. Such extensions may be granted for site development plans, planned unit developments, and other actions authorized by this ordinance and as specifically stated in the relevant articles.

Section 25.3 Fees

Fees for each permit or zoning action are established by the city council and may be revised from time to time. The schedule of fees is contained in the city revenue ordinance.

Section 25.4 Application Requirements

All applications for permits or action shall be dated upon submission and shall contain all required information, unless specifically waived by the planning director or other reviewer. Incomplete applications may be returned to the applicant and will not be processed. In addition to the information specified on the application form and all other relevant provisions of this ordinance, the following shall be required:

A. All applications for all procedures under this ordinance shall be certified by the applicant under penalty of perjury, and if the applicant is not the owner of the affected lands, shall also be certified by the owner of the affected lands under penalty of perjury. The planning and zoning department shall develop and furnish the necessary forms for such certifications with each application.

B. If within two (2) years immediately preceding the filing of an application for a rezoning action, text amendment or variance request, the applicant has made campaign contributions or gifts aggregating to more than $260.00 to the mayor or any member of council or any member of the city planning commission, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:

   1. The name of the local government official to whom the campaign contribution or gift was made;
   2. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the map amendment and the date of each contribution; and
   3. An enumeration and description of each gift having a value of $260.00 or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the zoning action;
   4. In the event that no such gift or contribution was made, the application shall affirmatively so state.

C. A proposed deed, in favor of the city, covering all improvements on the lands which are required or proposed to be deeded to the city, and corresponding language of dedication shall likewise appear upon the plat.

D. A land disturbing activity permit for the proposed development or a concise statement of why no such permit is required shall be provided with each application.

E. A statement with regard to whether or not the proposed development exceeds the current standards for developments of regional impact shall be included.

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Article 26
City Council

26

Section 26.1 City Council Procedures

A. Meetings.

1. The city council shall meet at city hall in the city council chambers in Richmond Hill, Georgia, in accordance with an adopted calendar of meetings.
2. Special meetings may be called in the discretion of the mayor or at the request of at least three (3) members of the council. All the members of the council, unless absent from the city, shall be given notice of any special meeting.
3. Meetings are to be open to the public as prescribed by Georgia statute, unless an exemption requirement applies. For any meeting that is to be held at a time or place other than at the time and place prescribed for regular meetings, the city council shall give due notice thereof as prescribed by applicable state law .
4. Four (4) council members or three (3) council members and the mayor shall constitute a quorum and shall be authorized to transact business of the city council. In the event vacancies in office result in less than a quorum of council members holding office, the remaining council members in office shall constitute a quorum and shall be authorized to transact business. A vote of the majority of the remaining council members shall be required for the adoption of any ordinance, resolution or motion.

B. Preparation of Agenda.

1. Unless this requirement is waived by affirmative vote of all members present, all items to be presented to the city council for debate or action at their regular meetings shall first be placed upon an agenda. Nothing in this section shall be construed to prohibit the authority of the presiding officer to recognize members of the audience from speaking on issues on the agenda, provided such person is first recognized by the chair.
2. The city clerk is authorized and directed to prepare an agenda for each regular and called meeting. Citizens, elected officials, department heads, and other interested persons who wish to have issues addressed at a city council meeting shall inform the city clerk in accordance with the procedures established by council.
3. The city clerk is authorized to screen requests to be placed on the agenda so as to reroute items that may be more appropriately addressed at the administration level or are more appropriately addressed to other deliberating bodies. The city clerk may also reject applications regarding old business already settled by the city council. The city clerk will not, however, have authority to defer requests by members of the city council to have an item placed on an agenda.

C. Parliamentary Rules. Except as otherwise provided, the Georgia Municipal Association's Rules of Procedure, shall be the official authority for rules governing the conduct of meetings of the city council.

Section 26.2 Powers and Duties

A. Ordinance Amendments. The city council is the legislative body of the city and, by law, is responsible for adopting and amending this unified development ordinance, including the zoning map.

B. Appeals and Variances. The city council shall serve as the board of zoning appeals. In that capacity, council shall:

1. hear and decide all appeals from any administrative decision of this ordinance where it is alleged that there is an error in any order, requirement, decision or determination made by any official or review body in the administration and enforcement of these regulations, and
2. authorize, in specific cases, variances from the dimensional terms of these regulations where it is determined that a variance will not be contrary to the public interest and, owing to special conditions of the property, a literal enforcement of this ordinance will result in practical difficulty or unnecessary hardship.

C. Oversight. The city council shall have the authority to review any administrative decision rendered by the staff, planning commission or architectural review board, if, within five (5) business days of such decision, the mayor suspends that action and refers the matter to the city council for reconsideration in accordance with *Section 24.7*.

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Article 27
Planning Commission

27

Section 27.1 Membership

A. Members. The planning commission shall consist of five (5) members, who shall be residents and qualified electors of the city, appointed by the mayor and council. The terms of the members shall be four (4) years. Any vacancy in membership shall be filled for the unexpired term by the mayor and council, who shall also have the authority to remove any member for cause, on written charges, after a public hearing.

B. Alternates. The city council may appoint one (1) alternate member to the planning commission for the same term as regular members. The alternate may be called to serve, by the chairman of the planning commission in the absence of a regular member if that absence will result in the loss of a quorum to conduct business. The alternate member shall serve until a final decision is made on any matter for which the alternate originally served. The alternate shall have the same voting rights as a regular member of the planning commission.

Section 27.2 Rules of Procedure

A. Officers. The planning commission shall elect a chairman from among its members. The term of the chairman shall be one (1) year with eligibility for re-election. A quorum of the planning commission shall consist of three members.

B. Meetings and Records. The planning commission shall make its own rules of procedure and determine its time of meeting. All meetings of the planning commission at which official action is taken shall be open to the public and all records of the planning commission shall be a public record.

C. Staff and Outside Services. The planning commission may appoint such employees and staff as it deems necessary for its work and may contract with the state planning agency, city planners and other consultants for such services as it may require.

D. Expenditures. The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the mayor and council.

Section 27.3 Powers and Duties

In order to protect the public health, safety, morals, convenience, prosperity and general welfare, as well as promote efficiency and economy in the development of the city, the planning and zoning board shall have the power and duty to:

A. Prepare a comprehensive plan or parts thereof for the development of the city.

B. Prepare and recommend for adoption to the mayor and council a zoning ordinance and zoning map for the city.

C. Prepare and recommend for adoption to the mayor and council regulations for the subdivision of land within the city, and to administer the regulations as applicable.

D. Prepare and recommend for adoption to the mayor and council a plat or plats or an official map showing the exact location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within the city or a specified portion thereof.

E. Review all applications for text and map amendments and all recommendations for text and map amendments referred to it by the mayor and council and make

recommendations thereupon to the mayor and council.

F. Review and act upon all requests, as specified by this ordinance, including, but not limited to, conditional use requests and site development plan review.

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Article 28
Architectural Review Board

28

Section 28.1 Creation

The architectural review board is created and established by the city council. It shall have authority to review and act upon those elements of proposed nonresidential projects related to signs, landscaping, and architectural design and materials within the Ford and Gateway Overlay Districts, as established in *Article 11* of this ordinance.

Section 28.2 Applicability

A. All developments, identified by use or zoning, located within the Ford Overlay District and Gateway Overlay District, are under the jurisdiction for review by the architectural review board.

B. The authority of the architectural review board shall be as described in *Section 11.2*.

Section 28.3 Rules and Procedures

A. Organization.

1. The architectural review board shall consist of five (5) members appointed by the mayor and council, one of whom may be a member of the city council. Members will function as "quasi" public officials and as such will be required to subscribe to both the state public officials' oath and the code of ethics of the City of Richmond Hill. The terms of the members shall be two (2) years. Any vacancy in membership shall be filled for the unexpired term by the mayor and council, who shall also have the authority to remove any member for cause, on written charges, after a public hearing.
2. Alternates. The city council may appoint one (1) alternate member to the architectural review board for the same term as regular members. The alternate may be called to serve, by the chairman in the absence of a regular member if that absence will result in the loss of a quorum to conduct business. The alternate member shall serve until a final decision is made on any matter for which the alternate originally served. The alternate shall have the same voting rights as a regular member of the architectural review board.
3. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

B. Officers. The architectural review board shall elect a chairman from among its members. The term of the chairman shall be one (1) year with eligibility for re-election.

C. Meetings; Records. The architectural review board shall make its own rules of procedure and determine its time of meeting. All meetings at which official action is taken shall be open to the public and all records shall be a public record. A quorum of at least three (3) members shall be present in order to conduct official business.

D. Staff; Outside Services. The architectural review board may, with the consent of the mayor and council, appoint such employees and staff as it may deem necessary for its work.

E. Expenditures. The expenditures of the architectural review board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the mayor and council.

Section 28.4 Powers and Duties

When reviewing any application for which it is given authority to act, the architectural review board shall consider the aesthetic qualities of any proposed sign, building and/or landscaping plan, in relation to all applicable requirements of this ordinance, the specific standards of *Article 11*, and other pertinent city ordinances. The architectural review board shall also provide comments to the planning commission regarding final site plans for projects within the Ford and Gateway overlay districts, as provided in *Article 17*.

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Article 29
Board of Zoning Appeals

29

Section 29.1 Creation and Membership

A. The city council shall act as a board of zoning appeals upon all questions arising under this ordinance. The mayor shall be the chairman and shall appoint a vice-chairman and such other officers as necessary. The city clerk shall be the secretary.

B. The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant upon any matter which the board is required to pass under this article or to effect any variation in this ordinance.

C. In the event that any members of the board are absent from a meeting at which the required concurring vote is not obtained, and if the affirmative vote of such absent members would have resulted in the required concurring vote, the matter may, at the discretion of the chairman, be continued on the agenda for consideration and decision at the next subsequent meeting when all members are present.

D. The board shall adopt rules of procedure. These rules shall be available for public inspection at the office of the city clerk.

Section 29.2 Rules and Procedures

A. Meetings shall be held at the city offices and shall be open to the public.

B. A record of the proceedings of each meeting shall be kept by the board, relating evidence presented by the applicant and the resolution by the board, the vote of each member on each question, or, if absent or failing to vote, indicating such fact. These shall be a public record and immediately filed in the office of the board.

C. The board shall receive reasonable assistance from other departments in carrying out the functions of the board.

D. The board of zoning appeals shall not consider any application or appeal without the payment of an application fee in an amount established by the city council. The application or appeal shall be filed with the zoning administrator, who shall transmit the application, together with all plans, specifications, and other papers pertaining to the application or appeal, to the city clerk.

E. An appeal from any ruling of the zoning administrator or other person administering any portion of this ordinance may be filed by any person, including the city, affected or aggrieved. Notice of the appeal shall be filed with the zoning administrator specifying the grounds for the appeal, and shall be filed within 15 calendar days after the order, requirements, decision or determination appealed from is made.

F. An appeal shall stay all proceedings in furtherance of the action appealed from, unless it is determined that a stay would, in the opinion of the zoning administrator, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the board or by a court of competent jurisdiction on application.

G. When an application or appeal has been filed in proper form and with the required data, the zoning administrator shall immediately place the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Notices shall be given in accordance with *Section 24.8*. Any party may appear at the hearing in person or by representative.

H. Upon the day for hearing any application or appeal, the board may adjourn the hearing in order to obtain additional information, or to cause further notice, as it deems proper, to be served upon other property owners as it decides may be interested in the application or appeal. The hearing shall not be adjourned, nor action tabled, for more than two (2) consecutive meetings. In the case of an adjourned hearing, persons previously notified and persons already heard shall be notified, in accordance with *Section 24.8*, of the new date and time at which the matter will be resumed.

I. No application for a variance which has been denied wholly or in part by the board shall be resubmitted, except upon proof of changed conditions satisfactory to the zoning administrator.

Section 29.3 Powers and Duties

A. The board of zoning appeals, in conformity with the provisions of this article may reverse or affirm, wholly or in part, or may modify any order, requirements, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this article.

B. The provisions of this article are to be construed as consistent with the applicable provisions of the relevant statutes of the State of Georgia In the event of a conflict between the provisions of this article and other statutory provisions, the statutory provisions are to prevail.

C. The board, after public hearing, shall have the power to decide applications related to the following:

1. Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the zoning administrator, other administrative officer or body in the carrying out or enforcement of the provisions of this ordinance.
2. Where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulties or would cause undue hardship.
3. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance relating to the construction, structural changes in equipment, or alterations of building or structures, or the use of land, building or structures so that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done.

Section 29.4 Decisions

A. The board shall decide all applications and appeals within 60 days after the final hearing. A copy of the board's decision shall be transmitted to the applicant or appellant, and to the zoning administrator. Such decision shall be binding upon the zoning administrator and he/she shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant whenever a permit is authorized

by the board. The decision of the board shall be final.

B. A variance from the provisions or requirements of this ordinance shall be authorized only upon an affirmative finding by the board, based upon competent material and substantial evidence on the whole record, that at least two (2) of the following criteria are satisfied:

1. That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness or shallowness of the lot size or shape, or exceptional topographical or other physical conditions peculiar to the subject property.
2. That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance without undue hardship to the property.
3. That granting the variance will not result in authorization of a use not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.

C. A nonconforming use of neighboring lands, structures or buildings shall not, in itself, be considered grounds for granting a variance.

D. For residential height variances, the petitioner shall be required to add two (2) feet to each side yard setback for each one (1) foot above 35 feet in height and if the rear yard abuts a side yard of the adjacent lot the same added setback requirement shall apply. In addition, safe-guards consisting of sprinkler systems, smoke detectors and any other fire protection equipment deemed necessary at the time by the board shall be installed.

Section 29.5 Time Limit on Variances

Unless otherwise specifically provided by the board as a condition of approval, any variance granted by the board shall automatically become null and void after a period of 12 months from the date granted, unless the owner or his/her agent has demonstrated that substantial steps have been taken toward effecting the variance. Building permits shall only be granted for plans consistent with the approved application. Any deviation from the information submitted will require a new public hearing and approval by the board.

Article 30
Nonconformities

30

Section 30.1 Intent

A. It is recognized that there exist within zoning districts certain lots, buildings, structures and uses which were lawful before this ordinance was passed or amended, but are now prohibited, regulated or restricted under the terms of this ordinance. It is the intent to permit these legal nonconformities to continue until they are removed, but not to encourage their survival.

B. Nonconforming lots, buildings, structures and uses are declared by this ordinance to be incompatible with the provisions of the districts in which they are located. It is the intent of this ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise permitted in this article, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.

C. Nothing in this ordinance 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 ordinance and upon which actual building construction has been diligently conducted.

D. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulation in effect at the time of the adoption of this ordinance.

Section 30.2 Nonconforming Lots of Record

A. Where a lot of record in existence at the time of adoption or amendment of this ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any permitted use in the district in which the lot is located; provided, that any building or structure constructed on the lot complies with all other requirements for the zoning district. The nonconforming lot may also be used for conditional uses, if it meets all applicable requirements of this ordinance for those uses.

B. If two (2) or more vacant lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of that parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

Section 30.3 Nonconforming Uses

A. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land area than was occupied at the effective date of adoption or amendment of this ordinance. The extension of a lawful nonconforming use throughout all portions of a building or structure existing at the effective date of this ordinance shall not be considered as the extension of a nonconforming use.

B. No part of any nonconforming use shall be moved unless that movement eliminates or reduces the nonconformity.

C. If a nonconforming use is abandoned for any reason for a period of more than 12 months, any subsequent use shall conform to the requirements of this ordinance. A

nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

1. Utilities, such as water, gas and electricity to the property, have been disconnected;
2. The property, buildings, and grounds, have fallen into disrepair;
3. Signs or other indications of the existence of the nonconforming use have been removed;
4. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
5. Other actions which, in the opinion of the zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

D. A nonconforming use may be changed to another nonconforming use provided all of the following determinations are made by the planning director:

1. The proposed use shall be as, or more, compatible with the surrounding neighborhood than the previous nonconforming use, considering factors such as hours of operation, traffic, noise and similar external impacts.
2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building area than the previous nonconforming use.
3. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this ordinance.

E. A nonconforming use which is changed to a conforming use or to another nonconforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.

F. Uses consisting of lots occupied by storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf courses and similar open uses, where the only buildings on the property are ancillary to the open use and where the use is nonconforming, shall be subject to the following restrictions, in addition to all other applicable provisions of this article.

1. When a nonconforming open use of land has been changed to a conforming use, it shall not be used again for any other nonconforming use.
2. Nonconforming open uses of land shall only be converted to a conforming use.
3. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
4. When any nonconforming open use of land is discontinued for a period of more than six (6) months, any future use of the land shall be limited to those uses permitted in the zoning district under which the property is governed. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 30.4 Nonconforming Buildings and Structures

A. Where a lawful building or structure exists at the effective date of this ordinance, or an amendment thereto, that does not comply with the requirements of this

ordinance because of restrictions such as lot area, lot coverage, width, height, or setbacks, that building or structure may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by 50 percent or less of the distance required by this ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
2. In the event that a nonconforming building or structure is destroyed to an extent of more than 75 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance; provided that the board of zoning appeals may, upon application, permit the reconstruction of the nonconforming building or structure if all of the following conditions are met:
   a. The prior nonconforming condition(s) shall not be increased.
   b. All building materials and architectural details shall conform to the applicable requirements of this ordinance.
   c. The new building or structure shall be placed on the original foundation, unless the building or structure could be located in a way that reduces the extent of its nonconformity on the lot.
   d. The application to reconstruct the nonconforming building or structure shall be filed with the zoning administrator within six (6) months of the event in which the building or structure was damaged or destroyed.
   e. The reconstruction of the building or structure shall not be detrimental to adjacent property and the surrounding neighborhood.
3. If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance.

B. None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting any unsafe condition of the building or structure.

Section 30.5 Exceptions

A. Uncompleted Structures. If a permitted construction project remains dormant for more than 12 months, the building permit and all other permits shall become null and void. The owner of such uncompleted structure may maintain the structure in its existing condition for up to 12 months while awaiting new permits. If the applicant does not receive the necessary permits within the 12 month period, the uncompleted structure shall be removed. The council, may grant one (1) extension of up to 12 additional months where it is found that circumstances beyond the owner's control such as extreme weather conditions, availability of materials or labor shortages have caused delays.

B. Errors and Violations. The issuance or granting of a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any

provision of this ordinance shall be valid.

C. Illegal Nonconformity. Any lot, use, building or structure established in violation of the provisions of this ordinance or any prior ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies and safeguards of this article.

General Provisions
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Article 31
Amendments

31

Section 31.1 Zoning Ordinance or Map Amendment

A. **Ordinance Amendments**. Applications for amendment of these regulations may be in the form of proposals to amend the ordinance text or proposals to amend the zoning map. Applications for amendment to the zoning map may be initiated by the owner or option holder of property that is the subject of the amendment request or by the planning commission or city council upon its own initiative. Only the planning commission or city council may initiate an amendment to the ordinance text.

