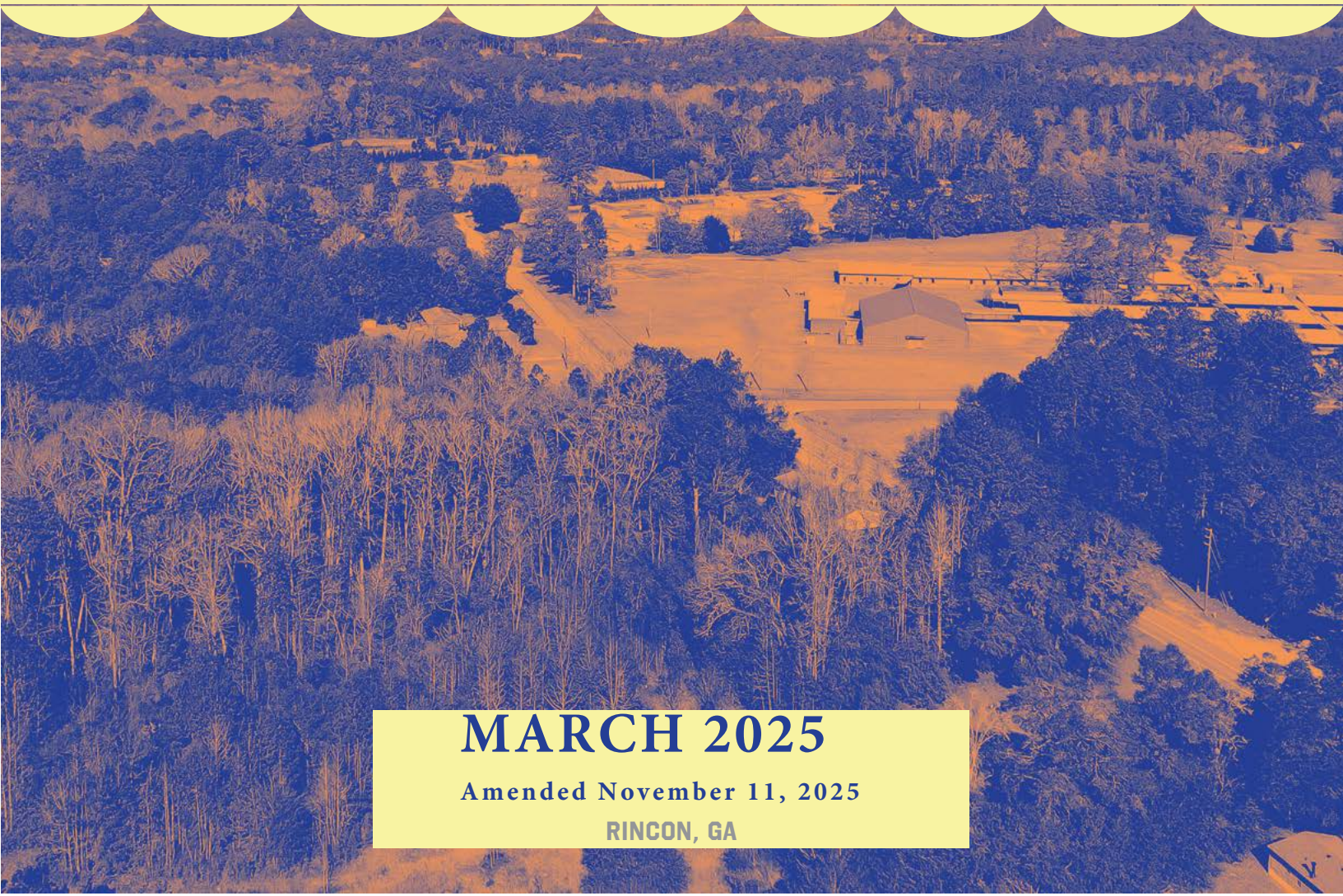


**RINCON, GA**




**UNIFIED DEVELOPMENT  
ORDINANCE**



**MARCH 2025**

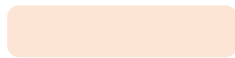
Amended November 11, 2025

**RINCON, GA**



# TABLE OF CONTENTS

01	<i>General Provisions</i>	5
02	<i>Definitions</i>	17
03	<i>Development Regulations</i>	67
04	<i>Parking &amp; Streets</i>	117
05	<i>Signs</i>	127
06	<i>Development Review</i>	137
07	<i>Landscaping</i>	167
08	<i>Subdivision Regulations</i>	187
09	<i>Maintenance &amp; Enforcement</i>	195
10	<i>Flood</i>	212
11	<i>Soil Erosion, Sedimentation and Pollution Control</i>	225



Words highlighted in orange can be clicked on to view the definition.

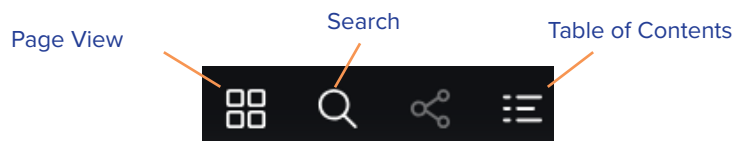


Sections referenced highlighted in blue can be clicked on to jump to that section in the document. **\*NOTE: Please make sure you know what page you are on before clicking to another section so you are able to navigate back to it using the navigation bar.**



Statutes referenced highlighted in yellow can be clicked to view externally in Georgia code.

#### Navigation Bar Features:





*Welcome to the City of*  
**RINCON**  
*Incorporated 1927*



**01**

**GENERAL  
PROVISIONS**

# 1

# GENERAL PROVISIONS

## ARTICLE 1 – UNIFIED DEVELOPMENT ORDINANCE

### CHAPTER I – GENERAL PROVISIONS

#### **Sec. 90-1. - Enactment.**

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 Rincon, Georgia, hereby ordain and enact into law the City of Rincon Unified Development Ordinance. As part of this Article so enacted into law is “The Official Zoning Map of Rincon, Georgia.”

#### **Sec. 90-2. - Title.**

This Article shall be known as the “Unified Development Ordinance (UDO) of the City of Rincon, Georgia.” The map herein referred to, which is identified by the title, shall be known as the “The Official Zoning Map of the City of Rincon, Georgia.”

#### **Sec. 90-3. - Purpose.**

The UDO regulations and zoning districts as herein set forth have been made for the purpose of:

(A) Promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the City of Rincon, Georgia; and

(B) Coordinating all the local and other government policies and regulations for the protection and conservation of woodlands, grasslands, streams, wetlands and similar classes of natural resources, and the enhancement of natural areas.

The regulations and arrangements of districts are 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 and other public requirements and to direct the most appropriate use of land throughout the city.

#### **Sec. 90-4. - Scope.**

This Article of the City of Rincon, Georgia:

(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.

(B) Regulates the uses of buildings, structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, public activities, and roads/streets.

(C) Regulates the preservation of scenic areas, protection against floods, rising waters and erosion, and other purposes.

(D) Establishes a system by which all land within the territorial limits of the City is divided into Zoning Districts, by which each district is named, and by which each district may permit land uses different than those permitted in other districts.

# 1



(E) Defines certain terms used herein.

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

(G) Provides an official List of Allowable or Prohibited Uses, to show which land uses have been determined to be most compatible with others in the same district and in adjacent districts, and which are prohibited in each respective district.

(H) Provides a forum for all citizens to actively engage in all public meetings pertaining to growth and planning.

(I) Defines and establishes public service impact fee and or capital cost recovery fee policies.

(J) Establishes fair and uniform standards governing all land use, land development and land subdivision activities that will prevent overcrowding of land by uses or buildings, prevents excessive concentrations of human population and helps protect the safety of occupants and residents of all land developments.

(K) Establishes fair and concise public policies which clearly state appropriate application submittal procedures to guide development within the City.

(L) Encourages the use of new, improved and advanced technologies, planning, design and engineering methods which are intended to produce sustainable, attractive, and economical residential, commercial, industrial and public land developments, when such advances are not contrary to the public purposes of this Article.

(M) Requires specific plans and designs for all land developments, to assure deliberate distribution of buildings and other development features within each development, and to promote a safe system of community roadways.

(N) Assures protection of natural soil and natural vegetation from unnecessary, deliberate, systematic, careless or wanton damage or destruction during the course of all land development activities.

(O) Provides regulations to prevent, control and require repair of soil erosion and sedimentation resulting from land-disturbing activities during development or residential, commercial, industrial or public use projects.

(P) Acknowledges operational burdens new private or public land development projects may place on public services and facilities and addresses accordingly through the development review process.