B. **Resubmittal of Map Amendments.** No application for a zoning map amendment which has been denied by the city council, shall be resubmitted within six (6) months of the date when the request was first denied. However, if the amendment request is for a different zoning district than the previous request, an application may be accepted.

C. **Required Information.** All applications for zoning map amendments shall include, in addition to a fully completed application form and required filing fee, the following:

1. A legal description of the subject property by lot, block, and subdivision designations, or if none, by metes and bounds;
2. The property identification number from the county's tax records;
3. Names, addresses, and zip codes, at the date of filing, of owners of property being rezoned and of property owners adjacent to and across any public right-of-way from the property being proposed for rezoning, including properties diagonally across an intersection; and,
4. All known previous applications for a map amendment affecting the subject property.

Section 31.2 Amendment Procedures

A. **Application.** Each application to amend the zoning map shall be filed with the zoning administrator on forms provided for that purpose along with the application fee and any other required documentation, as noted in Section 31.1. Only compete applications, containing all required information and exhibits and the required fee, shall be processed by the zoning administrator, in accordance with the public notice and hearing requirements of this ordinance. An application shall not be withdrawn by the applicant after the legal notification has been processed by the city, except as otherwise provided.

B. **Public Notice.** A public hearing, notice of which shall be given in accordance with the provisions of *Section 24.8*, shall be conducted by the planning commission.

C. **Planning Commission Recommendation.** Upon completing the public hearing, the planning commission shall consider the application, testimony of the applicant and public, all reports and supplemental information that may have been provided and shall make a recommendation to the city council to approve or deny the subject application. The applicant may also choose to withdraw the request, without prejudice, prior to a decision by the planning commission. A report of the planning commission's decision shall be submitted to the city council and to the applicant. The report shall contain the recommendation and findings in support of the recommendation. The planning commission may also recommend amendments to the request which, in the case of map amendments, would reduce the land area

for which a rezoning application is made or change the district requested to a more restrictive district. In the case of a text amendment, wording modifications may be recommended which may be deemed advisable so that the purpose of this ordinance will be served and the public health, safety and general welfare secured.

D. **Council Action.** After receipt of the planning commission's report and recommendation, the council shall conduct a first and second reading and may approve, deny or defer any application following the second reading. An action to defer shall include a justification of such action and a specific meeting date to which the application is deferred. The council may, by a majority vote of all members, allow an application to be withdrawn without prejudice with respect to the six (6) month limitation of Subsection 31.1 B. The council may suggest the addition or deletion of conditions of rezoning so the purpose of this ordinance will be served and the public health, safety and general welfare secured. Should the council suggest additions or deletions of conditions, the application may be referred back to the planning commission for review and recommendation. The decision of the council shall be contained in a written report prepared by the city clerk. The report shall contain the decision and all grounds for the decision and shall be signed and approved by the mayor. One (1) copy of the report shall become a part of the application file and one shall be sent to the applicant.

Section 31.3 Standards for Zoning Map Amendment

In order to promote the public health, safety, and general welfare of the city against the unrestricted use of property, the council and planning commission may consider the following standards and any other factors relevant to balancing the public interest in making any rezoning decision:

A. Is the request in conformance with the city's comprehensive long range plan?

B. Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?

C. Does the current zoning classification unreasonably restrict the use and enjoyment of the subject property?

D. Has a change of conditions occurred in the surrounding area which makes the current zoning of the property unreasonable?

E. Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?

F. Could traffic created by the proposed use or other uses permissible under the proposed zoning sought travel through established residential neighborhoods on minor streets, leading to congestion, noise and traffic hazards?

G. Will this request place irreversible limitations on the area as it is or on future plans for it?

H. Is there an imminent need for the rezoning and is the property likely to be used for the use requested?

I. Will the proposed use substantially conflict with existing density patterns in the zone or neighborhood?

J. Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

K. Will the request place any additional burden or burdens on the local school system?

L. Will the request have any impact on any present or planned historic site or development in the city?

M. Will the action adversely impact adjacent or nearby properties in terms of:

1. Environmental quality or livability, resulting from the introduction of uses or activities which would create traffic, noise, odor or visual hazards or the reduction of light and air that is incompatible with the established development pattern.
2. Property values, by rendering such properties less suitable and therefore less marketable for the type of development to which they are committed or restricted in order to promote the public welfare and protect the established development pattern.

N. Will the action create development opportunities of such increased intensity that storm water runoff from the site cannot be controlled within previous limits, with results in adverse impacts upon existing down-stream drainage problems or potential problems?

O. Will the action create development opportunities that could create traffic flow beyond the carrying capacity of the current street system?

P. Will the action result in public service requirements such as provision of utilities or safety services which, because of the location or scale of the development, cannot be provided on an economic basis and therefore would create an actual burden to the public?

Article 32
Definitions

32

Section 32.1 Construction of Language

A. Generally, words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the term "used" includes the words arranged, designed or intended to be "used;" the term "occupied" includes the words "arranged, designed or intended to be occupied;" the word "structure" includes the word "building," "dwelling" or "unit;" and the word "lot" includes the word "plot," "parcel" or "tract."

B. It should be noted that certain articles of this ordinance are required by Georgia law and the definition of terms used within those articles is prescribed by the applicable state law. These include *Articles 18*, Stormwater Management; *19*, Floodplain Management; and *20*, Soil Erosion, Sedimentation and Pollution Control. Definitions contained within those individual articles shall only apply with respect to the article in which it is defined. If the same term is defined differently in this article, it shall have the meaning ascribed to it by Article 32 with respect to all other provisions of this ordinance.

Section 32.2 Definitions A-B

ACCESSORY BUILDING: A detached subordinate building, such as a garage, the use of which is incidental to the primary use of the main building or land and is located on the same lot as the principal structure or use.

ACCESSORY USE: A use which is clearly incidental to and customarily found in connection with and located on the same lot as is the principal use to which it is related. An accessory use is dependent on or pertains to the principal or main use.

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction".

ADMINISTRATIVE FEE: A component of an occupation tax that approximates the reasonable cost of handling and processing the occupation tax.

ADMINISTRATOR:

1. The zoning administrator or designee.
2. Director of planning & zoning for the City of Richmond Hill or designee.

ADULT DAY CARE: An establishment where care and therapy is provided to elderly persons during normal business hours.

ADULT ENTERTAINMENT. Any use of land, whether vacant or combined with structures or vehicles, by which the property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein. Definitions related to adult entertainment uses include the following:

1. **ADULT BOOK STORE.** An establishment, having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity or sexual conduct. As used within this section "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the depiction of covered male genitals in

a discernibly turgid state, and "sexual conduct" means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

2. **ADULT CABARET.** A cabaret which features go-go dancers, exotic dancers, strip dancers or other similar entertainment, dancers or employees.
3. **ADULT ENTERTAINMENT ESTABLISHMENT.** Any building or structure which contains, or is used for commercial entertainment, whether a place where musical entertainment is carried out consisting of a series of unrelated episodes and dances, all with the purpose of depicting or suggesting sex-centered subjects or objects, or a place where the patron is charged a fee to dance or view a series of dance routines, strip performances or other gyrating choreography provided by the establishment that depicts or suggests sex-centered subjects or objects. Nothing herein defined shall in any way or form legitimize any activity prohibited by state law or city ordinance.
4. **ADULT MEDIA STORE:** An establishment having more than ten percent of its stock-in-trade consisting of books, magazines, publications, video tapes, films, video disk, CDs or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or to persons depicted or illustrated in such a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breast below the top of the areola.
5. **ADULT MINI MOTION PICTURE THEATRE.** An enclosed building with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct. As used within this section "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the depiction of covered male genitals in a discernibly turgid state, and "sexual conduct" means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast, or an enclosure where coin or slug operated, or electrically, electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to depict nudity or sexual conduct, as heretofore defined.
6. **ADULT MOTEL.** A motel, hotel, or similar commercial establishment that: (1) provides patrons with closed-circuit television transmissions, internet selections or sites, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (2) offers a sleeping room for rent for a time period of less than 10 hours; or (3) allows a tenant or occupant to subrent the sleeping room for a time period of less than 10 hours.

7. **ADULT MOTION PICTURE THEATRE.** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "nudity" or "sexual conduct," as heretofore defined under this chapter, for observation by patrons therein.
8. **ADULT MOVIE THEATER:** An enclosed building used for presenting film or video material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or to persons depicted or illustrated in such a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breast below the top of the areola.
9. **LIVE ADULT ENTERTAINMENT:** An establishment devoted to adult entertainment, either with or without a liquor license, presenting distinguished and characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or to persons depicted or illustrated in such a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breast below the top of the areola. Such entertainment includes but is not limited to wet T-shirt contests, bikini mud-wrestling, topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainment for observation by patrons.
10. **SPECIFIED ANATOMICAL AREAS:** The graphic depiction, whether real or simulated, of less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
11. **SPECIFIED SEXUAL ACTIVITIES:** The graphic depiction, whether real or simulated, of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

AGGREGATE SIGN AREA: The combined area of all signs of a particular category on a single parcel. For example, the aggregate sign area of all freestanding signs on a parcel is the sum total of the sign areas of all freestanding signs on that parcel.

AGRICULTURE: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nut, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AGRICULTURAL PRACTICES shall mean practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land, farm ponds; and the construction of farm buildings.

ALLEY: A public thoroughfare or way, not more than 30 feet in width except for necessary turnarounds, and which normally provides a secondary means of access to abutting property.

ALTERATION: Any change to any land, structure or building.

ALTERATION, BUILDING: Any change in the use of a building or any physical alteration made which modifies the existing foundation, load bearing walls or roof of a building; or requires an electrical, plumbing or mechanical permit.

AMPHITHEATER: An open-air venue used for entertainment, performances or sports.

APPEAL: A request for a review of the interpretation of any provision of this ordinance or decision of any city administrative professional, board, commission, or council.

ARBORIST: A professional in the practice of arboriculture and certified by The International Society of Arboriculture.

ARCHITECTURAL REVIEW BOARD (ARB): A body whose members are appointed by the city council to provide guidance regarding the design and aesthetic qualities of the natural and built environment, including such townscape elements as landscaping, buildings appearance and signs within defined locations of the city.

ASSISTED LIVING FACILITY: a facility providing residential, social, and personal care for elderly residents with disabilities or for those who cannot or chose not to live independently.

AWNING: A shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework.

BAR: Any place devoted primarily to the retailing and drinking of malt, vinous, or other alcoholic beverages, or which derives at least 75 percent of its total annual gross sales from the sale of such beverages for consumption on the premises. This term shall also include hookah bars or lounges where the primary purpose is communal smoking of shisha from a hookah or water pipe.

BASEMENT: That portion of a building having its floor sub grade (below ground level) on all sides.

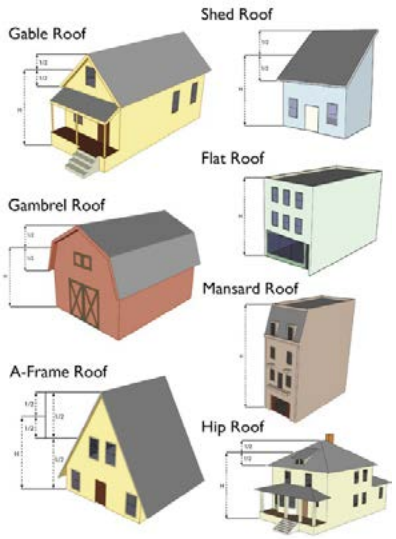
BED AND BREAKFAST: An owner-occupied private single-family residence which is the principal residence of the owner and the principal structure on the premises, with bedrooms available for rent to the general public and with breakfast served at no additional cost.

BEST MANAGEMENT PRACTICES (BMPS): A wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of stormwater runoff and are compatible with the planned land use. These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation.

BOARDING HOUSE: A building other than a hotel or motel where for compensation and by arrangement for a definite period of time, meals or lodging or both are provided for three (3) or more persons, including but not limited to establishments commonly known as "bed and breakfast."

BOAT STORAGE: A use of property and buildings for the purpose of wet or dry, open or covered keeping of watercraft, usually, but not necessarily for a fee.

BUFFER: Any visual buffer, screening, open spaces, landscaped areas, fences, walls, berms, or any combination thereof required by this ordinance used to physically separate or screen one use of property from another so as to visually shield or physically block noise, lights, or other nuisances. Also, the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.



BUILDING: Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than 100 square feet of area.

BUILDING HEIGHT: The vertical distance from the average adjacent grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Section 32.3 Definitions C-D

CAMPGROUND: A facility for short-term recreational use where multiple sites are arranged and available for rent and occupied by tents, campers, trailers and/or other recreational vehicles for overnight stays, not exceeding 30 consecutive days, and that usually has toilets and showers for campers to use.

CANOPY.

1. Building canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements.
2. Freestanding canopy: A freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

CANOPY TREES (See *Appendix C*):

1. Large - A tree that will grow to a mature height of at least 50 feet. Large canopy trees include:
   a. Oaks (including Live and Laurel)
   b. Red Maples (use varieties specifically adapted to the conditions of this region Example – Acer rubrum 'Franksred')
   c. Sycamores
   d. Other appropriate species or variety approved by the City.
2. Medium - A tree that will grow to a mature height of between 30 - 50 feet. Medium canopy trees include:
   a. Lacebark Elms (Allee, etc.)
   b. Medium Tree Species Hollies
   c. Magnolias
   d. Maples (Trident only)

e. Palms (Sabal, Washingtonia and Windmill)

f. Redbuds

g. Other appropriate species or variety approved by the City.

3. Small - A tree that will grow to a mature height of between 15 - 30 feet. Small canopy trees include:

a. Crape Myrtles

b. Small Tree Species Hollies

c. Wax Myrtles

d. Cherry Laurels

e. Palms (Pindo, European Fan, Needle Palm and other palm species approved by the City)

f. Other appropriate species or variety approved by the City.

CARPORT: A structure intended for vehicle storage not completely enclosed by walls and doors.

CHILD CARE CENTER: A commercial establishment which provides care for seven (7) or more children, opened for a major portion of the day or night, and where meals may be served.

CITY: Unless the context clearly discloses a contrary intent, the word "city" shall mean the City of Richmond Hill, Georgia.

CITY ARBORIST: A professional arborist appointed by the city to advise regarding decisions/issues concerning trees within the City of Richmond Hill.

CITY MANAGER: The City Manager of the City Richmond Hill, Georgia.

CLEAR-VIEW ZONE: The area of a corner closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Also called "clear view triangle"

CLEARANCE (of a sign): The smallest vertical distance between the grade of the adjacent street, highway or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

CLINIC: An establishment where patients who are not lodged overnight are admitted for examination and treatment.

CLUB, PRIVATE: Associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include nightclubs, or other institutions operated for profit.

CLUB, CIVIC: A use of property and buildings for the purpose of providing a meeting place or meeting house for a group or organization of persons having as their primary purpose or goal the furtherance of activities or concepts relating to the common good and general welfare of the citizens of a geographic area.

COASTAL MARSHLANDS: Shall have the same meaning as in O.C.G.A. 12-5-282.

COMMERCIAL SPEECH: The expression of an idea, opinion or message that directs or attracts attention to a business operated for profit; or to a product, commodity or service for sale, trade, barter, swap or lease; or to any other commercial interest or activity.

COMMERCIAL USE: An activity involving the sale of goods or services carried out for profit.

CONDITIONAL USE: A use identified by this ordinance which may have characteristics of its operation (such as traffic, noise, hours of operation, or other potential nuisance effects) that requires special review and may warrant additional conditions beyond the general requirements of the district in which it is located to mitigate its impacts and ensure its compatibility with its surroundings.

CONSTRUCTION: The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

CONSUMER FIREWORKS: Any small fireworks devices containing restricted amount of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.

1. CONSUMER FIREWORKS RETAIL SALES FACILITY (PERMANENT): A consumer fireworks retail sales facility, as defined by NFPA 1124, consisting of a permanent building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.
2. CONSUMER FIREWORKS RETAIL SALES FACILITY (TEMPORARY): A consumer fireworks retail sales facility, as defined by NFPA 1124, consisting of a temporary building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

CONVEYANCE shall mean stormwater facilities designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales.

CORPORATION COUNSEL: The City attorney.

COUNCIL: The city council of the City of Richmond Hill, Georgia.

CRITICAL FACILITY: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
2. Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
3. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
4. Generating plants, and other principal points of utility lines.

CUL-DE-SAC: a local street with a single common ingress and egress and with a circular turnaround at the end

CUT: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment. Shall also mean:

1. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed;
2. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
3. Cleaning, scraping, grubbing, or other activities that significantly disturb the soil, vegetation, and trees of a site; or
4. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, or trees of a site.

DIRECTOR OF PLANNING & ZONING: The Director of the Planning & Zoning Department of the City of Richmond Hill, Georgia.

DISTRICT OR ZONING DISTRICT: A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land is uniform for each class of use permitted therein.

DRAINAGE: Shall mean the removal of stormwater from a given area either by gravity or by pumping.

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

DRIVE-THROUGH: A facility designed to accommodate pickup of food, merchandise or services by motor vehicle momentarily at rest in a driveway expressly designed for that purpose.

DUST-FREE PARKING: An area with a constructed surface of asphalt or cement designed to support automobiles and trucks in a manner by which the surface material will not be carried away by wind, storm water, or normal use.

DWELLING: Any building or portion thereof designed for or used for residential purposes, but not including hotels/motels, recreational vehicles, tents or portable buildings.

1. **DWELLING, MULTI-FAMILY:** A building, or portion thereof, designed, constructed, altered or used for occupancy by three (3) or more families, living independently of each other and each doing their own cooking within their dwelling unit; with the number of families in residence not exceeding the number of dwelling units provided.
2. **DWELLING, SINGLE-FAMILY DETACHED:** A detached building designed for the complete living accommodations of one (1) family and containing only one (1) dwelling unit.
3. **DWELLING, SINGLE-FAMILY ATTACHED:** A dwelling designed for occupancy by one (1) family in a row of at least three (3) dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from any other unity by one (1) or more vertical common fire-resistant walls.

4. **DWELLING, TWO-FAMILY:** A detached building designed for and occupied exclusively by two (2) families living independently of one another, also referred to as a duplex.
5. **DWELLING UNIT**: A permanent building, or any part of a permanent building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one (1) family as a single housekeeping unit.

Section 32.4 Definitions E-F

EASEMENT: An acquired legal right for the specific use of land owned by others.

ELEVATED BUILDING: 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.

ERECTED: Built, constructed, attached, hung, placed, suspended, affixed, reconstructed, moved upon or any physical operations on the premises required in building. Excavation, fill, drainage, and the like shall be considered a part of erection, as well as the painting of wall or window signs.

EROSION: The process by which land surface is worn away by the action of wind, water, ice or gravity.

ESSENTIAL SERVICES: Any structure, or facility (not including buildings over 200 square feet in interior area) required by a utility owned by the city or franchised to operate within the city limits, which by its nature, is customarily required to be located in a specific proximity to the area it services, as determined by the city engineer.

EVERGREEN TREE: A tree that retains its leaves throughout the year and provides a high degree of opacity.

EXEMPT shall mean the release of the obligation to comply with specific sections of this ordinance.

FAÇADE: The entire building front including the parapet, typically the front of a building; provided, any face given special architectural treatment shall be considered a facade.

FAMILY: One (1) or more persons occupying a dwelling unit, living as a single, nonprofit housekeeping unit; provided, a group of four (4) or more persons who are not within the second degree of kinship shall not constitute a family.

FAMILY DAY CARE HOME: A private residence certified by the Georgia Department of Human Resources and operated by any person paid to supervise and care for three (3) but not more than six (6) children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence. This service may be provided for a duration of less than 24 hours per day and does not include and is not limited to residents of the dwelling.

FARM: A use of property and buildings for the purpose of engaging in the business of agriculture, husbandry, the keeping, breeding and raising of livestock and other related activities.

FENCE: An artificially constructed barrier, typically constructed of posts, wire and/or wood, erected to enclose, screen, or separate areas.

FILL: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

FIRE MARSHAL: The fire chief or his appointed fire inspector.

FITNESS CLUB: An establishment which provides, as one of its primary purposes services or facilities to assist persons in improving their physical condition or appearance, or change in weight, weight control, treatment, athletic development, dieting or exercise. The term also includes establishments referred to as "reducing salons," "health spas," "spas," "exercise gyms," "health studio," "health club" or other similar establishments.

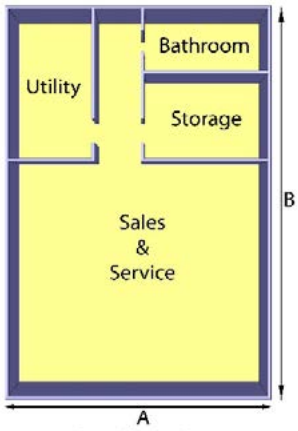
FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN: Any land area susceptible to flooding.

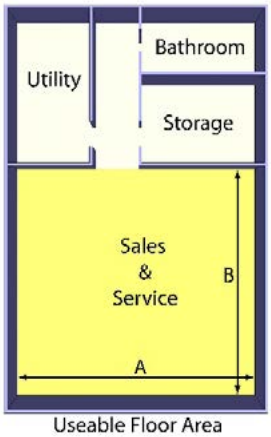
FOOD PROCESSING PLANT: A commercial or industrial facility at which edible materials are washed, prepared, packed, cooked, converted or otherwise prepared so as to be fit for human consumption.

FLOOR AREA, GROSS: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

1. **FLOOR AREA, GROSS LEASABLE**: The area within a shopping center, commercial or industrial condominium that is available for lease by tenants, not including common elements such as, but not limited to, hallways and mall public areas.
2. **FLOOR AREA, USABLE:** That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities and sanitary facilities shall be excluded from this computation.
3. **FLOOR AREA, LIVABLE:** The finished area of a dwelling unit heated and/or air conditioned, located above ground, but not including garages, covered patios or porches, or other outdoor space.



Gross Floor Area
(A x B)



Useable Floor Area
(A x B)

FRONTAGE, BUILDING: The outside wall of a building approximately parallel and nearest to a street.

Section 32.5 Definitions G-H

GOVERNMENT OFFICE: A building or institution provided by a branch of any level of the government of the United States of America, or any political subdivision thereof, to perform any lawful function or functions of that governmental entity.

GRADE:

1. **GRADE, AVERAGE ADJACENT:** The average natural elevation of the ground surface, prior to construction next to the proposed walls of a structure.
2. **GRADE, FINISHED:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

3. **GRADE, HIGHEST ADJACENT:** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.
4. **GRADE, NATURAL:** The elevation of the ground level in its natural state before construction, filling or excavation. Also referred to as Ground Elevation or Natural Ground Surface.

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

GROUND COVER: Low growing, spreading plants, other than turf grass, such as but not limited to ivy, liriope, juniper, mondo grass or sedge.

HAZARDOUS SUBSTANCE: A substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury. Such substance is regulated by the federal government under the Resource Conservation and Recovery Act.

HISTORIC STRUCTURE: Any structure that is:

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

HOME OCCUPATIONS: A vocational activity conducted as an accessory use within a dwelling unit by a member or members of the resident family, which is clearly accessory and incidental to the principal residential use of the dwelling.

HOSPITAL: Any institution receiving inpatients, providing a staffed 24 hour emergency care facility and authorized under Georgia law to render medical, surgical and/or obstetrical care. The term shall also include a sanitarium with an approved certificate of need (CON) from the state health planning agency for the treatment and care of various forms of mental illness, but shall not include clinics, convalescent homes or rest homes or office facilities for the private practice of medicine, dentistry or psychiatry.

HOTEL: A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel includes a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also include, but not be limited

to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

Section 32.6 Definitions I-J

ILLUMINATED, EXTERNALLY: Illumination so arranged that the light source is external to the sign and directed toward the sign. Also known as "indirect lighting."

ILLUMINATED, INTERNALLY: Illumination so arranged that the light is contained behind the face of the sign and no lighting source is directly visible exterior to the sign. Also known as "direct lighting." See also "*channeled letter signs*."

IMPERVIOUS SURFACE: Any surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets and roads.

INDOOR COMMERCIAL RECREATION CENTER: A building or place of business equipped with various machines, devices, facilities and electronic devices, but not including gambling devices, where, for a fee, persons may engage in various games and diversions.

INJUNCTION: A writ granted by a court of equity whereby one is required to do or refrain from doing a specified act.

Section 32.7 Definitions K-L

KENNEL: Any place or premises where four (4) or more dogs or cats over four (4) months of age are kept.

KIOSK: A freestanding sign structure, usually cylindrical in shape, intended to be viewed from all sides and erected for the purpose of posting signs, notices or other public announcements. Kiosks that are composed of flat faces are treated as multi-faced signs.

LAND DEVELOPMENT ACTIVITY: Any project undertaken to change or improve a site that involves one or more land disturbing activities.

LAND-DISTURBING ACTIVITY: Any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

LANDSCAPE MATERIALS: Any combination of living plant materials and nonliving materials such as rocks, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.

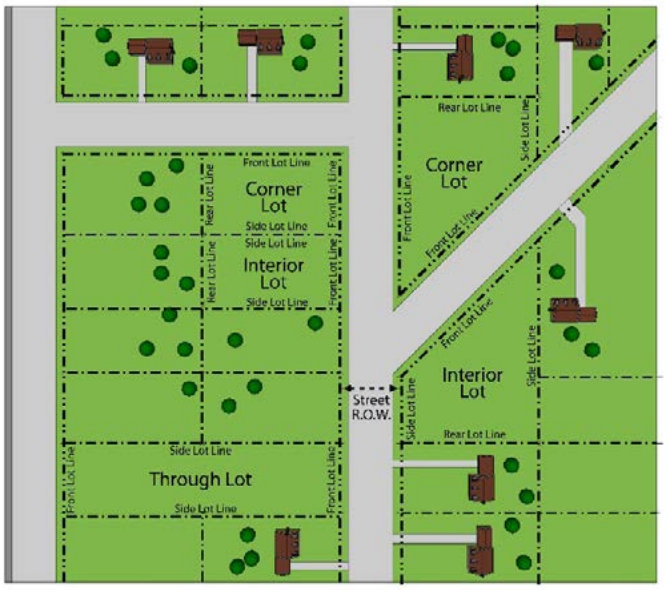
LEASE: An agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain a sign upon his property.

LOT: A developed or undeveloped parcel or tract of land in one ownership, legally transferable as a single unit of land. Also means a parcel.

1. **LOT, CORNER**: A lot having contiguous frontage on two (2) intersecting streets if the interior angle at the intersection of those streets is less than 135 degrees. A lot abutting a curved street shall be considered a corner lot if the arc is of less

radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

2. **LOT, INTERIOR:** A lot, the side lines of which do not abut on a street.
3. **LOT, THROUGH:** An interior lot having frontage on two (2) streets that are approximately parallel.
4. **LOT, FLAG:** A lot with access provided to the bulk of the lot by means of a narrow corridor.



LOT AREA: The total horizontal area within the lot lines of the lot, excluding any street right-of-way or easement dedicated for street purposes.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

LOT LINE:

1. **LOT LINE, FRONT**: That lot line separating the lot from the street right-of-way or street easement. Corner and through lots have two (2) front lot lines. In the case of a corner lot, the property owner may treat one of the lot lines opposite either of the front lot lines as a rear lot line.
2. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot where the two (2) side lot lines converge in the rear, the rear lot line shall be considered to be an imaginary line 10 feet long within the lot, parallel to and at the maximum distance from the front lot line. A through lot has no rear lot line.
3. **LOT LINE, SIDE:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or plots is an interior side lot line.

LOT WIDTH: The horizontal distance between the side lot lines of a lot measured at the two points where the front setback line intersects the side lot lines.

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

Section 32.8 Definitions M-N

MANDAMUS (writ of): A writ issued by a superior court commanding the performance of a specified official act or duty.

MANUFACTURED HOME: A factory-built, single-family structure manufactured under the

authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a place of human habitation with or without a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. All manufactured housing must bear a decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards.

MANUFACTURED HOME PARK OR COMMUNITY: A parcel (or contiguous parcels) of land divided into two or more lots to be rented or sold for installation of manufactured homes.

MARQUEE: A canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building, building line, or property line.

MASSING: The overall visual impact of a structure's volume; a combination of height, width, and depth and the relationship of the heights, widths, and depths of the building's components.

MAXIMUM EXTENT PRACTICABLE (MEP): The discharge standards and controls necessary for the reduction of pollutants discharged into the city separate stormwater system. These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from the city separate stormwater system.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

METROPOLITAN RIVER PROTECTION ACT (MRPA): A state law referenced as O.C.G.A. 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

MIXED-USE RESIDENTIAL: A use of property whereby a combination of dwelling unit types may be erected, including single family attached or detached dwellings, two-family dwellings and/or multifamily dwellings.

MULCH: Pine straw, pine or cypress bark, pebbles, lava rock or synthetic landscaping materials.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) as corrected in 1929: A vertical control used as a reference for establishing varying elevations within the floodplain.

NIGHTCLUB. See "*Bar*"

NONCOMPLYING USE: Any use commenced without a proper permit or authorization as required by this ordinance, and existing on the effective date of this ordinance. Also considered to be an illegal nonconforming use.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, but no longer conforming to the current provisions of the ordinance with respect to such

requirements as height, size, setbacks, access, materials or landscaping.

NONCONFORMING LOT: A lot lawfully existing at the time it was created that does not conform to the current lot area and/or width requirements of this ordinance.

NONCONFORMING USE: A use lawfully occupying a structure or land at the time of adoption or subsequent amendment of this ordinance which is not permitted in the district in which the use is located.

NONRESIDENTIAL USE. See "*use, nonresidential*."

NORTH AMERICAN VERTICAL DATUM (NAVD) has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

NPDES shall mean the national pollutant discharge elimination system permit granted by the Georgia Department of Natural Resources.

NURSERY SCHOOL: A place for the day care and instruction of children not remaining overnight.

NURSING HOME: A home for the aged, chronically ill or incurable persons in which three (3) or more persons, not of the immediate family, are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Section 32.9 Definitions O-P

OCCUPANCY: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

OCCUPIED: Arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

OPEN AIR MARKET: A principal commercial activity that occurs at a fixed location, where a proprietor, partnership, or corporation markets or sells or offers to sell his or her goods, or goods of another, or leases to vendors a booth or commercial stall from which the vendor markets his or her goods. Part or all of the open-air market is conducted outside of an enclosed structure; sidewalk sales are not included under this definition.

OPERATOR: The party or parties that have:

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

ORNAMENTAL TREE: A tree cultivated for its beauty rather than for use. It is usually a small flowering tree used for understory or massed in the open for color and texture.

OUTFALL: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

OVERLAY DISTRICT: A district which applies supplementary regulations to land which is classified into a specific zoning district.

OWNER: A person, firm, partnership, corporation or other entity holding an interest in real property and shown as such on official records. For the purposes of this ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the zoning administrator, e.g., a sign leased from a sign company.

PACKAGE STORE: A place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

PANEL ANTENNAE: A device designed, built and constructed in a flat and usually rectangular shape for the purpose of radiating or receiving electro-magnetic energy or waves, usually, but not necessarily for communications purposes.

PATIO HOME: A single-family dwelling unit generally under 2,000 square feet of heated space. The lot layout for patio homes often utilizes zero lot line construction and common greenspace areas.

PARCEL: A unit of land as defined in a single deed recorded in the Superior Court deed records of Bryan County, Georgia. The description as specified in each recorded deed shall constitute a parcel of land for the purpose of this article. Provided further, that two (2) or more adjoining parcels in common ownership which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one parcel for the purpose of this article.

PARKING: The temporary, transient storage of motor vehicles used for transportation, while their operators are engaged in other activities. It shall not include storage of new or used motor vehicles for sale, services, rental or any other purpose other than specified above.

PARKING SPACE: The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this ordinance.

PARKING STRUCTURE: A manmade building, consisting of one or more floors, designed and intended for the parking of motor vehicles.

PERMIT: An official authorization, issued by a representative of the city, to conduct a specific activity under the provisions of this ordinance.

PERMITTED USE: A use of property specifically allowed within a zoning district wherever that district exists in the city; provided, all dimensional and other requirements applicable to that district are satisfied.

PERSON: Any person, individual, firm, partnership, association, corporation, company or organization, singular or plural, of any kind, including sole proprietors, nonprofits, two (2) or more individuals having a joint or common interest, joint venture, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity or any other form of business organization; provided, charitable nonprofit organizations that utilize 50 percent of their proceeds for charitable purposes shall not be included in this definition..

PERSONAL AND PROFESSIONAL SERVICES: Any business activity of a personal or professional nature provided to the general public, such as barbershops, beauty shop, dry cleaning pickup, printing and photocopying and tailors.

PERSONAL CARE HOME: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage.

PLACE OF WORSHIP: A building or structure, or groups of buildings or structures which, by design and construction, are primarily intended for conducting organized religious services and associated accessory uses that are noncommercial in nature.

PLANNED CENTER: A single office, medical, commercial or industrial property that is designed or intended for occupancy by two (2) or more principal businesses that are separately owned and have no corporate relationship. A planned center may consist of a single building, such as a shopping center, or multiple buildings, such as an office condominium center.

PLANNED UNIT DEVELOPMENT (PUD): A tract or parcel of land developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preserved natural features, reduced lot sizes or similar attributes not attainable through conventional zoning districts.

PLANNING COMMISSION: The City of Richmond Hill Planning Commission.

PLANTING SEASON: The time period or season during which newly installed plant material will have the best opportunity for survival. The planting season begins on November 1st and ends on March 31st.

PORCH: A roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than exterior walls of the building.

PREMISES: A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRESCHOOL: A child day care facility specializing in preparing children for a formal education environment.

PRINCIPAL BUILDING: The building in which the principal use of the lot or parcel is located.

PRIVATE DOCK OR BOATHOUSE: A structure designed and intended to facilitate the boarding and disembarking of a person's personal watercraft or to protect and shelter the same.

PRIVATE PROPERTY: Property or facilities owned by individuals, corporations, and organizations other than a governmental entity.

PROFESSIONAL OFFICE BUILDING: A structure designed and intended for occupation as business premises by persons or entities engaged in an activity or field of endeavor requiring special educational or technical skills and standards, such as the practice of medicine, law, accounting, city planning and other recognized learned professions.

PROJECT: The entire proposed development project regardless of the size of the area of land to be disturbed.

PUBLIC BOAT RAMP: A structure constructed at a landing on a body of water which is accessible to and open to use by the general public, whereby boats and other watercraft may be launched from and loaded onto trailers, whether or not for a fee.

PUBLIC USE: Buildings, structures and uses of land owned, operated or maintained by a governmental unit or governmental agency, including but not restricted to public easements, public schools, fire stations, recreational facilities and water treatment facilities.

PUBLIC UTILITY: A retail supplier of electricity, gas, telephone service, cable television services or similar services as provided in Title 46 of the O.C.G.A.

Section 32.10 Definitions Q-R

QUALITY, STORMWATER: Those parameters of stormwater that relate to the physical, chemical, biological or radiological integrity of stormwater.

QUANTITY, STORMWATER: Those characteristics of stormwater that relate to the rate, volume, and duration of stormwater runoff.

RECREATIONAL AREA: Any lot or parcel of land, including buildings and structures located thereon whether publicly or privately owned, which is devoted entirely to bona fide recreational uses and purposes.

RECREATIONAL VEHICLE: Vehicles or equipment used primarily for recreational purposes, including, but not limited to, motor homes, travel trailers, camper trailers, pop-up campers, boats, off-road vehicles, dune buggies, personal watercraft and the trailers used to transport them.

RECYCLING CENTER: Any one or any combination of the following where recycling materials are processed to the extent indicated:

1. **COLLECTION CENTER:** A site where recyclable goods are accepted and removed to a processing center on a semi-weekly basis at a minimum.
2. **PROCESSING CENTER:** A site where recyclable materials are separated and refined for shipment or delivery to a recycling plant.
3. **RECYCLING PLANT:** A site where recyclable materials are refined directly into raw materials.
4. **MATERIALS RECOVERY FACILITY:** A facility where recyclable materials are separated and processed from common household and commercial solid waste.

REMODELING, REDECORATING, OR REFINISHING: Any change, removal, replacement or addition to walls, floors, ceilings, and roof surfaces or coverings which do not support any beam, ceiling, floor load-bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

RESERVE STRIPS: Strips of land that control access to streets, alleys and public grounds.

RESTAURANT, STANDARD: A building or part of a building where food is prepared and served for compensation on the premises and more than half the revenue is obtained from the sale of food.

RESTAURANT, DRIVE-TRHOUGH: A restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically though a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor seating.

RETIREMENT COMMUNITY: A planned community for residents who have retired from an active working life and may contain a variety of housing types to accommodate varying needs and life stages, including independent living units, assisted living and nursing care.

Section 32.11 Definitions S-T

SANITARY SEWER SYSTEM: The complete sanitary sewer system of the city which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.

SCALE: The relationship of a particular building mass to other nearby or adjacent development.

SEDIMENT: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

SEDIMENTATION: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

SELF-STORAGE FACILITIES (mini-warehouse): A structure containing separate, individual and private storage spaces of varying sizes leased or rented on an individual basis for varying periods of time. Also includes outdoor storage area for personal vehicles and equipment such as recreational vehicles, antique automobiles and similar possessions.

SETBACK: The minimum horizontal distance between the nearest point of the applicable building, structure, or sign measured perpendicular to the property line from which the setback distance is required. See "*Yard*" definitions.

SEWAGE: The total of organic waste and wastewater generated by residential, industrial, and commercial establishments.