(Q) Minimizes the future public cost burden of all new streets and roads, water supply and sanitary sewer systems, stormwater drainage systems, and other public facilities intended to be dedicated for perpetual public use and maintenance, by requiring recognized engineering design standards and construction methods to be used for their construction.

(R) Defines and establishes public policies that require all new residential, commercial, industrial or public land developments to pay a fair and equitable portion of the estimated cost burden on public services and/or facilities each unit of such development may cause.

**Sec. 90-5. - Uniform applicability.**

No public or private land shall be used, improved, developed, recombined, re-subdivided, or subdivided whether for immediate or future use, and no public or private building or structure, advertising sign, road or street, bridge, water supply system, sanitary sewerage system or stormwater drainage system shall be constructed, reconstructed, remodeled, altered, relocated, dismantled or demolished except in full conformance with all the terms, conditions, rules, standards and requirements of this Article.

**Sec. 90-6. - Appeals from ordinance administration.**

(A) Qualification for appeal: Any qualified applicant or aggrieved person who alleges an official error in the administration of this Article may file an appeal to the Planning and Zoning Board;

(B) Purpose of appeal and official decision: An appeal to the Planning Board may request “administrative relief” from such action in the form of a variance from the application of any term, condition or provision of this Article specific to the real property described in the administrative relief request, if the request is eligible for a variance;

(C) Authority of official decision on appeal: Any official decision of the Planning and Zoning Board on any appeal may reverse or affirm or modify, in whole or in part, any official order, requirement, interpretation, determination or decision by the City Manager or designee that is the subject of the appeal, or may grant a variance from the application of a term, condition or provision of this Article that is eligible for a variance from this Article to the affected real property, and may direct the City Manager or designee to issue the applicable development permit or requested certificate; and

(D) Establish conditional uses: Any qualified applicant may, in accord with other provisions of this Article, file a petition to the Planning and Zoning Board for authorization to establish a conditional use referenced in Section 90-33 (B) but only if such use complies with all the requirements of this Article and with all other applicable City, County, State and Federal Requirements.

**Sec. 90-7. - Notice of disclaimer of liability.**

(A) Ordinance standard and provisions established for public protection: The specific minimum standard and provisions of this Article are established as legitimate public policies intended for and necessary for the protection of the public health, safety, morality and general welfare of the citizens of the City of Rincon;

(B) No endorsement or warranty construed: Nothing in this Article shall be construed as an endorsement of, nor as an implied or express warranty for, any particular land use, land development method, construction method, or construction material;

(C) Express waiver of liability to City: Each and every land use, land development or land subdivision created or established under the terms of this Article shall be conducted under, and shall be deemed to have included, a grant of express waiver of liability to the City of Rincon; and

(D) Officials, employees, contractors and consultants held harmless: The City and all its officials, employees, contractors and consultants shall be held harmless for any inconvenience, hardship, financial loss or failure, and for any direct, indirect, incidental or consequential damage, or for any structural or construction material failure, and for any other adverse circumstance or loss which may result from any land use, land development or land subdivision activities conducted, created or established under the terms and conditions of this Article.

**Sec. 90-8. - Severability and conflict.**

(A) If any section, subsection, clause [or] 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 Article are in conflict with other ordinances, the most restrictive provisions shall be enforced.

(B) Repeal of previous ordinances: All ordinances or parts of ordinances in conflict with this Article are hereby repealed to the extent necessary to give this article full force and effect.

**Secs. 90-9 Administrative officials and agencies designated**

The following listed officials and agencies shall be charged with the responsibilities of administering the UDO and shall have specified and limited duties, responsibilities and authority:

(A) The City Council: The publicly elected governing body of the City of Rincon who have been authorized by Acts of the State Legislature to exercise specific powers of local government and who have the general responsibility for the proper administration of, and enforcement of, the UDO.

(B) City Manager: A professionally-qualified person who has been officially employed and appointed to that Office by the City Council and who serves as the Chief Administrative and Financial Officer of the City. Unless otherwise limited by the City Charter or by any local Ordinance, Resolution or Rule, or by the State Constitution or other Georgia laws, the City Manager shall be, and is, empowered to take all actions necessary for the proper administration and enforcement of the UDO, and shall be charged with specific duties and responsibilities as stated in the City Charter.