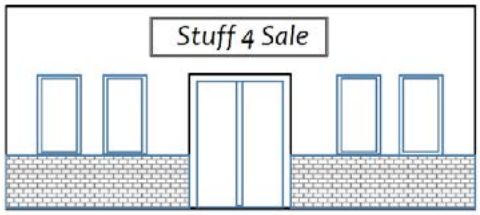
SHOPPING CENTER: A group of commercial establishments, built on a site that is planned, developed, owned or managed as an operating unit related in location, size and type of shops to the trade areas that the unit serves; it provides on-site parking in definite relationship to the type and total size of the stores.

SHRUB: A self-supporting woody plant that may reach a height of less than 15 feet, such as but not limited to azalea, boxwood, yew, hawthorn, hydrangea, holly, nandina or camellia.

SIGN: A device, structure, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

1. **AGGREGATE SIGN AREA:** The combined sign area of all signs of a particular category on a single parcel. For example, the aggregate sign area of all freestanding signs on a parcel is the sum total areas of all freestanding signs on that parcel.
2. **ANIMATED SIGN:** A sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by mechanical means such as the blowing of air or motorized parts, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (light emitting diode) screen or any other type of video display, even if the message is stationary.
3. **BANNER:** A sign of fabric, thin plastic or similar lightweight material that is mounted to a pole or a building at one (1) or more edges and is intended or displayed as commercial speech. Flags shall not be considered banners.
4. **BENCH SIGN:** Any bench or structure whose primary purpose is for sitting upon which a message is displayed.
5. **BILLBOARD:** A freestanding sign identifying or advertising an establishment, product, service or activity not available on the lot or parcel on which the sign is located.

6. **BUILDING SIGN:** A sign that in any manner is fastened to, projects from, or is placed upon the exterior wall, window, door or roof of a building. The term "building sign" includes but is not limited to the following:
   a. ***Canopy sign:*** A sign imposed, mounted or painted upon a freestanding canopy.
   b. ***Projecting sign:*** A sign affixed to a wall and extending perpendicular from the surface of the wall.
   c. ***Roof sign:*** A sign mounted on, applied to, or otherwise structurally supported by the roof of a building (other than the fascia portion of a mansard roof).
   d. ***Wall sign:*** A sign fastened directly to or placed directly upon the exterior wall of a building facade, with the sign face parallel to the wall and extending from the surface of the wall no more than 12 inches.
   e. ***Window sign:*** A sign placed on, behind or inside a windowpane or glass door and intended to be viewed from outside the building.
7. **CHANGEABLE COPY SIGN:** A portion of a sign on which copy may be frequently changed either manually or electronically, including a sign with a fixed or changing display message composed of a series of lights that may be changed through electronic means. Changeable copy signs include the following types:
   a. ***Manual:*** A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered by placing such letters or other message elements directly on the sign face by hand.
   b. ***Electronic:*** A sign whose alphabetic, pictographic, or symbolic informational content can be changed and is displayed electrically or electronically.



8. **CHANNELED LETTER SIGNS:** Signs that have their letters cut out of the sign face or raised above the sign face, described as:
   a. ***Internally channeled letters:*** Letters or other symbols cut into a sign face and located above a recessed background surface, often designed for the background surface to be illuminated by an artificial light source.
   b. ***Reverse channeled letters:*** Letters or other symbols raised above a background surface designed to be illuminated from behind and within the letters or symbols by an artificial light source.
   c. ***Reverse halo illuminated channeled letters:*** An internally lighted, cabinet sign with sign copy routed out from the sign face, and with matching sign copy mounted above the routed out sign copy and mounted with a clearance between the dimensioned sign copy and sign face.
   d. ***Illuminated face channeled letters:*** Individual channel letters or other symbols, internally illuminated, with an acrylic face such as Lexan and opaque sides and bottom, mounted on a raceway, or individually mounted directly onto the face of a building or sign face.

e. ***Open face channeled letters:*** Individual channel letters or other symbols, with the face omitted and artificial light source exposed, opaque sides and bottom, mounted on a raceway or individually mounted directly onto the face of a building or sign face.

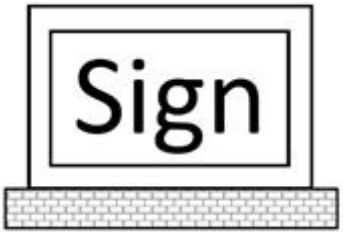
9. **DOUBLE-FACED SIGN:** A sign structure with two (2) sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two (2) sign faces are separated from each other at their furthest point by no more than three (3) feet. Sign faces on a single sign structure separated by more than three (3) feet are considered separate signs.
10. **FESTOONS:** Strings of light bulbs and strings of ribbons, tinsel, pennants, streamers, pinwheels or other similar devices.
11. **FLAG:** A fabric or bunting containing colors, patterns and/or symbols normally displayed by flying from a pole as a wind-activated device.
12. **FREESTANDING SIGN:** A sign attached to or part of a completely self-supporting structure set firmly in or below the ground surface and not attached to any building or any other structure, whether portable or stationary. The term "freestanding sign" includes:

    a. ***Pole sign:*** A sign mounted on one (1) or more freestanding stanchions or columns so the sign body is elevated above the ground by the supporting stanchions or columns, and the supporting stanchions or columns are each less than 25 percent of the width of the sign body.

    b. ***Column sign:*** A sign mounted on one (1) or more freestanding stanchions or columns so the sign body is elevated above the ground by the supporting stanchions or columns, and the supporting stanchions or columns are each 25 percent of the width of the sign face or more.

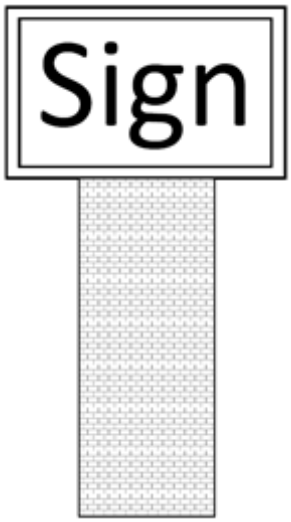
    c. ***Monument sign:*** A freestanding sign in which the entire bottom of the sign base structure is in contact with the ground, providing a solid and continuous background for the sign from the ground to the top of the sign structure. The base of a monument sign must be as wide as or wider than the sign body.

    d. ***Hybrid monument sign:*** A freestanding sign in which the entire bottom of the sign base structure is in contact with the ground, but a solid and continuous background for the sign from the ground to the top of the sign structure is not provided. The base of a hybrid monument sign must be as wide as or wider than the sign body.



Example of a Monument Sign

Example of a Hyrbrid Monument Sign



Example of a column sign

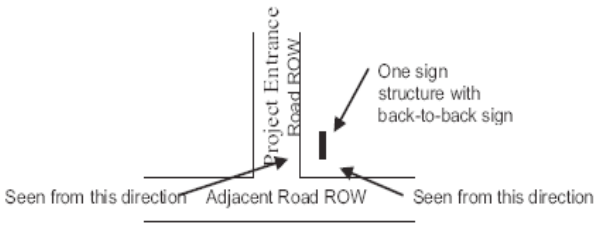
e. ***High rise sign:*** A stanchion or pole sign at least 50 feet in height directed toward interstate highway traffic.

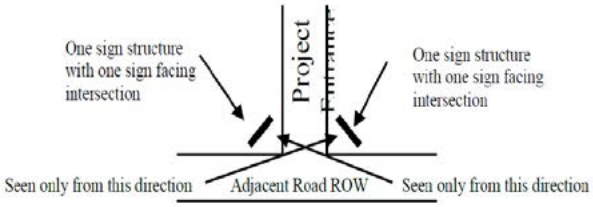
13. **ILLUMINATED SIGN:** Any sign or portion of a sign illuminated by artificial light, including outline, reflective or phosphorescent light.
    a. ***Externally illuminated:*** Illumination arranged so the light source is external to the sign and directed toward the sign.
    b. ***Internally illuminated:*** Illumination arranged so the light source is contained behind the face of the sign and no light is directly visible from outside the sign. See also "*channeled letter signs*".

14. **INCIDENTAL SIGN:** A sign, emblem or decal no larger than one and one-half (1½) square feet in area. Such signs are normally located on doors, windows and gas pumps or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way.
15. **INFLATABLE SIGN:** A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

16. **JOINT SIGN:** A sign which serves as a common or collective sign for a group of persons or businesses operating on the same parcel (e.g., shopping center, office complex, etc.).
17. **LED SIGN:** Any sign or portion of a sign that uses light emitting diode technology or similar semiconductor technology to produce an illuminated image, picture, or message of any kind. LED signs are considered to be a form of electronic message centers.
18. **MISCELLANEOUS BUILDING SIGN:** A building sign, other than a principal sign or a temporary event sign, commonly found on the wall of a nonresidential use property.
19. **MISCELLANEOUS FREESTANDING SIGN:** A freestanding sign, other than a freestanding principal sign, a temporary event sign or an incidental sign, commonly found on multifamily and nonresidential use properties located at entrance and exit driveways and drive-through windows.
20. **NONCONFORMING SIGN:** A sign legally existing at the time of erection that could not be built under the terms of this ordinance.
21. **PORTABLE SIGN:** A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following: A sign designed to be temporarily placed upon the ground and not
    a. otherwise affixed to it by a permanent foundation.
    b. A sign mounted on a trailer, with or without wheels.
    c. An A-frame or sandwich board sign.
    d. An umbrella used for advertising.

22. **PRE-PERMANENT SIGN:** A temporary sign used for signage by a new business until their permanent sign is installed or for sixty (60) days, whichever is less.
23. **PRINCIPAL SIGN:** The main, most prominent or largest building or freestanding sign on a property's street frontage or principal building, other than a project entrance sign as defined in this article. Such signs are of permanent construction and not placed as temporary signage.
24. **PROJECT ENTRANCE SIGN:** A permanent freestanding sign located at an entrance designed and permitted for vehicular access into a multifamily development, or into a development containing multiple lots, such as but not limited to a single-family residential subdivision, a townhouse condominium subdivision, or a business subdivision such as an office park or industrial park where buildings are located on separate lots. Designs for project entrance signs are classified as two types:





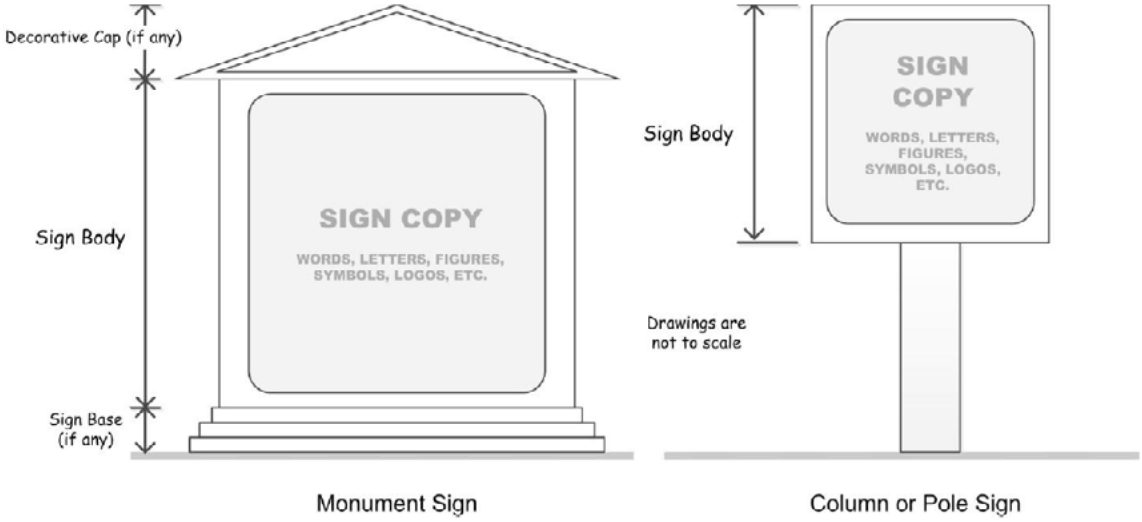
    a. ***Single sign:*** A project entrance sign designed as a single sign structure with two (2) back-to-back faces, oriented to be seen from both directions on the road adjacent to the development.
    b. ***Dual sign:*** A project entrance sign designed as two (2) separate sign structures, each with a single sign face individually oriented toward the intersection so as to be viewed from only one (1) direction on the road adjacent to the development, and each located on opposite sides of the project entrance.
25. **PROJECTING SIGN:** See under "*building sign*."
26. **PUBLIC ISSUE SIGN:** A temporary sign relating to an election called by a governmental body.
27. **REAL ESTATE SIGN:** A temporary sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
28. **ROOF SIGN:** See under "*building sign*."
29. **SNIPE SIGN:** Any sign which is attached in any way to a utility pole, fence post, or any other similar object located on public property.
30. **SPECTACULAR SIGN OR DEVICE:** Any banners, beacons, balloons, streamers, or other attention-getting devices. See also "*festoons*."
31. **SUSPENDED SIGN:** See under "*canopy sign*" [and] under "*building sign*."

32. **VEHICULAR SIGN:** Any sign placed, mounted, painted on or affixed to a motor vehicle or to a freight, flat-bed or storage trailer or other conveyance.
33. **WALL SIGN:** See under "*building sign*."
34. **WINDOW SIGN:** See under "*building sign*."
35. **YARD SIGN:** Any temporary sign, not otherwise defined, identifying an activity occurring at the premises on which it is located.

SIGN BODY: That portion of a sign structure intended or designed primarily to support or display the sign face, exclusive of the sign's base or decorative cap, if any.

SIGN COPY: The words, letters, figures, symbols, logos, fixtures, colors or other design elements used to convey the message, idea or intent for which a sign has been erected or placed.

SIGN FACE: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two (2) or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature, including but not limited to, channeled letters.



SIGN HEIGHT: The vertical distance to the highest point of a sign structure. The height is measured from the adjacent finished grade at the base of the sign; provided, artificially constructed berms shall not be considered in calculating grade.

SIGN STRUCTURE: A structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this article. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited

to, an exterior wall of a building or a decorative freestanding fence or wall at a project entrance, is not considered a sign structure.

SITE shall mean any lot, plot, parcel or tract of land.

SITE-BUILT DWELLING: A residential structure built completely, at its original location, from the foundation to the eaves.

SITE DEVELOPMENT PLAN: A detailed plan, as required in *Article 17*, showing proposed buildings, uses or reuses of all land, open space, location of major structures, recreation areas, schools and public facilities and such other planning elements and reasonable design criteria as deemed necessary by the planning and zoning director, planning commission or city council.

SMALL ENGINE REPAIR: A use of property and buildings for the purpose of repairing, rebuilding and servicing internal combustion engines of 30 horsepower or less, and the related accessories and equipment powered by such engines.

SOIL AND WATER CONSERVATION DISTRICT APPROVED PLAN: An erosion, sedimentation and pollution control plan approved in writing by the Coastal Soil and Water Conservation District.

SOLID WASTE: Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

SPORTS COMPLEX CLUB: A use of property and buildings for the purpose of providing a meeting place or meeting house for a group or organization of persons having as their primary purpose or goal the participation in organized sporting games or events. A sports complex club may also include both indoor and outdoor equipment and facilities for the playing of various sports.

STABLE, COMMERCIAL: Any building, structure, pasture or other enclosure where equines are maintained, boarded, held, trained, bred, rode, rented, leased or hired in exchange for a consideration.

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

START OF CONSTRUCTION: The date a development permit is issued, provided the actual start of construction, repair, reconstruction, or improvement is 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; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; 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.) See also, "*Substantial Improvement*".

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

STORMWATER: Precipitation runoff, snow melt runoff, and surface runoff.

STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

1. ***Street, Arterial:*** A road or highway, as shown on the official map maintained by the City of Richmond Hill, which carries large volumes of traffic at relatively high speed between population centers or from one section of the city to another.
2. ***Street, Collector:*** A public way, as shown on the official map maintained by the City of Richmond Hill, designed primarily to connect local streets with arterial streets or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic. Any street may be declared a collector street by city council at any time and shall be designated as such on the official street map.
3. ***Street, Expressway:*** A public thoroughfare designed and intended for through traffic upon which access is partially or fully controlled.
4. ***Street, Local:*** These roads serve the final function in destination trips and the initial function at point of origin. They provide direct access to adjacent land as well as serve the purpose of short distance transportation needs. This category encompasses all streets, roads and highways not classified as either arterial or collector streets.

STREET, CENTERLINE: That line surveyed to be the centerline of a street, or in the event that no centerline has been determined, it shall be that line running midway between, and parallel to, the outside right-of-way lines of such streets.

STREET FRONTAGE: The distance within which a front lot line of a lot adjoins a public street, measured between the two (2) lot lines intersecting that street. Corner lots at intersections and double frontage (through) lots have multiple street frontages; corner lots formed by a curve in the street greater than 135 degrees have one (1) street frontage.

STREET, INTERSECTION: Any street which joins another street at an angle, whether or not it crosses the other.

STREET, PRIVATE: Any vehicular access not dedicated to the public that has been platted and recorded as a private street.

STORY: The portion of the building included between the surface of any floor and the surface of the floor next above, or, if there is no floor above, the space between the floor and the ceiling next above.

STRUCTURAL EROSION, SEDIMENTATION AND POLLUTION CONTROL PRACTICES: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia".

STRUCTURE: Anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground including by way of example, but not limited to, buildings, billboards, swimming pools, advertising signs, a gas or liquid storage tank and satellite dishes but not including walls or fences.

STRUCTURAL ALTERATION: Any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

SUBDIVIDER: An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity (or agent thereof) that undertakes any activities covered by this ordinance. The word "subdivider" is intended to include the terms "developer" and "builder" even though the persons involved in successive stages of a project may vary.

SUBDIVISION: The division of a single lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for the purpose of sale or development.

1. ***Subdivision, Exempt:*** An administrative subdivision process that addresses subdivisions that do not involve a new street, or change in existing streets or the extension of water, sewer or gas lines. The following are included within this definition:
   a. The combination or recombination of portions of previously platted lots, where the total number of lots is not increased and the resultant lots are equal to the then current standards of the city.
   b. Lot line adjustments,
   c. The division of a single lot into two (2) lots, and
   d. The division of land into parcels of five (5) acres or more.
2. ***Subdivision, Major:*** All divisions of a tract or parcel of land not considered exempt or minor subdivisions, including:
   a. The division of land into six (6) or more lots, building sites, or other divisions for any purpose, whether immediate or future, of sale, legacy or building development;
   b. Any division of land involving a new street, or change in existing streets; or division of land involving the extension of water or sewer, including resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
3. ***Subdivision, Minor:*** The division of a tract or parcel of land into five (5) lots or less, building sites, or other division for any purpose, whether immediate or future, of sale, legacy or building development, and where appropriate to the context relates to the process of subdividing or to the land or area subdivided and that does not involve a new street; a change of an existing street; or the extension of water or sewer.
4. ***Subdivision, Pre-existing:*** a subdivision which had previously received final plat approval from the city or a subdivision which had received final plat approval from another government entity, annexed into the city after the adoption of this article.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement is

considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. Note: the market value of the structure shall be:

1. The appraised value of the structure prior to the start of the initial repair or improvement; or
2. In the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not, however, include either:
   a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
   b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SWIMMING POOL: A water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above surface pool having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

TAVERN: See "*Bar*".