(C) City Attorney: Any person licensed by the State of Georgia as an Attorney-at-Law who has been officially appointed to that Office by the City Council for a predetermined term or as an employee or independent contractor, and who is the Chief Legal Officer of the City. The City Attorney shall be, and is, empowered to take all actions necessary for the proper administration and enforcement of the UDO, and shall be charged with specific duties and responsibilities as stated in the City Charter and may be appointed as an Ex-Officio member of the Planning and Zoning Board.

(D) City Engineer: Any person licensed by the State of Georgia as a Registered Engineer who has been officially appointed to that Office by the City Council for a predetermined term or as an employee or independent contractor, and who is the Chief Engineer of the City. The City Engineer shall be charged with the following specific principal duties and responsibilities:

1. Provides all interpretations of the engineering sufficiency of the UDO;
2. Renders all City Engineering evaluations and opinions required by applicable local, state and federal persons, councils, commission and/or agencies regarding each land development plan, land subdivision plat, petition, appeal, application or other matter submitted for official City evaluation or action; and
3. May be appointed as an Ex-Officio member of the Planning and Zoning Board.

(E) City Planner: A technically-qualified person who has been officially employed and appointed to that Office by the City Council and who is responsible for the general administration and enforcement of this Article, under the supervision of the City Manager.

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The City Planner, as the Director of the Planning and Development Department, shall be charged with the following specific principal duties and responsibilities:

1. Reviews each land development permit application, land development plan, land subdivision plat, sign permit application, occupancy permit application, petition, or appeal and similar matters submitted for official City evaluation or action, and determines if each has been properly prepared and has been submitted by a qualified applicant;
2. Provides to each qualified applicant written approval or disapproval of each plan, plat, application or other matter which is within the proper jurisdiction of the Planning and Development Department, as defined in the UDO;
3. Promptly communicates and delivers to the responsible City official or agency each land development plan, land subdivision plat, appeal, application, petition or other matter submitted for which official evaluation or action is required and which is not within the sole jurisdiction of the Planning and Development Department, as defined in the UDO;
4. Conducts all periodic surveys and reports of land uses, land development and land subdivision activities, environmental conditions, or other subjects which are required by the City Manager or by the Planning and Zoning Board;
5. Assigns the appropriate staff to observe or report violations of this Chapter, issue any required “Stop Work Order”, “Citation for Ordinance Violation”, “Revocation of Occupancy Permit”, “Demolition Order” or other official order dictated by the evidence discovered during each such investigation, and in the same manner serves all other lawful orders Issued by any court of proper jurisdiction respecting any violation of this chapter;
6. Coordinates the prompt revision of all official copies of the UDO and the Official Zoning Map after such revisions have been lawfully enacted and certified by the City Council;
7. Assists the general public and qualified applicants to understand the provisions and requirements of this chapter and to successfully complete and submit all required applications, petitions, appeals and other documentation; and
8. Administers and enforces City ordinances regulating related subject matter.

## **Sec. 90-10– Enforcement**

(A) Enforcement Officer. The City Council shall provide for the enforcement of this chapter by appointing the Planning and Development Department the right to withhold building permits. The Planning and Development Department shall not have the authority to grant approval to any building permit that does not meet the requirements of the UDO.

(B) Violations. Any building or structure that is erected, altered, converted, or maintained in violation of this chapter shall be subject to penalties as determined by the adopted fee schedule. Continuance of a violation shall be considered a separate and distinct offense for every day the violation is continued. Furthermore, such

structure that is in violation of this chapter 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 of this chapter.

(C) Enforcement of violations. When the Planning and Development Department finds that any provision of this chapter is being violated, the Planning and Development Department shall execute the following procedures:

1. 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, and a time limit for the correction. Additional notices may be sent, if needed.

2. In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the Planning and Development Department in the exercise of reasonable diligence, the Planning and Development Department 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 this chapter or service may be perfected upon any person, firm, or corporation holding itself out as an agent for the property involved.

3. The City may recover costs it expended in sending more than one notice.

(D) Complaints regarding violations: Whenever the City receives a written or verbal complaint alleging a violation of this chapter, the City 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 chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(F) Recording of unapproved land development plan, land subdivision plan, land subdivision masterplan or land subdivision plat shall be a misdemeanor and upon conviction for such public offense shall be punishable as provided by law.

#### **Sec 90.11 – Other city actions affected by the UDO**

(A) Alcohol beverage license: The City Council shall not approve an alcohol beverage license to any establishment that is not in compliance with the UDO.

(B) Occupational taxes: No business shall receive an Occupational Tax Certificate unless such business is in compliance with the UDO.

(C) Effingham County tax assessment: Zoning actions conducted by the City Council of Rincon may affect the tax assessed value of a lot or parcel in Rincon. It is the responsibility of the land owner to notify the assessor of such changes.

#### **Sec 90.12 – Remedies and penalties for violation of ordinance**

The City Council and/or City Manager shall be empowered to instruct the Planning and Development

Department and/or City Attorney to prosecute all violations of this chapter and to effect specified remedies to halt or to reverse any activity which violates the UDO. Such powers and remedies include, but are not limited to:

- (A) Issuance and enforcement of a stop work order;
- (B) Criminal citation for ordinance violation;
- (C) Revocation of occupancy permit and order to vacate premises;
- (D) Building or structure demolition order; and
- (E) Injunction or other order or directive obtained from any court of law possessing proper jurisdiction

**Secs. 90.13—90-20. - Reserved.**

**Sec. 90-21. - Nonconforming uses.**

(A) Continuance. A lawful conforming use existing prior to the effective date of this chapter may be continued, except as hereafter provided, even though such use does not conform with the provisions of this chapter.

(B) Extension and alteration. A nonconforming use shall not be extended or structurally altered, but the extension of a lawful nonconforming use throughout all portions of a building or structure existing at the effective date of this chapter shall not be considered as the extension of a nonconforming use.

(C) Restoration to a safe condition. Nothing in this chapter shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

(D) Restoration after damage. No building which houses a nonconforming use which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of 75 percent of its market value—exclusive of the foundation at the time such damage occurred—shall thereafter be made to conform with the provisions of this chapter. If such damage is less than 75 percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use as existed before such damage; provided however, that a building permit to initiate restoration be obtained within 12 months of the occurrence of damage; otherwise all provisions of this chapter will apply. The City Council may grant an extension of this twelve-month provision upon their discretion.

(E) Abandonment. A nonconforming use which has been discontinued for a period of six months shall not be established and any future use shall be in conformity with the provisions of this chapter.

(F) Changes in use. 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.

(G) Uncompleted structures. If a permitted construction project remains dormant for a period beyond six months, the building permit and all other permits 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 owner will be required to remove the uncompleted structure, unless they request from the City Planner a time extension to complete the project.

# 1



(H) Errors and violations. The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be approval for any violation of any provision in this chapter. No permit presuming to give the authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or such which it authorizes is lawful.

## **Sec. 90-22. - Preexisting substandard lots.**

The purpose of this article is to grant relief to preexisting substandard lots that would create undue hardship to an individual case and allow the issuance of the building permits upon the said substandard lots. In order to qualify for relief under this article, the applicant must demonstrate the following:

- (A) Failure to grant a building permit on this substandard lot would create a real, undue hardship;
  - (B) At the time of the adoption of the UDO, or at any date subsequent to its adoption, including the time which application for relief under this article has been requested, the applicant did not own any contiguous property to said lot; and
  - (C) The owner intends to construct only one single-family residence or a use of lesser impact.
- When applicants have demonstrated all of the above requirements of this article to the satisfaction of the City Council, then the Planning and Development Department shall issue a building permit for said substandard lot.

## **Sec. 90-23. - Buildings to be moved.**

Any building or structure which has been wholly or partially erected on any premises located within the City shall not be moved to any other premises in the city until a permit for such removal is secured from the Planning and Development Department. Any such building or structure shall conform to all the provisions of this chapter in the same manner as a new building or structure. No building or structure shall be moved into the city from outside the city until such compliance has been shown and such city permit has been secured. Before a permit may be issued for moving a building or structure, the Planning and Development Department shall inspect the same and shall determine if it is in compliance with all city and state regulations.

## **Sec. 90-24. - Land sale or other transfer or conveyance by reference to plat or map regulated.**

No tract of land or land lot shall be offered for sale, lease, rental or other public or private purpose, nor sold, leased, rented or otherwise transferred or conveyed by reference to any land survey map or land subdivision plat, unless such referenced map or plat has been:

- (A) Legally recorded in public land records of Effingham County, prior to the enactment of this chapter; or
- (B) Officially evaluated as a final subdivision plat; and
- (C) Approved and signed by the Mayor; and
- (D) Legally recorded in the public land records of Effingham County after the enactment of this chapter.