TATTOO PARLOR: An establishment providing the service of body painting indelible marks, text, or figures that are fixed upon the skin through insertion of pigment or production of scars.

TELECOMMUNICATIONS FACILITY: A use of property and buildings for the purpose of switching, amplifying, uplinking, downlinking, disseminating, distributing, broadcasting, receiving or otherwise processing any telephone or television signal, or related electro-magnetic communication signal.

TEMPORARY EVENT: An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

1. The offering of a property or premises for sale or rent.
2. An election, political campaign, referendum, or ballot proposition put to the voters as part of city, county, state, or federal governance.
3. Special business promotions, such as but not limited to "grand openings," "close-out sales," and seasonal sales events.
4. A yard sale.
5. The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building.
6. A public announcement of a special event or seasonal activity by an individual or a nonprofit organization.

TENANT: A natural person, business or other entity that occupies land or buildings by ownership, under a lease, through payment of rent, or at will; an occupant, inhabitant, or dweller of a place.

TOWER, CELLULAR, PHONE OR RADIO: A building or structure typically higher than its diameter and high relative to its surroundings, used for the purpose of broadcasting, transmitting, receiving or otherwise enhancing or facilitating the transmission of radiant energy for communications purposes.

TRACT: A defined lot, piece or parcel of land, of greater or lesser size.

TRACT INDEX: An official record kept by the building and zoning department consisting of a page or set of pages in an index book devoted to listing all documents which affect a particular tract of land.

TRAILER, UTILITY: A vehicle with or without its own motive power, which is mounted on wheels or is designed to be so mounted and transported.

TRAFFIC STUDY: A written report prepared by an transportation engineer or a professional planner, describing in detail the roads and streets which serve an area of the city, furnishing information on ingress and egress to and from lots, providing current traffic counts on existing streets and projected traffic counts on both existing and proposed streets, and additionally containing an impact statement describing the expected impact of the proposed activities on traffic flow and traffic patterns within a specific area of the city.

TREE FUND: The Tree Protection Escrow Fund, established to receive funds paid in lieu of required canopy as specified in *Article 15*, or for compensation for damage or removal of city owned trees.

TROUT STREAMS: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. 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.

Section 32.12 Definitions U-V

USE: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

1. Use, Nonresidential: Any use of property or buildings that is not a residential use.
2. Use, Principal: The principal purpose of which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used.
3. Use, Residential: A principal use that is intended for occupancy by an owner or lessee as their permanent place of abode.
4. Use, Temporary: A use of a lot or lots of limited duration and established in connection with a construction project or real estate development.

VARIANCE: An authorization by the board of zoning appeals granting relief from the strict requirements of this ordinance and doing substantial justice, where literal enforcement would result in a practical difficulty or unnecessary hardship.

VEGETATIVE EROSION AND SEDIMENTATION CONTROL MEASURES: Measures for the stabilization of erodible or sediment-producing areas, as found in the publication "Manual for Erosion and Sediment Control in Georgia", by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

VEHICLE REPAIR, MAJOR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body frame or fender straightening or repair; tire recapping or retreading; painting and engine steam cleaning.

VEHICLE REPAIR, MINOR: Incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger vehicles and trucks not exceeding one-ton capacity, but not including any operation defined as "major repair".

VEHICLE SERVICE STATION: A building and premises where the principal use is the retail dispensing or sale of vehicular fuels.

VEHICLE WASH: A use of property and buildings for the purpose of providing buildings, equipment and facilities for the purpose of cleaning and preserving the exterior or interior surfaces of automobiles or other motor vehicles designed primarily for use on the highway.

VETERINARIAN: A business wherein a person or persons, licensed under chapter 50 of title 43 of the O.C.G.A. preforms services to diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions of animals.

VETERINARY HOSPITAL: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

VIOLATION: The failure of a use, structure or other development to be fully compliant with the provisions of this ordinance.

Section 32.13 Definitions W-Z

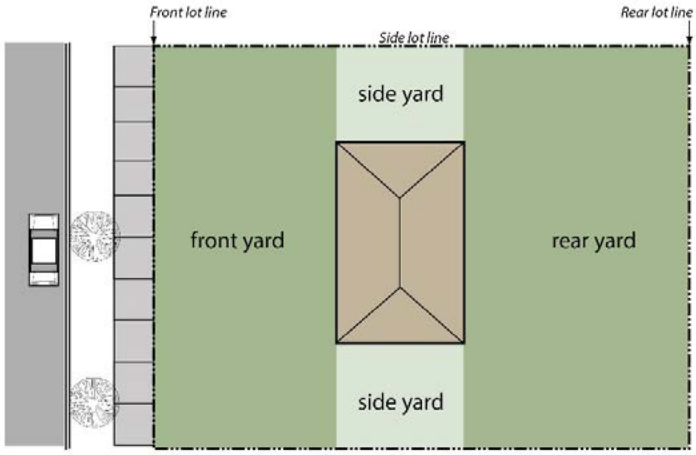
WAREHOUSE AND WHOLESALE ESTABLISHMENT: A use of property and buildings for the purpose of selling, buying, trading or otherwise dealing at a wholesale level in general merchandise. This type of facility often requires membership, and may not be open to the general public.

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

WETLANDS: Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands also include swamps, marshes and bogs.

WILDLIFE REFUGE: An area of lands set aside and upon which the hunting, trapping or annoyance of animals that are not domesticated is prohibited.

YARD: The open spaces on a lot located between a building and a lot line. The term "required yard" shall refer to that portion of the yard lying between the lot lines and the minimum required setback lines.



1. ***Yard, Front***: The space extending the full width of the lot, the depth of which is the distance between the front lot line and the nearest building line of the principal building.
2. ***Yard, Rear:*** The space extending the full width of the lot, the depth of which is the distance between the rear lot line and the nearest building line of the principal building.
3. ***Yard, Side:*** The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the side lot line to the nearest building line of the principal building.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONING ADMINISTRATOR: The person designated to enforce the provisions of this ordinance and charged with the responsibility for building inspection and permitting.

Appendix A
Combined Table of Uses

A

Section A.1 Table of Uses

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Agricultural and Animal-related Uses											
Agribusiness									P		
Breweries, distilleries and bottling plants									P		
Farm	P										
Food processing plants									P		
Greenhouse/nursery (not including retail sales)									P		
Kennels						C			P		
Produce and other food products terminals									P		
Timber production and harvesting	P										
Wildlife refuge	P										
Commercial Establishments											
Auction houses									P		
Business machine sales & service									P		
Consumer fireworks retail sales facility (permanent)									C		
Consumer fireworks retail sales facility (temporary)									C		
Glass sales & service									P		
HVAC sales & service									P		
Machinery and equipment sales & service									P		
Mail order businesses and fulfillment centers									P		
Petroleum products sales									P		
Sexually oriented businesses									C		

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Construction											
Building materials and lumber supply									C		
Contractors' offices and shops (not including outdoor storage)									P		
Landscaping services									P		
Educational Services											
Schools, commercial and trade									P		
Schools, driving									P		
Training centers, engineering or sales									P		
Food, Drink, Entertainment and Hospitality											
Bars, taverns and nightclubs						C	C	C	C	C	P
Club or lodge, private						P	C				
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)						C	C	P			C
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)						C		P			C
Food catering service						P	P				P
Golf club, sports complex						P					
Hotel/motel								C			P
Micro-brewery						P	P	P		C	P
Performance theaters, concert halls							P				C

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Performing arts or martial arts school or studio						P	P			P	P
Radio, television and recording studio						P			P		P
Restaurant (standard), not including drive-thru						P	P	P	P	P	P
Restaurant (drive-in or drive-thru)						C		C			
Restaurant (alcohol and/or entertainment)						C	C	C	C	C	P
Small-scale Inn							C				
Health Care and Social Assistance											
Hospital and medical centers						C	C				C
Medical, dental or chiropractic office, clinic and/or laboratory						P	P		P	P	P
Manufacturing and Mining											
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials									P		
Manufacturing and assembly of automobiles, trucks, planes, ships and railways									C		
Building material manufacturing including milling, planning and joining									C		
Chemical manufacturing and storage									C		
Concrete or asphalt manufacturing									C		

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Electronics manufacturing and assembly									P		
Machine, sheet metal and welding shops									P		
Metal stamping, pressing and buffing									C		
Oil refineries									C		
Paint, rust proofing and rust coating									C		
Sawmills									C		
Steel manufacturing									C		
Structural and steel fabrication									C		
Tool and die shops									P		
Mineral extraction operations									C		
Office, Financial and Business Services											
Business school						P	P				
Financial institutions						P	P	P	P	P	P
Office equipment sales and service						P	P			P	P
Offices, general and professional						P	P		P	P	P
Printing and photocopying establishments						P	P		P	P	P
Research, development and testing laboratories							P		P		C
Short-term lending or pay-day check cashing								C			
Veterinary hospital						C					
Personal Services											
Ambulance service						P	P	P			
Barber shop, hair salon or spa						P	P			P	P

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Child care facilities, commercial preschools and nurseries		C	C	C	C	P	P			P	P
Cleaning services									P		
Dress maker, tailor						P	P			P	P
Dry cleaning plants and commercial laundries									C		
Dry cleaner, not including a dry cleaning plant						P	P			P	P
Electronics repair						P	P			P	P
Family day care home						P	P				
Health spa, fitness club, dance studio						P	P			P	P
Kennels						C			P		
Laundromat						P	P			P	P
Locksmith shops									P		
Mortuary or funeral home, not including crematorium						C					
Optician and eyeglasses						P	P			P	P
Pest control services									P		
Pet grooming						P	P			P	P
Photography studio						P	P		P	P	P
Small engine repair						P		P	P		
Small item repair						P	P			P	P
Tattoo parlor						C					
Tool and equipment rental									P		
Repair shops (non-automotive)									P		
Public/Quasi Public											
Cemeteries	C	C	C	C	C	C					
Correctional facilities									C		
Government buildings	C	C	C	C	C	P	P	P	P	P	P

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Library						P	P				
Museum, cultural facility						P	P				
Places of worship and customary related uses	C	C	C	C	C	P	P	P		P	P
Publicly owned recreation center or other similar charitable institution							P				
Schools (K-12)		C	C	C	C					P	P
Public utilities	C					C	C	C			
Utility substation or subinstallation, incl. water towers										C	C
Recreation/Leisure											
Amphitheater	C										
Adult day care		C	C	C	C						
Art gallery or studio						P	P			P	P
Campground	C										
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)						C	C	P			C
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)	C					C		P			C
Golf courses/ country clubs	C	C	C	C	C	P					P
Performing arts, dance or martial arts school or studio						P	P			P	P
Private dock or boathouse	C										
Private noncommercial recreation	C	C	C	C	C					P	P
Public boat ramp	C										

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Public parks/ playgrounds	C	P	P	P	P					P	P
Residential											
Assisted living facilities				C							C
Attached single family dwelling				P						P	P
Bed and breakfast		C									
Detached single family dwelling		P	P		C[1]						
Family day care home		C	C	C	C						
Manufactured home community/ subdivision					C						
Multiple-family dwelling				P						C	P
Nursing home		C	C	C	C						
Personal care home		C	C							C	P
Retirement community				C							C
Two family dwelling				P						P	P
Upper floor dwelling above a street-level business (live/work units)						P	P			P	P
Retail Uses											
Appliance sales and repair						P			P	P	P
Auction houses						C			P		
Building materials and lumber supply						C			P		
Consumer fireworks retail sales facility (temporary)								C			
Nurseries and greenhouses (including retail sales)						P					P
Package store						C	C				
Pawn shops						C			P		

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Planned shopping centers						P					P
Planned shopping centers, not exceeding 50,000 sq. ft.							C			C	
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, not exceeding 5,000 square feet of floor area							P			P	
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, more than 5,000 but less than 20,000 sq. ft.							C				
Retail establishments whose principal activity is the sale of merchandise within an enclosed building of any size						P					P
Transportation and Warehousing											
Airports									C		
Bottled gas storage and distribution									C		
Cartage, express and parcel delivery facilities									C		
Freight and intermodal terminals									C		
Heliports and helipads									C		
Moving companies									P		
Self-storage facilities (indoor)								C	P		
Self-storage facilities (outdoor)									C		

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Shipping container storage and sales									P		
Warehouses and distribution centers									C		
Wholesale businesses									P		
Utilities											
Power generating plants									C		
Public utility buildings and land						C	C	C	P		
Sewage treatment plants									C		
Solar Farms									P		
Telephone exchange buildings									P		
Utility substations and subinstallations, including water towers						P	P	P	P		
Wind energy conversion systems(single accessory)									C	C	C
Wind energy conversion systems (commercial)									C		
Wireless communication facilities and towers	C								C		
Vehicle Sales, Services and Related Uses											
Automobile, trailer, truck, farm equipment, heavy equipment, manufactured home, boat, recreational vehicle or motorcycle sales						C		C	C		
Automobile, truck and trailer rental						P		P	P		
Auto parts and tire store						C		C	P		

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Parking garage, structure or lot, commercial (as principal use)							C		P		C
Tire retreading service								C	C		
Truck stops								C	C		
Vehicle auctions									P		
Vehicle repair, major						C		C	C		
Vehicle repair, minor						C		C	P		
Vehicle service stations						C	C	C	C	C	C
Vehicle wash facilities						C	C	C	C	C	C
Vehicle wash facilities for trucks and trailers								C	P		
Waste Processing and Disposal											
Processing, storage, transfer, disposal or incineration of solid waste, hazardous waste or medical waste									C		
Recycling collection and/or processing facility (non-hazardous)									P		
Sanitary landfills									C		
Accessory Uses											
Accessory dwelling units		C	C							C	C
Accessory dwelling units for watchmen and operating personnel and their families									C		
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P
Cafeteria facilities located within a principal use									P		

Table A-1, Schedule of Uses: All Districts

Use	Conserv. District	Residential Districts				Commercial Districts			Industrial District	Mixed Use Districts	
	CP	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MU-1	MU-2
Child care facilities located within a principal use									P		
Corporate offices incidental to the principal use									P		
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies and similar uses (not including drive-through restaurants)						C	C	C	P	C	C
Home occupations[2]		P/C	C	C	C					P/C	P/C
Outdoor display areas for retail establishments						C	C	C		C	C
Outdoor seating areas for restaurant, taverns and similar establishments						P	C	P		C	C
Outdoor storage related to a principal use						C		C	C		C
Panel antennae	C										
Other Uses											
Panel antennae	C					C	C	C			
Public utility structures and lands						C	C	C			
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance, in accordance with the criteria specified in *Subsection 12.6 E*.	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

1 A detached single family home shall only be allowed on a lot as a replacement for an existing manufactured home that occupied that lot for a period of at least five (5) years.

2 If the planning director determines that a proposed home occupation will be apparent from the outside and may create a noticeable change to the neighborhood relative to factors such as visitors, deliveries, noise, hours of operation, odor or similar external effects, the use shall be reviewed as a conditional use, in accordance with *Article 13*. Otherwise, the home occupation shall be considered a permitted use, but still subject to the criteria of *Subsection 13.6 B*.

Appendix B
Table of Dimensional Requirements

B

Section B.1 Table of Dimensional Requirements

Table B-1, Schedule of Area, Height and Placement Requirements

Requirements	CP	Residential Districts						Commercial Districts			Ind Dist.	Mixed Use Districts	
				R-3		R-4							
		R-1	R-2	Two Fam	Att. SF & MF	Ind. lot	Mfg. Home Comm.	C-1	C-2	C-3	I-1	MU-1	MU-2
Lot Area, Width and Density													
Lot area (min. sq. ft.)	21,780	20,000	12,000	4,500[1]	-	8,500	4,900	20,000	-	20,000	1 acre	5 ac. (max: 20 ac.)	20 ac.
Min. Frontage	-	-	-	-	-	-	-	-	-	-	-	150	330
Min[2]/Max[3] non-residential area	-	-	-	-	-	-	-	-	-	-	-	10%/ 20%	15%/ 25%
Lot width (min. ft.)	100	110	90	40	-	60	50	100	-	100	200	-	-
Density (max. units/ net acre)[4]	-	1.5	2.5	7	10[5]	-	-	-	-	-	-	10	14
Setbacks (minimum ft.)[6]													
Front[7]	50	50	30	20	20	25	20	35	25	50	50	8	7
Rear	20	40	30	20	20	15	10	15	10	10	25[9]	7	7
Side (interior)	30	25	20	10	20[10]	10	10	15	20	10	15[8]	7	7
Side (street)	50	50	30	20	20	25	20	35	25	50	50	7	7
Height and Coverage (maximum)													
Building coverage (%)	25	35	35	35	45	35	40	60	70	60	65	-	-
Height (ft.)	35	40	35	35		35		40	40	105	45	40 (3 stories)	Min: 18 ft (1 story) Max: 48 ft (4 stories)
Max. floor area ratio (FAR)[11]	-	-	-	-		-		-	-	-	-	.5	1.0
Minimum open space (%)[12]	-	-	-	-		-		-	-	-	-	10	20
Floor Area (minimum sq. ft.)													
Ground level	-	1,500	1,200	-		1,000	720[13]	-	-	-	-		
One-bedroom[14]	-	-	-	750		-	-	-	-	-	-		
Two-bedroom[14]	-	-	-	900		-	-	-	-	-	-		
Three-bedroom[14]	-	-	-	1,050		-	-	-	-	-	-		

Table B-1, Schedule of Area, Height and Placement Requirements

Requirements		CP	Residential Districts						Commercial Districts			Ind Dist.	Mixed Use Districts	
					R-3		R-4							
			R-1	R-2	Two Fam	Att. SF & MF	Ind. lot	Mfg. Home Comm.	C-1	C-2	C-3	I-1	MU-1	MU-2
Additional bdrms > 3[14]		-	-	-	150/add'l bdrm		-	-	-	-	-	-		
Max floor area (sq. ft.)	Gross leasable area/ indiv. business	-	-	-	-		-	-	-	-	-	-	5,000	-
	Gross floor area/ multi-tenant building	-	-	-	-		-	-	-	-	-	-	20,000	-

1 Minimum lot area and width applicable to each unit for two-family dwellings only.

2 Refers to area occupied by commercial, office or institutional uses and associated parking, not including required open space.

3 Refers to total project area to be developed.

4 Net acre shall be calculated as the total site acreage, less the area occupied by wetlands.

5 Maximum of five (5) attached single family units per building.

6 Residential setbacks shall be measured from the interior edge of drainage or utility easements located within a lot. As an alternative, easements may be located within dedicated common open space areas outside of platted lots.

7 If located on a private road, the setback shall be measured from the easement line or 30 feet from the center of the road, whichever is greater.

8 Minimum setbacks shall not be applied to individual lots within the development; provided, all greenway and buffer requirements specified in *Article 15* shall apply to property abutting the perimeter of the mixed-use development and any public street.