**Sec. 90-25. - Scenic easements permitted and encouraged.**

The acquisition of “scenic easements” that include a grant of one or more property rights by a property owner to and/or for use by the general public or by another person are specifically permitted and encouraged:

(A) Scenic easements may be acquired for the purpose of temporarily or permanently protecting, preserving or nurturing woodlands, “legacy” trees, historical landmarks, unique landforms or waterbodies, scenic views or any other natural or artificial object; and

(B) The acquisition of scenic easements may include temporary or permanent restrictions governing the use or development or encroachment on the natural or artificial object which is the subject of the easement, and may be acquired by any person, by environmental conservation, protection or preservation groups, or by any other public or private organization, for public or private purposes.

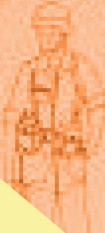
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CITY OF  
RINCON  
VETERANS  
MEMORIAL



DEDICATED TO THE MEMORIES  
OF ALL WHOSE  
MILITARY SERVICE  
HAS FORGED  
AND BUILT US

1911-2021



**02**

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# DEFINITIONS



## DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be as defined in Webster's Dictionary's latest edition. Words not defined herein or within the above mentioned book shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Words used in the singular shall include the plural, and the plural the singular, words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for".

### A

**ABANDONED/ABANDONMENT:** The voluntary relinquishment of the possession of any real or personal property by the owner or a cessation of the use of such property with no intention either of transferring rights to the property to another owner nor resuming the use of the property.

**ABUT:** To physically touch or border upon or to share a common property line.

**ABUTTING LOT:** A land lot or land parcel which shares all or part of a common lot line with another lot or parcel of land.

**ACCESS:** A way or means of approach to provide physical entrance to a property.

**ACCESSORY STRUCTURE:** A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

**ACCESSORY DWELLING UNIT:** An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a detached single-family home. ADUs include garage apartments.

**ADAPTIVE REUSE:** The development of a new use for an older building or for a building originally designed for a special or specific purpose.

**ADDITION:** Has multiple definitions:

(A) A structure added to the original structure at some time after the completion of the original.

(B) Any new part, element or feature added to an existing building or structure.

(C) Any walled and roofed expansion to the perimeter of a building when the addition is connected by a common load bearing wall other than a fire wall. (Any walled and roofed addition which is connected by a fire wall or which is separated by independent perimeter load-bearing walls is new construction.)

**ADJACENT LAND:** See *ADJOINING LOT OR LAND*.

**ADJOINING LOT OR LAND:** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See *ABUT* or *CONTIGUOUS*.



**ADULT CARE FACILITIES:** A home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment. Includes nursing or rest homes.

**ADULT ENTERTAINMENT ESTABLISHMENTS:** See *Sec. 18-241* of the Rincon Code of Ordinances.

**AGGRIEVED PERSON:** Any person who alleges an official error in the administration of the UDO, or who alleges loss of a real property right, or whose legal right in or to any real property has allegedly been invaded, or whose monetary interest has allegedly been otherwise adversely affected by any official order, requirement, interpretation, determination or decision by the Planning and Development Department which is subject of an appeal to the Planning and Zoning Board.

**AGRICULTURAL SERVICES:** Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services.

**ALLEY:** A street or lane that provides access to the side or rear of buildings or lots, but is not intended for general traffic. Alleys are primarily used for vehicular service access.

**AMENITY:** A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

**AMUSEMENT FACILITY:** An indoor or outdoor area or structure, open to the public, which may contain arcade games, simulated and miniature golf, bowling, batting cages, and similar entertainment and amusement devices.

**AMUSEMENT PARK:** An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

**ANCHOR TENANT:** The major store or stores within a shopping center.

**ANIMAL:** any living thing other than a plant or a human being.

**ANIMAL CONTROL OFFICER/DEPARTMENT:** any person or agency designated by the city as a law enforcement officer or agency for the specific purpose of enforcement of this chapter, including any person or agency designated by the county as a law enforcement officer or agency for the specific purpose of enforcement of this chapter within the city.