9 The minimum setback for a side or rear yard abutting a residential district shall be 100 feet.

10 Minimum separation between ends of contiguous buildings shall be equal to the height of the taller building, but no less than 20 feet.

11 The ratio of total building floor area divided by total land area.

12 Required open space may include the following if generally accessible to all users of the mixed use development: parks, landscaped buffer areas, lakes, rooftop gardens, plazas, city squares, playgrounds and recreation areas, outdoor sports facilities, surface easements for drainage facilities and pedestrian walkways or paths; provided, the requirements of *Section 9.4* shall be met.

13 Minimum 20 ft. wide at the narrowest dimension.

14 Applies to two-family, attached single family and multiple family dwellings.

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Appendix C
Planting Specifications

C

Section C.1 Canopy Analysis

A. Formula. A basic condition of the City of Richmond Hill Tree Protection Plan is that all applicable sites have a potential minimum canopy of 40% by area. The canopy requirement must be met whether or not a site had trees prior to development. The canopy may be achieved by counting existing trees to be preserved or actual canopy of preserved trees or groupings, planting new trees, or some combination of the two. For canopy analysis, the following formula shall apply.

$CR = SA \times .4$

Where:

CR = canopy area requirement

SA = site area

B. Procedure for calculating the required tree replacement.

1. Step 1: Area of total site from boundary survey
2. Step 2: Multiply area (in square feet) by 4
3. Step 3: Subtract preserved tree area from Step 2
4. Step 4: Select enough overstory and understory trees to equal area remaining after Step 3.
   a. Not more than 3 understory trees for each overstory tree. Not more than 15% of one species and not more than 40% of one genus.)
   b. All replacement trees must be two (2) inch caliper or greater. Replacement trees must have minimum area for growth as shown in *Section C.5*.

C. Replacement Values. Square footage value placed on a two (2) inch [caliper] tree for calculating replacement trees:

1. Over-story tree value;
   a. Large growth trees = 1500 sq. ft./tree planted
   b. Medium growth trees = 550 sq. ft./tree planted
2. Under-story tree value; Small growth trees = 250 sq. ft./tree planted

D. Example. Following site to be developed:

1. Step 1: 10 acre site = 435,600 sq. ft.
2. Step 2: 40% canopy cover figure

   435,600 × .4 = 174,240 sq. ft. to meet 40% canopy cover
3. Step 3: Preserved trees left on site = 108,900 sq. ft. (2.5 acres)

   174,240 minus 108,900 = 65,340 sq. ft. of replacement trees
4. Step 4: Replacement trees required to meet 40% Canopy Cover (CC)

   65,340 sq. ft. of area to be planted in trees
   a. Over-story trees = 1500 sq. ft./tree planted

      T 40 over-story (large canopy trees) × 1500 sq. ft. = 60,000 sq. ft.

      T 10 over-story (medium canopy trees) × 550 sq. ft. = 4,950 sq. ft.

      T Total sq. ft. 64,950 sq. ft.
   b. Under-story trees = 250 sq. ft./tree planted

T 2 under-story (small canopy trees) × 250 sq. ft. = 500 sq. ft.

c. Total square footage of trees planted: 65,450 sq. ft.

THE 65,340 SQ. FT. OF PLANTED TREES HAS MET 40% CANOPY COVER REQUIREMENT

Section C.2 Prohibited Species List

Table C-1, Prohibited Species List

Name	Problem
Box Elder	Aggressive shallow roots; weak wood
Bradford Pear	Genetic flaw; splits apart, susceptible to breakage
Catalpa	Weal wooded
Chinese Tallowtree	Aggressive shallow roots; susceptible to breakage; weedy tree
Female Ginkgo	Foul smelling fruit
Green Ash	Aggressive shallow roots; anthracnose
Hackberry	Large diameter surface roots; susceptible to breakage
Mimosa	Prone to disease; weedy tree; susceptible to breakage
Pecan	Large diameter surface roots, disease prone; susceptible to breakage
Princess tree	Aggressive shallow roots; weedy tree, messy, weak wooded
Russian olive	Poor form, disease
Silver Maple	Aggressive shallow roots; weak wood
Sweetgum	Aggressive surface roots; fruit a litter nuisance
Tree-of-heaven	Aggressive shallow roots; weedy tree; seeds; weak wood
Water Oak	Large diameter surface roots; susceptible to breakage.

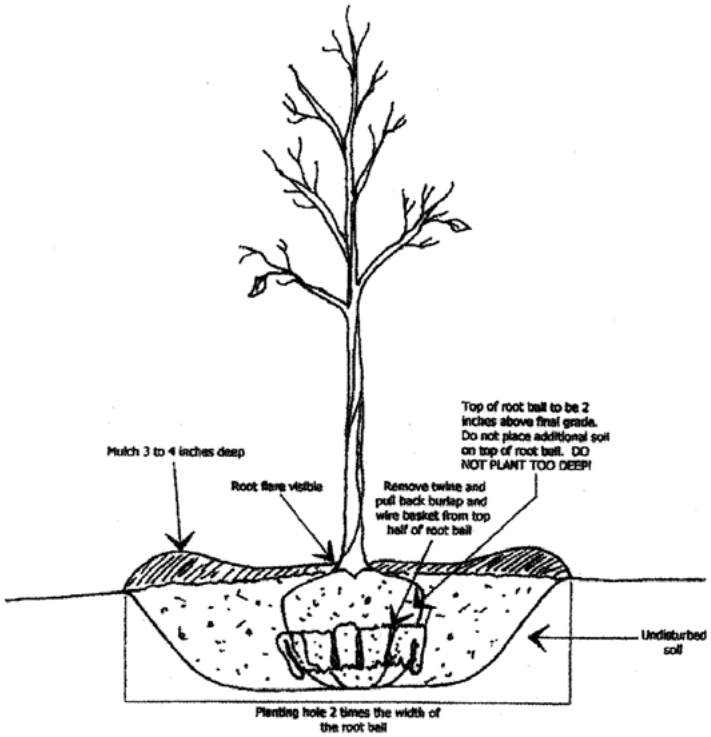
Section C.3 Planting Specifications

A. Specifications. Trees shall conform to the American Standard for nursery stock for proper relations of height, caliper and root ball diameter.

1. The diameter of the planting hole shall be a minimum of three (3) times the diameter of the root ball.
2. The planting hole sidewalls shall be scored or roughened to eliminate the smooth, slick surface caused by the shovel or auger.
3. If containerized material is to be planted, any circling roots shall be cut by slicing the root ball vertically from top to bottom in two to three well-spaced lines around the root ball with a sharp knife.
4. The root ball shall rest on undisturbed soil in the planting hole with the top of the root ball on level with the natural ground level or slightly raised (not to exceed a

height of two (2) inches above the natural ground level).

5. Any tree planted with the top of the root ball below natural ground level shall not be counted towards the required Canopy Replacement for the property.
6. The soil used to backfill around the root ball shall be un-compacted, native soil free of rocks, trash, or any construction debris.
7. Stakes and guy wires should only be installed when absolutely necessary. Supporting devices shall not interfere with vehicular or pedestrian movement and shall be removed after 12 months.
8. Mulch in the form of pine straw, pine bark, or wood chips shall be evenly distributed over the planting bole to a settled depth of two (2) inches.
9. Permanent built-in or temporary watering systems shall be installed to ensure the plants will survive the critical establishment period.
10. Out-of-season planting is discouraged. Property Owners/Developers may submit a "Request for Delay Affidavit" to allow for plant installation to occur at a time which better coincides with the normal planting season (November 1 to March 31).
11. All trees are to be nursery grown and locally adapted, ball and burlap (B&B) preferred. Minimum tree size is two (2) inch caliper.
12. Remove all treated or plastic-coated burlap, strapping, wire or twine from root ball.
13. For container grown trees, carefully remove the plant from the container and cut any matted or circling roots.
14. Water tree after planting. For mulch, use pine needles or seasoned mulch and use no more than three (3) to four (4) inches deep.
15. Tree wrap is optional.
16. Staking is optional. Rubber hose and rope or wire for staking is not recommended. 3/4" nylon strap or tree trace strap is preferred. Staking should be removed after one growing season.



B. Planting Details.

1. All trees are to be nursery grown and locally adapted, ball and burlap (B&B) preferred. Minimum trees size is two (2) inch caliper.
2. Remove all treated or plastic-coated burlap, strapping, wire or twine from root ball.
3. For container grown trees, carefully remove the plant from the container and cut any matted or circling roots.
4. Water tree after planting. For mulch, use pine needles or seasoned mulch and use no more than three (3) to four (4) inches deep.
5. Tree wrap is optional.
6. Staking is optional. Rubber hose and rope or wire for staking is not recommended. 3/4" nylon strap or tree trace strap is preferred. Staking should be removed after one growing season.

Section C.4 Tree Protection Details

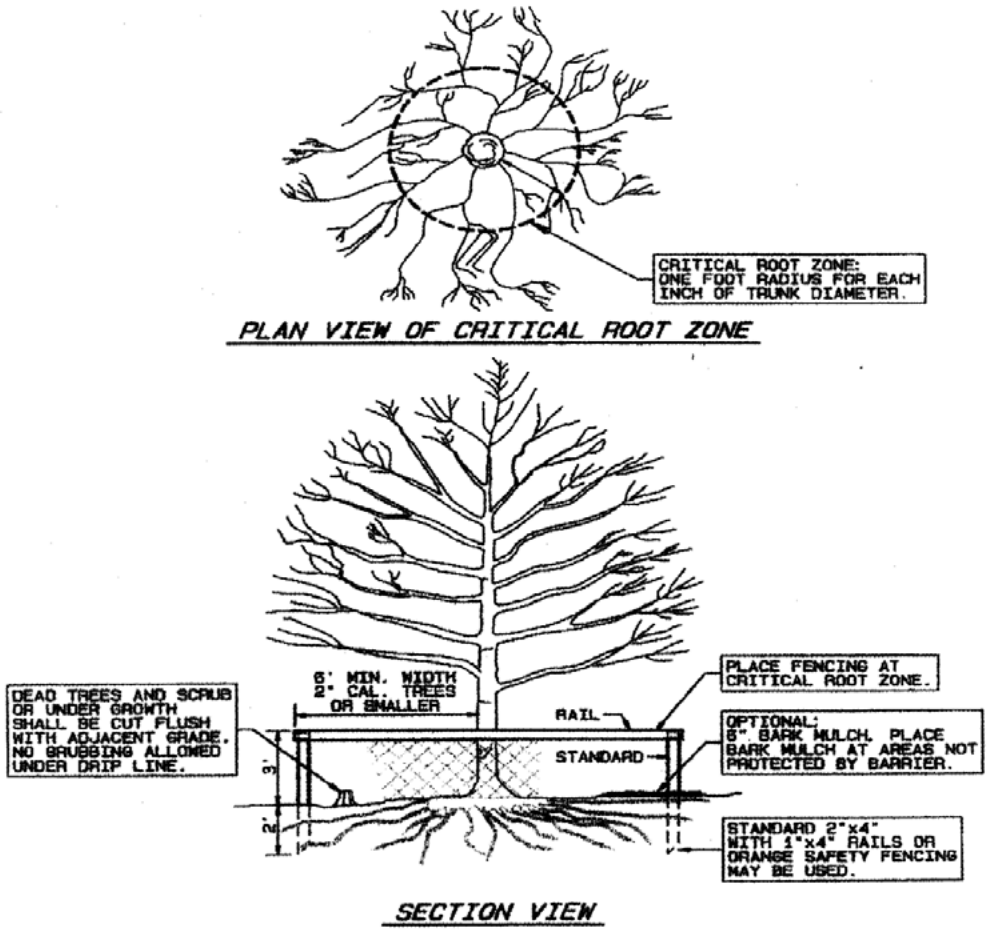
A. See plans for location of all tree protection fences.

B. All tree protection devises must be installed prior to land disturbance, including the cutting of any trees.

C. No grading is to occur in the tree conservation areas or tree critical root zones.

D. Remove all barriers upon completion of project.

E. Tree protection details:



Section C.5 Canopy Trees

A. Large Canopy Trees for Over-Story. (Count for 1500 sq. ft. of canopy area for planting - minimum two (2) inch [caliper]).

B. Large Trees 50': Suitable for areas with more than 400 square feet of total planting area; in a planting strip at least 16' × 25' or 20' × 20'.

Table C-2, Large Canopy Trees

Common/ Scientific Name	Height and Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Beech, American Fagus grandifolia	50-75' h 40-80' w	PS/FS	L	S	D	Native. Needs ample room above and below ground. Acid soil. Fruit attracts wildlife, no litter, Zones 4-9
Blackgum Nyssa sylvatica	65-75' h 25-35' w	PS/FS	H	S	D	Native. Soil pH below 6 best, texture tolerant, drought tolerant, wet soil tolerant. Fruit attracts wildlife, some litter. Zones 4-9

Table C-2, Large Canopy Trees						
Common/ Scientific Name	**Height and Width**	**Sun/Shade**	**Insect & Disease Resistance**	**Growth Rate**	**Deciduous Evergreen**	**Remarks**
Cypress, bald Taxodium distichum	60-80' h 25-35' w	FS/PS	M	F	D	Native. Drought & wet tolerant. 'Knees' form in wet areas. Tolerates compaction. Zones 4-11
Cypress, pond Taxodium ascendens	50-60' h 50-60' w	PS/FS	H	F	D	Native. Soil adaptable below 7.5. Knobby 'knees' form in moist areas. Attracts wildlife. No litter. Zones 5-9
Hickory, pignut Carya glabra	50-60' h 30-40' w	PS/FS	M	M	D	Native. Soil texture adaptable. Drought tolerant. Nuts attract wildlife. Zones 4-9
Hickory, shagbark Carya ovata	60-80' h 25-35' w	PS/FS	H	S	D	Native. Soil texture adaptable. Abundant nuts attract wildlife. Shaggy bark attractive. Zones 4-8
Magnolia, Southern Magnolia grandiflora	60-80' h 30-40' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in spring & summer. Good cultivars. Zones 7-9
Maple, Red Acer rubrum	60-75' h 25-35' w	PS/FS	H	F	D	Native. Prefers acidic soil, texture tolerant, wet tolerant. Bark is thin. Fruit attracts wildlife. Many cultivars. Zones 4-9
Oak, laurel/ darlington Quercus laurifolia	60-70' h 50' w	PS/FS	H	F	SE	Native. Soil adaptable. Roots will heave sidewalks. Acorns attract wildlife, creates some litter. Zones 6-10
Oak, live Quercus virginiana	60-80' h 60-120' w	PS/FS	H	M	E	Native. Soil adaptable. Roots will eventually heave sidewalks. Good wind resistance. Some litter. Zones 8-10
Oak, shumard Quercus shumardii	60-80' h 40-50' w	FS	M	F	D	Native. Soil texture adaptable, acidic. Urban tolerant. Acorns attract wildlife. Some litter. Zones 5-9
Oak, southern red Quercus falcata	60-80' h 60-70' w	FS	M	M	D	Native. Acidic soil, all textures, urban tolerant. Fruit attracts wildlife, no significant litter. Zones 7-9
Oak, scarlet Quercus coccinea	60-75' h 45-60' w	FS	M	M	D	Native. Acidic soil, all textures. Needs ample root space. Nuts attract wildlife. Some litter. Zones 5-8

Table C-2, Large Canopy Trees						
Common/ Scientific Name	**Height and Width**	**Sun/Shade**	**Insect & Disease Resistance**	**Growth Rate**	**Deciduous Evergreen**	**Remarks**
Oak, swamp chestnut Quercus michauxii	60-70' h 30-50' w	PS/FS	M	M	D	Native. Acidic soil, all textures, occasional wet. Leaf litter persistent, acorns for wildlife. Zones 6-9
Oak, white Quercus alba	60-100' h 60-80' w	PS/FS	H	M	D	Native. Acidic soil, all textures. Protect roots from disturbances. Nuts attract wildlife. Some litter. Zones 3-9
Oak, willow Quercus phellos	60-75' h 40-60' w	FS	M	F	D	Native. Acidic soil, all textures, occasional wet, drought, urban tolerant. Nuts attract wildlife. Some litter. Zones 5-9
Pine, loblolly Pinus taeda	50-80' h 30' w	FS	M	F	E	Native, Soil texture adaptable, acidic. Thick bark - resistant to fire. Needle drop prolific. Zones 6-9
Pine, longleaf Pinus palustris	60-80' h 30-40' w	FS	M	F	E	Native. Soil texture adaptable. Beautiful bark. Needle and cone drop prolific. Drought tolerant once established. Zones 7-10
Redcedar, eastern Juniperus virginiana	40-50' h 8-25' w	FS	H	F	E	Native. Soil pH and texture tolerant. Blue fruit attracts wildlife. Good wind break, urban tolerant. Zones 3-9
Sweetgum Liquidambar styraciflua	75' h 50' w	PS/FS	H	M	D	Native. Soil pH of 7.5 or less. Surface roots. Fruit attract wildlife, significant litter. Cultivar 'Rotundifolia' fruitless. Zones 5-9
Sycamore, American Platanus occidentalis	75-90' h 60-70' w	FS	L	F	D	Native. Soil pH and texture adaptable. Prefers moist soil. Roots may heave sidewalks. Showy bark. Zones 4-9
Tulip poplar Liriodendron tulipifera	80-120' h 25-40' w	FS	H	F	D	Native. Acidic soil, occasional wet. Avoid drought & salt. Showy greenish-yellow blooms in spring. Some leaf drop in high heat. Zones 4-9
Zelkova, Japanese Zelkova serrata	50-90' h 50-75' w	FS	H	M	D	Japan. Soil adaptable. Drought & urban tolerant once established. Cultivar 'Green Vase' clm-like. Zones 5-8

Table C-2, Large Canopy Trees						
Common/ Scientific Name	**Height and Width**	**Sun/Shade**	**Insect & Disease Resistance**	**Growth Rate**	**Deciduous Evergreen**	**Remarks**
Beech, American Fagus grandifolia	50-75' h 40-80' w	PS/FS	L	S	D	Native. Needs ample room above and below ground. Acid soil. Fruit attracts wildlife, no litter, Zones 4-9
Blackgum Nyssa sylvatica	65-75' h 25-35' w	PS/FS	H	S	D	Native. Soil pH below 6 best, texture tolerant, drought tolerant, wet soil tolerant. Fruit attracts wildlife, some litter. Zones 4-9
Cypress, bald Taxodium distichum	60-80' h 25-35' w	FS/PS	M	F	D	Native. Drought & wet tolerant. 'Knees' form in wet areas. Tolerates compaction. Zones 4-11
Cypress, pond Taxodium ascendens	50-60' h 50-60' w	PS/FS	H	F	D	Native. Soil adaptable below 7.5. Knobby 'knees' form in moist areas. Attracts wildlife. No litter. Zones 5-9
Hickory, pignut Carya glabra	50-60' h 30-40' w	PS/FS	M	M	D	Native. Soil texture adaptable. Drought tolerant. Nuts attract wildlife. Zones 4-9
Hickory, shagbark Carya ovata	60-80' h 25-35' w	PS/FS	H	S	D	Native. Soil texture adaptable. Abundant nuts attract wildlife. Shaggy bark attractive. Zones 4-8
Magnolia, Southern Magnolia grandiflora	60-80' h 30-40' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in spring & summer. Good cultivars. Zones 7-9
Maple, Red Acer rubrum	60-75' h 25-35' w	PS/FS	H	F	D	Native. Prefers acidic soil, texture tolerant, wet tolerant. Bark is thin. Fruit attracts wildlife. Many cultivars. Zones 4-9
Oak, laurel/ darlington Quercus laurifolia	60-70' h 50' w	PS/FS	H	F	SE	Native. Soil adaptable. Roots will heave sidewalks. Acorns attract wildlife, creates some litter. Zones 6-10
Oak, live Quercus virginiana	60-80' h 60-120' w	PS/FS	H	M	E	Native. Soil adaptable. Roots will eventually heave sidewalks. Good wind resistance. Some litter. Zones 8-10
Oak, shumard Quercus shumardii	60-80' h 40-50' w	FS	M	F	D	Native. Soil texture adaptable, acidic. Urban tolerant. Acorns attract wildlife. Some litter. Zones 5-9

Table C-2, Large Canopy Trees						
Common/ Scientific Name	**Height and Width**	**Sun/Shade**	**Insect & Disease Resistance**	**Growth Rate**	**Deciduous Evergreen**	**Remarks**
Oak, southern red Quercus falcata	60-80' h 60-70' w	FS	M	M	D	Native. Acidic soil, all textures, urban tolerant. Fruit attracts wildlife, no significant litter. Zones 7-9
Oak, scarlet Quercus coccinea	60-75' h 45-60' w	FS	M	M	D	Native. Acidic soil, all textures. Needs ample root space. Nuts attract wildlife. Some litter. Zones 5-8
Oak, swamp chestnut Quercus michauxii	60-70' h 30-50' w	PS/FS	M	M	D	Native. Acidic soil, all textures, occasional wet. Leaf litter persistent, acorns for wildlife. Zones 6-9
Oak, white Quercus alba	60-100' h 60-80' w	PS/FS	H	M	D	Native. Acidic soil, all textures. Protect roots from disturbances. Nuts attract wildlife. Some litter. Zones 3-9
Oak, willow Quercus phellos	60-75' h 40-60' w	FS	M	F	D	Native. Acidic soil, all textures, occasional wet, drought, urban tolerant. Nuts attract wildlife. Some litter. Zones 5-9
Pine, loblolly Pinus taeda	50-80' h 30' w	FS	M	F	E	Native, Soil texture adaptable, acidic. Thick bark - resistant to fire. Needle drop prolific. Zones 6-9

C. Medium Canopy Trees. (Count for 550 sq. ft. of area for planting - minimum two (2) inch [caliper])

D. Medium Trees 30' - 50'. Suitable for spaces with 100 to 200 sq ft of total planting space; in a planting strip at least 4-7 feet wide; or place at least 4' from pavement or wall.

Table C-3, Medium Canopy Trees						
Common/ Scientific Name	**Height and Width**	**Sun/ Shade**	**Insect & Disease Resistance**	**Growth Rate**	**Deciduous Evergreen**	**Remarks**
Birch, river Betula nigra 'Heritage'	40-50' h 40-50' w	PS/FS	M	F	D	Native. Acidic soil. Drought sensitive in confined spaces. Roots need room. Cultivars available. Zones 3B-9
Elm, lacebark Ulmus Parvifolia 'Drake'	40-50' h 35-50' w	FS	H	F	D	Asia. Soil adaptable. Drought tolerant once established. Thin bark. Urban tolerant. Zones 5-9

Table C-3, Medium Canopy Trees

Common/ Scientific Name	Height and Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Goldenraintree Koelreuteria paniculata	30-40' h 30-40' w	FS/PS	M	M	D	China. Soil adaptable. Salt, drought, urban tolerant. Bright yellow flowers in spring. Zones 5-9
Holly, East Palatka Ilex x attenuata	30-45' h 10-15' w	FS	M	M	E	Florida natural hybrid. Urban & drought tolerant once established. Red berries attract wildlife. Zones 7-9
Holly, American Ilex opaca	40-50' h 15-25' w	FS	M	S	E	Native. Salt and drought tolerant once established. Red berries attract birds, no litter. Zones 5-9
Holly, Nellie R. Stevens Ilex x	20-30' h 10-15' w	FS	H	M	E	Hybrid. Soil texture tolerant. Needs male and female plants for berries. Drought tolerant. Showy red berries & deep green leaves. Zones 6-9
Holly, Savannah Ilex x attenuata	30-45' h 6-10' w	FS	M	M	E	Hybrid. Acidic soil, urban tolerant. Red berries attract birds, no litter. Zones 6-9
Loquat Eriobotrya japonica	20-30' h 30-35' w	PS/FS	M	M	E	China. Southern range only. Texture tolerant. Well drained soil, afternoon shade. Orange or yellow fruit attracts wildlife, litter. Zones 8-10
Magnolia, sweetbay i;;Magnolia virginiana	40-50' h 15-25' w	PS	M	M	D	Native. Acidic soil. Tolerates wetlands. Flood & drought tolerant. Showy, white, fragrant flowers. Zones 5-9
Magnolia, Southern Magnolia grandiflora	30-50' h 15-30' w	FS	H	M	E	Native. Soil adaptable. White showy blooms in summer & early fall. Smaller leaves than species. Zones 6-9
Maple, trident Acer buergerianum	30-40' h 25' w	PS/FS	H	M	D	China. Acidic, well drained soil. Urban, salt & wind tolerant. Attractive bark. Zones 5-8
Oak, overcup Quercus lyrata	35-50' h 35-50' w	FS	H	M	D	Native. Soil adaptable, wet & drought tolerant once established. Urban tolerant. Acorns attract wildlife, significant litter. Zones 5-9

Table C-3, Medium Canopy Trees

Common/ Scientific Name	Height and Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Palm, cabbage Sabal palmetto	40-50' h 10-12' w	PS/FS	H	S	E	Native. Soil tolerant, frond and fruit litter messy. Needs irrigation until established as all cut roots die back. Southern region only. Zones 8B-11
Palm, windmill Trachycarpus fortunet	20-40' h 6-10' w	PS/FS	M	S	E	China. Soil texture adaptable. Drought tolerant once established. Protect from wind. Southern range of state only. Zones 8A-10B
Pistachio, Chinese Pistachio chinesis	25-35' h 25-35' w	FS/PS	H	M	D	China. Soil texture, pH, drought, urban tolerant. Fruit causes some litter. Zones 6-9
Redbud, eastern Cerci's Canadensis 'Forest Pansy'	20-30' h 15-30' w	PS	M	F	D	Native. Light, rich, moist soil, texture adaptable. Showy purple blooms in spring. Cultivar 'Texas White' good. Short lived. Zones 4-9
Silver bell, Carolina Haleiwa Carolina	20-40' h 15-30' w	PS/FS	H	M	D	Native. Acidic soil. Drought sensitive in full sun, roots need room. Showy white blooms in spring. Zones 5-8
Stewart, tall Stewart monadelpha	25-35' h 15-25' w	PS/FS	H	S	D	Japan. Acidic soils. Thin bark, attractive bark. White, camellia-like blooms in summer. Part shade best in 8B. Zones 6-8
Yellowwood, American Cladastris kentukea	30-50' h 40-50' w	PS/FS	H	M	D	Native. Needs pruning while young. White fragrant blooms. Tolerates urban conditions. Zones 4-8
Birch, river Betula nigra 'Heritage'	40-50' h 40-50' w	PS/FS	M	F	D	Native. Acidic soil. Drought sensitive in confined spaces. Roots need room. Cultivars available. Zones 3B-9
Elm, lacebark Ulmus Parvifolia 'Drake'	40-50' h 35-50' w	FS	H	F	D	Asia. Soil adaptable. Drought tolerant once established. Thin bark. Urban tolerant. Zones 5-9
Goldenraintree Koelreuteria paniculata	30-40' h 30-40' w	FS/PS	M	M	D	China. Soil adaptable. Salt, drought, urban tolerant. Bright yellow flowers in spring. Zones 5-9

Table C-3, Medium Canopy Trees

Common/ Scientific Name	Height and Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Holly, East Palatka Ilex x attenuata	30-45' h 10-15' w	FS	M	M	E	Florida natural hybrid. Urban & drought tolerant once established. Red berries attract wildlife. Zones 7-9
Holly, American Ilex opaca	40-50' h 15-25' w	FS	M	S	E	Native. Salt and drought tolerant once established. Red berries attract birds, no litter. Zones 5-9
Holly, Nellie R. Stevens Ilex x	20-30' h 10-15' w	FS	H	M	E	Hybrid. Soil texture tolerant. Needs male and female plants for berries. Drought tolerant. Showy red berries & deep green leaves. Zones 6-9
Holly, Savannah Ilex x attenuata	30-45' h 6-10' w	FS	M	M	E	Hybrid. Acidic soil, urban tolerant. Red berries attract birds, no litter. Zones 6-9
Loquat Eriobotrya japonica	20-30' h 30-35' w	PS/FS	M	M	E	China. Southern range only. Texture tolerant. Well drained soil, afternoon shade. Orange or yellow fruit attracts wildlife, litter. Zones 8-10
Magnolia, sweetbay i;;Magnolia virginiana	40-50' h 15-25' w	PS	M	M	D	Native. Acidic soil. Tolerates wetlands. Flood & drought tolerant. Showy, white, fragrant flowers. Zones 5-9
Magnolia, Southern Magnolia grandiflora	30-50' h 15-30' w	FS	H	M	E	Native. Soil adaptable. White showy blooms in summer & early fall. Smaller leaves than species. Zones 6-9
Maple, trident Acer buergerianum	30-40' h 25' w	PS/FS	H	M	D	China. Acidic, well drained soil. Urban, salt & wind tolerant. Attractive bark. Zones 5-8
Oak, overcup Quercus lyrata	35-50' h 35-50' w	FS	H	M	D	Native. Soil adaptable, wet & drought tolerant once established. Urban tolerant. Acorns attract wildlife, significant litter. Zones 5-9

Table C-3, Medium Canopy Trees						
Common/ Scientific Name	**Height and Width**	**Sun/ Shade**	**Insect & Disease Resistance**	**Growth Rate**	**Deciduous Evergreen**	**Remarks**
Palm, cabbage Sabal palmetto	40-50' h 10-12' w	PS/FS	H	S	E	Native. Soil tolerant, frond and fruit litter messy. Needs irrigation until established as all cut roots die back. Southern region only. Zones 8B-11
Palm, windmill Trachycarpus fortunet	20-40' h 6-10' w	PS/FS	M	S	E	China. Soil texture adaptable. Drought tolerant once established. Protect from wind. Southern range of state only. Zones 8A-10B
Pistachio, Chinese Pistachio chinesis	25-35' h 25-35' w	FS/PS	H	M	D	China. Soil texture, pH, drought, urban tolerant. Fruit causes some litter. Zones 6-9
Redbud, eastern Cerci's Canadensis 'Forest Pansy'	20-30' h 15-30' w	PS	M	F	D	Native. Light, rich, moist soil, texture adaptable. Showy purple blooms in spring. Cultivar 'Texas White' good. Short lived. Zones 4-9
Silver bell, Carolina Haleiwa Carolina	20-40' h 15-30' w	PS/FS	H	M	D	Native. Acidic soil. Drought sensitive in full sun, roots need room. Showy white blooms in spring. Zones 5-8
Stewart, tall Stewart monadelpha	25-35' h 15-25' w	PS/FS	H	S	D	Japan. Acidic soils. Thin bark, attractive bark. White, camellia-like blooms in summer. Part shade best in 8B. Zones 6-8
Yellowwood, American Cladastris kentukea	30-50' h 40-50' w	PS/FS	H	M	D	Native. Needs pruning while young. White fragrant blooms. Tolerates urban conditions. Zones 4-8
Birch, river Betula nigra 'Heritage'	40-50' h 40-50' w	PS/FS	M	F	D	Native. Acidic soil. Drought sensitive in confined spaces. Roots need room. Cultivars available. Zones 3B-9
Elm, lacebark Ulmus Parvifolia 'Drake'	40-50' h 35-50' w	FS	H	F	D	Asia. Soil adaptable. Drought tolerant once established. Thin bark. Urban tolerant. Zones 5-9

E. Small Canopy Trees - Under-story. (Count for 250 sq. ft. of area for planting - minimum two (2) inch [caliper])

F. Small Trees # 25'. Useful under utility lines; areas with # 100 sf of total planting area; a planting strip width of at least four (4) feet

Table C-4, Small Canopy Trees

Common/ Scientific Name	Height and Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Chastetree Vitex agnus-castus	10-15' h 15-20' w	PS/FS	M	F	D	Europe. Soil & pH adaptable. Showy lavender blooms. Zones 7-8
Cherry, Okame Prunus x incamp 'Okame'	15-25' h 20' w	PS/FS	M	M	D	Hybrid. Soil texture and pH adaptable. Roots need room. Pink showy blooms. Fruit attracts birds. Zones 7-9
Crapemyrtle Lagerstroemia indica	15-30' h 15-25' w	FS	H	M	D	China. Soil adaptable, urban tolerant, drought tolerant once established. Showy summer blooms. Zones 7-9
Dogwood, flowering Cornus florida	20-30' h 20' w	PS	M	M	D	Native. Part shade. Drought sensitive, low salt tolerance, needs good drainage. White showy flowers. Horizontal branching pattern. Zones 5-9
Dogwood, kousa Cornus kousa	15-20' h 15-20' w	PS/FS	M	S	D	Japan. Soil adaptable. Part shade, needs water. Roots need room. Showy white blooms in spring. Fruit attracts birds. Zones 5-8
Fringetree Chionanthus virginicus	12-15' h 10-15' w	PS/FS	M	S	D	Native. Acidic soil. Thin bark easily damaged. Urban tolerant. Showy white blooms in spring. Fruit attracts birds. Zones 4-9
Holly, yaupon Ilex vomitoria 'Pendula'	15-20' h 15-20' w	S/FS	M	M	E	Native. Soil & pH greatly adaptable. Urban tolerant. Thin bark. Red berries attract wildlife. Zones 7-10
Maple, amur Acer ginnala	15-20' h 15-20' w	PS/FS	H	M	D	Japan. Soil adaptable. Drought tolerant once established. Showy white to yellow blooms in spring. Bright red fruit, some litter. Zones 3-8
Magnolia, star Magnolia stellata	15-20' h 10-15' w	PS/FS	M	S	D	Japan. Acidic rich soil, all textures. Not drought tolerant. White or pink showy blooms in spring. Zones 4-8
Magnolia, Southern Magnolia grandiflora 'Little Gem'	20-25' h 10-15' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in summer and early fall. Zones 7-9

Table C-4, Small Canopy Trees

Common/ Scientific Name	Height and Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Palm, pindo Butia capitata	15-25' h 10-15' w	PS/FS	H	S	E	Brazil. Soil adaptable. Drought tolerant. Showy orange or yellow fruit attracts wildlife, significant litter. Southern range only. Zones 8B-11
Redbud, Chinese Cercis chinensis	10-15' h 6-10' w	PS/FS	M	F	D	China. Light, rich, moist soil. Showy purple blooms in spring. Zones 6-9
Redbud, Oklahoma Cercis reniformis 'Oklahoma'	20-30' h 15-30' w	PS/FS	M	F	D	Native. Soil & pH adaptable, salt sensitive, showy thick leaves. Zones 5-9
Snowbell, Japanese Styrax japonicus	20-30' h 15-25' w	PS/FS	H	M	D	Japan. Acidic loamy soil. Afternoon shade, protect from wind. Attractive exfoliating bark. White showy blooms in spring. Zones 6-8
Waxmyrtle Myrica cerifera	15-20' h 20-25' w	PS/FS	M	F	E	Native. Soil & pH adaptable, urban tolerant. Blue berries attract wildlife. Zones 8-11
Chastetree Vitex agnus-castus	10-15' h 15-20' w	PS/FS	M	F	D	Europe. Soil & pH adaptable. Showy lavender blooms. Zones 7-8
Cherry, Okame Prunus x incamp 'Okame'	15-25' h 20' w	PS/FS	M	M	D	Hybrid. Soil texture and pH adaptable. Roots need room. Pink showy blooms. Fruit attracts birds. Zones 7-9
Crapemyrtle Lagerstroemia indica	15-30' h 15-25' w	FS	H	M	D	China. Soil adaptable, urban tolerant, drought tolerant once established. Showy summer blooms. Zones 7-9
Dogwood, flowering Cornus florida	20-30' h 20' w	PS	M	M	D	Native. Part shade. Drought sensitive, low salt tolerance, needs good drainage. White showy flowers. Horizontal branching pattern. Zones 5-9
Dogwood, kousa Cornus kousa	15-20' h 15-20' w	PS/FS	M	S	D	Japan. Soil adaptable. Part shade, needs water. Roots need room. Showy white blooms in spring. Fruit attracts birds. Zones 5-8

Table C-4, Small Canopy Trees

Common/ Scientific Name	Height and Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Fringetree Chionanthus virginicus	12-15' h 10-15' w	PS/FS	M	S	D	Native. Acidic soil. Thin bark easily damaged. Urban tolerant. Showy white blooms in spring. Fruit attracts birds. Zones 4-9
Holly, yaupon Ilex vomitoria 'Pendula'	15-20' h 15-20' w	S/FS	M	M	E	Native. Soil & pH greatly adaptable. Urban tolerant. Thin bark. Red berries attract wildlife. Zones 7-10
Maple, amur Acer ginnala	15-20' h 15-20' w	PS/FS	H	M	D	Japan. Soil adaptable. Drought tolerant once established. Showy white to yellow blooms in spring. Bright red fruit, some litter. Zones 3-8
Magnolia, star Magnolia stellata	15-20' h 10-15' w	PS/FS	M	S	D	Japan. Acidic rich soil, all textures. Not drought tolerant. White or pink showy blooms in spring. Zones 4-8
Magnolia, Southern Magnolia grandiflora 'Little Gem'	20-25' h 10-15' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in summer and early fall. Zones 7-9
Palm, pindo Butia capitata	15-25' h 10-15' w	PS/FS	H	S	E	Brazil. Soil adaptable. Drought tolerant. Showy orange or yellow fruit attracts wildlife, significant litter. Southern range only. Zones 8B-11
Redbud, Chinese Cercis chinensis	10-15' h 6-10' w	PS/FS	M	F	D	China. Light, rich, moist soil. Showy purple blooms in spring. Zones 6-9
Redbud, Oklahoma Cercis reniformis 'Oklahoma'	20-30' h 15-30' w	PS/FS	M	F	D	Native. Soil & pH adaptable, salt sensitive, showy thick leaves. Zones 5-9
Snowbell, Japanese Styrax japonicus	20-30' h 15-25' w	PS/FS	H	M	D	Japan. Acidic loamy soil. Afternoon shade, protect from wind. Attractive exfoliating bark. White showy blooms in spring. Zones 6-8
Waxmyrtle Myrica cerifera	15-20' h 20-25' w	PS/FS	M	F	E	Native. Soil & pH adaptable, urban tolerant. Blue berries attract wildlife. Zones 8-11

Table C-4, Small Canopy Trees

Common/ Scientific Name	Height and Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Chastetree Vitex agnus-castus	10-15' h 15-20' w	PS/FS	M	F	D	Europe. Soil & pH adaptable. Showy lavender blooms. Zones 7-8
Cherry, Okame Prunus x incamp 'Okame'	15-25' h 20' w	PS/FS	M	M	D	Hybrid. Soil texture and pH adaptable. Roots need room. Pink showy blooms. Fruit attracts birds. Zones 7-9
Crapemyrtle Lagerstroemia indica	15-30' h 15-25' w	FS	H	M	D	China. Soil adaptable, urban tolerant, drought tolerant once established. Showy summer blooms. Zones 7-9
Dogwood, flowering Cornus florida	20-30' h 20' w	PS	M	M	D	Native. Part shade. Drought sensitive, low salt tolerance, needs good drainage. White showy flowers. Horizontal branching pattern. Zones 5-9
Dogwood, kousa Cornus kousa	15-20' h 15-20' w	PS/FS	M	S	D	Japan. Soil adaptable. Part shade, needs water. Roots need room. Showy white blooms in spring. Fruit attracts birds. Zones 5-8
Fringetree Chionanthus virginicus	12-15' h 10-15' w	PS/FS	M	S	D	Native. Acidic soil. Thin bark easily damaged. Urban tolerant. Showy white blooms in spring. Fruit attracts birds. Zones 4-9
Holly, yaupon Ilex vomitoria 'Pendula'	15-20' h 15-20' w	S/FS	M	M	E	Native. Soil & pH greatly adaptable. Urban tolerant. Thin bark. Red berries attract wildlife. Zones 7-10
Maple, amur Acer ginnala	15-20' h 15-20' w	PS/FS	H	M	D	Japan. Soil adaptable. Drought tolerant once established. Showy white to yellow blooms in spring. Bright red fruit, some litter. Zones 3-8
Magnolia, star Magnolia stellata	15-20' h 10-15' w	PS/FS	M	S	D	Japan. Acidic rich soil, all textures. Not drought tolerant. White or pink showy blooms in spring. Zones 4-8
Magnolia, Southern Magnolia grandiflora 'Little Gem'	20-25' h 10-15' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in summer and early fall. Zones 7-9

KEY			
Sun/Shade exposure:	**Growth rate:**	**Pest resistance:**	**Type:**
FS = Full sun	S = Slow (less than 1' per year)	H = High	D = Deciduous
PS = Part sun	M = Medium (1-2' per year)	M = Medium	E = Evergreen
S = Shade	F = Fast (more than 2' per year)	L = Low	SE = Semi Evergreen

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Appendix D
Review Authority

D

Section D.1 Required Reviews

Throughout the Unified Development Ordinance review procedures are established for various actions. Each procedure is described in the ordinance, along with the person and/or body with review responsibility and the criteria to be used in making a decision. The applicable provisions should be consulted, as appropriate.

Section D.2 Summary of Review Authority

The following table summarizes the review procedures established by the Unified Development Ordinance and the party(ies) with responsibility for review and final decisions. Information in this table is provided as a guide only. If any discrepancy is found between the summary table and the specific provisions of the ordinance, the provisions of the ordinance shall govern.

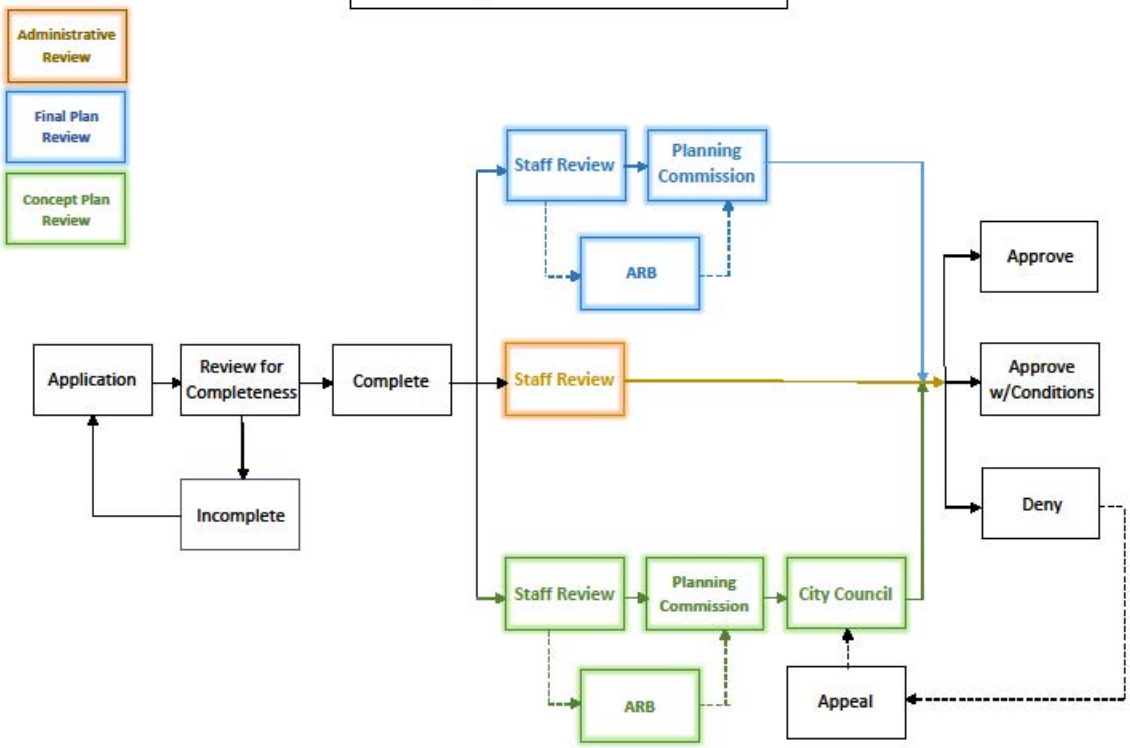
Table D-2, Summary of Review Authority

Procedure	Review Authority				
	Staff	Planning Commission	City Council	Architectural Review Board	Zoning Board of Appeals[1]
Amendments	Review	Review	Decision		
Appeals					Decision
Conditional Uses	Review	Decision		Review[2]	
Construction Plan	Decision				
Signs	Decision			Decision[2]	
Site Plan					
Administrative	Decision				
Concept	Review	Review	Decision	Review[2]	
Final	Review	Decision		Decision[2]	
Subdivisions					
Exempt	Decision				
Minor					
Preliminary	Decision				
Final	Decision				
Major					
Preliminary	Review	Review	Decision		
Final	Decision				
Variances					Decision

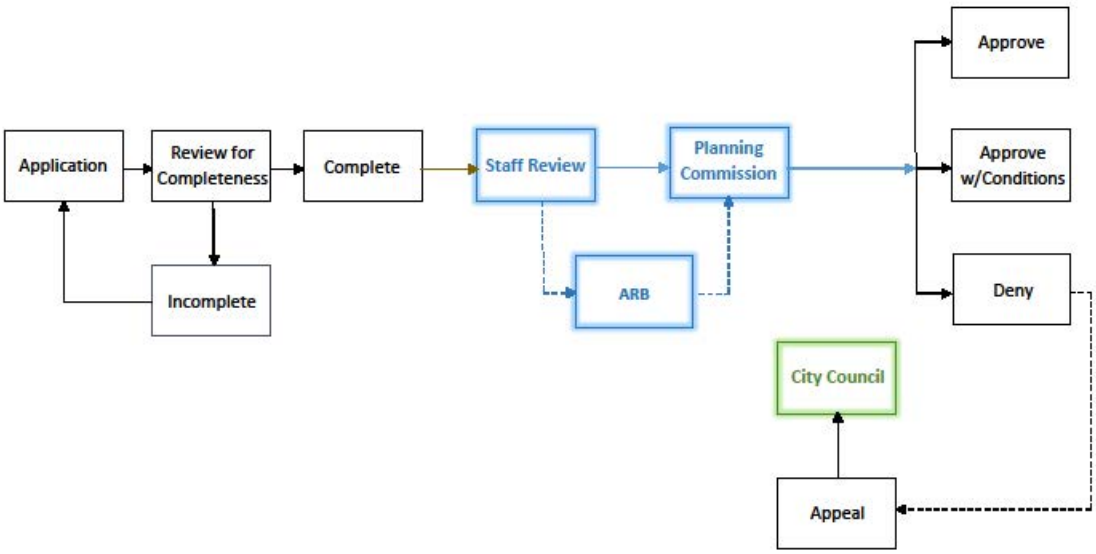
1 City Council functions at the Zoning Board of Appeals

2 The ARB shall review projects within the Ford or Gateway overlay districts and shall have decision-making authority for signs, landscaping and building design.

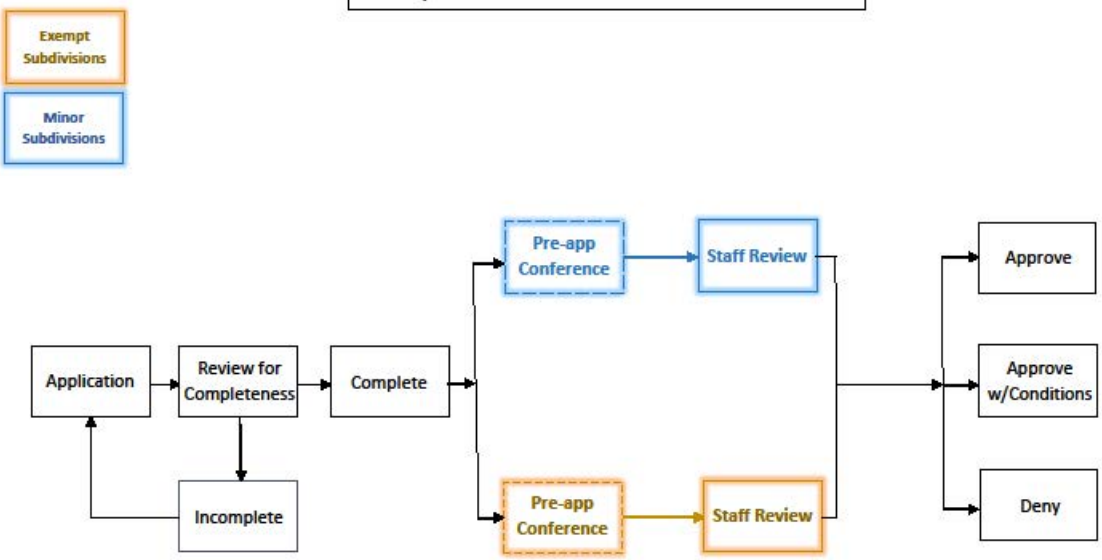
Site Development Plan Review Process



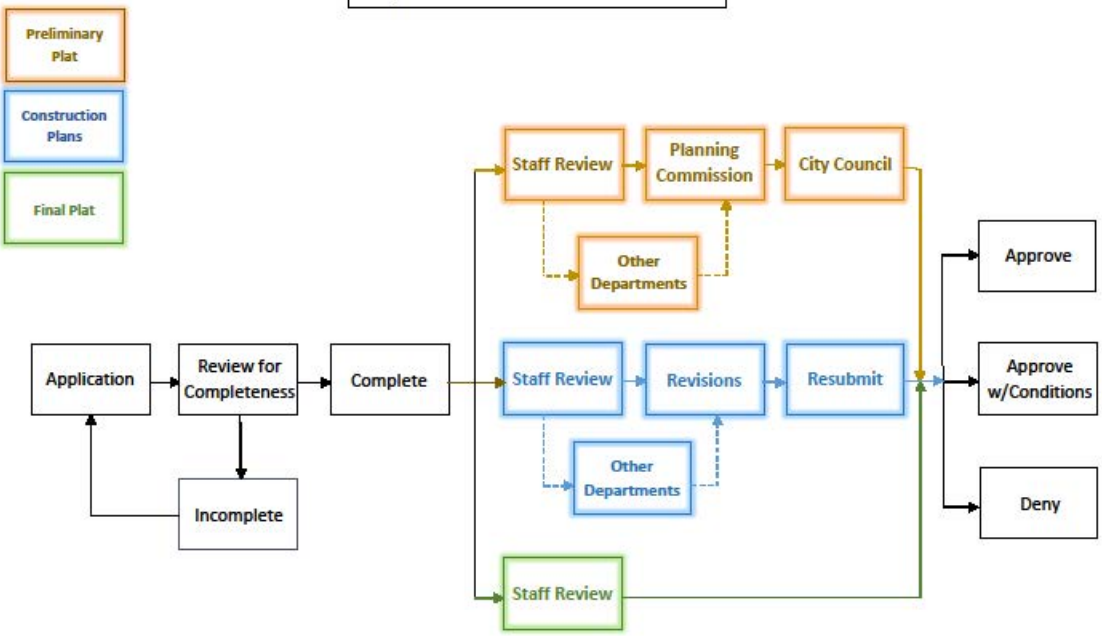
Conditional Use Review Process



Exempt and Minor Subdivision Review Process



Major Subdivision Review Process



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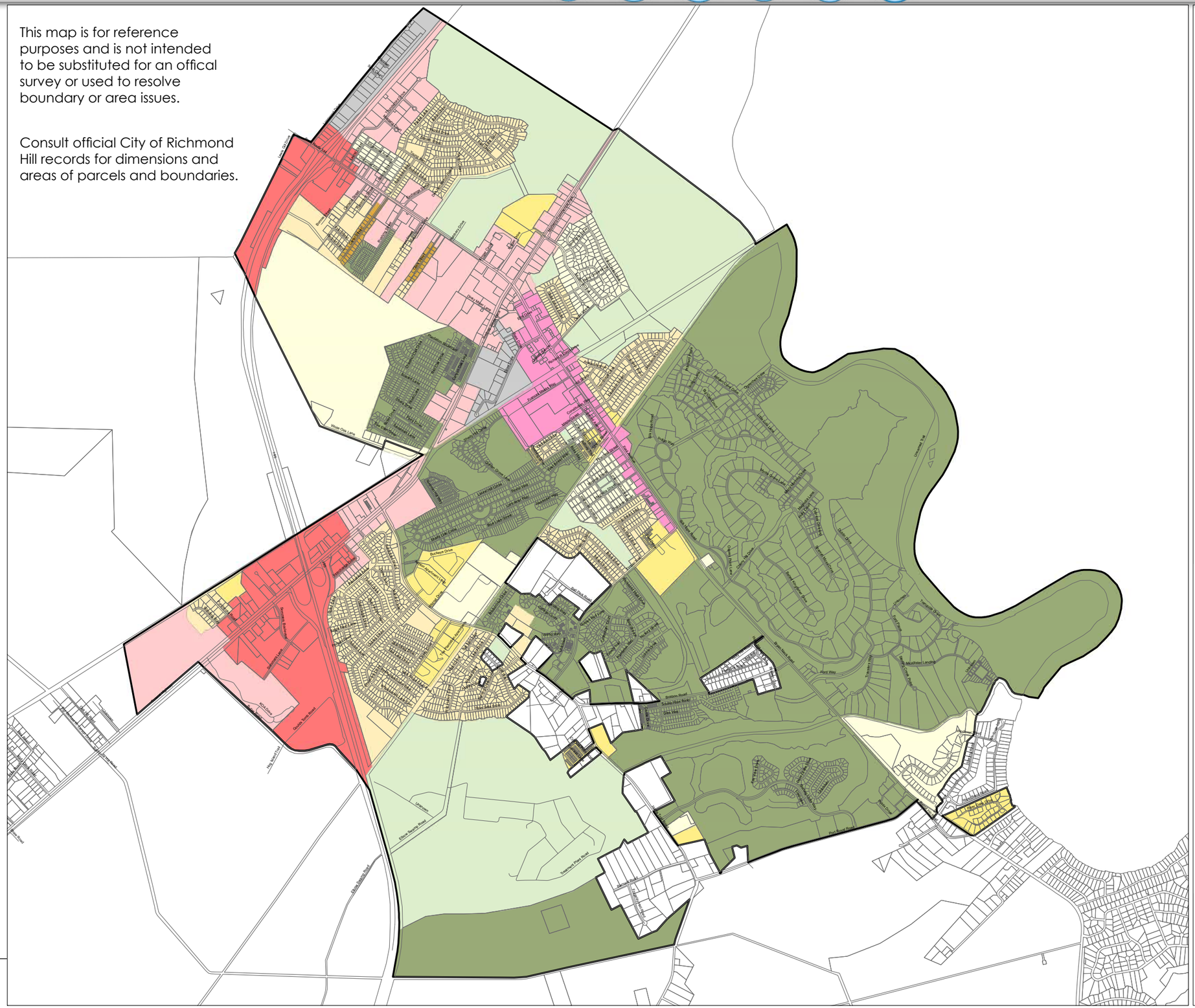
D

This map is for reference purposes and is not intended to be substituted for an offical survey or used to resolve boundary or area issues.

Consult official City of Richmond Hill records for dimensions and areas of parcels and boundaries.



Official Zoning Map of

Richmond Hill, GA

Effective: 6-6-2017

Zoning Classifications

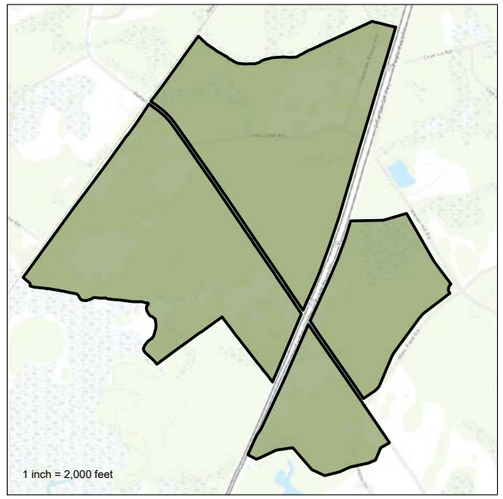
- C1, General Commercial
- C2, Downtown Commercial
- C3, Interchange Commercial
- CP, Conservation Preservation
- I1, Industrial District
- PUD, Planned Unit Development
- R1, Estate Residential District
- R2, Low Density Single Family District
- R3, Moderate Density Residential District
- R4, Manufactured Home Residential District
- MU1, Neighborhood Mixed Use
- MU2, Community Mixed Use

Legend

Parcels | Richmond Hill Limits | Roads

1 inch = 1,200 feet

0 0.375 0.75 1.5 Miles



1 inch = 2,000 feet

RICHMOND HILL GEORGIA

ECOLOGICAL PLANNING GROUP

General Provisions
Site Development Plan
Conditional Use
SIGNS