**ANIMAL SHELTER:** means any facility operated by the city or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter, including any facility operated by the county within or without the city pursuant to the provisions of this chapter.

**ANNEXATION (OR DEANNEXATION):** A change of the territorial boundaries of a municipality by legal action of the governing body, to include (or to exclude) a land area which is located adjacent to those corporate limits.



**APARTMENT:** A multi-family dwelling providing access from a common hall, although individual entrances may be provided.

**APPEAL, FLOOD DAMAGE PROTECTION:** A request for a review of the floodplain administrator’s interpretation of the flood damage protection article.

**APPLICANT:** A person submitting an application.

**APPLICATION:** The form and all accompanying documents and exhibits to be submitted for official evaluation.

**APPLICATION FOR DEVELOPMENT:** The application form and all accompanying documents and exhibits required of an applicant by the Planning and Development Department, the Planning and Zoning Board and/or the Mayor and City Council.

**APPROVED PLAN:** A plan which has been granted final approval by the City.

**AREA OF SHALLOW FLOODING:** 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:** 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 the Floods chapter of the UDO.

**ATHLETIC CLUB OR GYMNASIUM:** An establishment that provides exercise facilities such as running, jogging, aerobics, weightlifting, court sports, classes, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

**AUTOMOTIVE REPAIR SERVICES:** The repair of automobiles, including paint and body repair shops and tire repair shops.

**AWNING:** A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

## B

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE):** 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:** That portion of a building having its floor sub grade (below ground level) on all sides.

**BEDROOM:** A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

**BLOCK:** Has multiple definitions:

- (A) A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development;
- (B) A group of lots in a subdivision which are encircled by streets;
- (C) A serially numbered group of individual lots in a subdivision which are identified by a block identification number on a subdivision plat.

**BOARDING HOUSE:** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders.

**BUFFER, LANDSCAPE:** A continuous edge of land provided along the perimeter of a lot where landscaping is used to screen or transition one use from adjacent uses or public rights-of-way.

**BUILDING, ACCESSORY:** A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

**BUILDING CONSTRUCTION AND SPECIALTY TRADE CONTRACTORS OFFICES WITH STORAGE:** Business location for building contractors and trades people that permits storage of materials and equipment associated with the contractors trade.

**BUILDING COVERAGE:** Has dual definitions:

- (A) The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
- (B) That portion of a land lot which is, or is proposed to be, covered by all primary and accessory buildings constructed on the lot.

**BUILDING FRONTAGE:** The total linear dimension of the front wall of any structure which faces a public or private roadway.



**BUILDING HEIGHT:** The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

**BUILDING INSPECTOR:** City employee that conducts all residential and commercial inspections, and reviews construction plans.

**BUILDING LINE:** A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. See *BUILDING SETBACK LINES*.

**BUILDING MATERIAL AND SUPPLIES DEALERS:** Establishment for the storage and sale of building materials and supplies, including but not limited to lumber yard, rock supply, tile, and cabinetry.

**BUILDING PERMIT:** Written permission issued by the proper City authority for the construction, repair, alteration or addition to a structure.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is located.

**BUILDING SETBACK LINES:** The lines that represent required minimum building location distances from all lot boundaries and that establish the buildable area within which the primary use or building must be constructed or placed.

**BUILDING SITE:** The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

**BUILT-UP AREA:** An area where less than twenty-five percent of the land is vacant.

**BULK FUEL STORAGE:** The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale to distributors or retail dealers or outlets.

## C

**CAMPER:** A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes.

**CAMPGROUND:** A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**CAMPSITE:** Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

**CAPITAL IMPROVEMENT:** Has dual definitions:

- (A) Any publicly-funded improvement or addition to necessary facilities and services including but not limited to water and sewerage services, paving of existing unpaved streets, roadways and bridges, and stormwater drainage systems;



(B) Includes all related costs for capital improvement planning, engineering design, right-of-way acquisition, facility construction, project engineering, land surveys and emergency repairs.

**CAT:** any member of the feline family of any age.

**CEMETERY:** Property used for the interring of the dead.

**CENTERLINE, HIGHWAY:** The line running parallel with the highway right-of-way which is half-way the distance between the extreme edges of the official right-of-way width as shown on maps approved by the County Tax Assessor and/or the Department of Transportation.

**CERTIFIED SURVEY:** A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect, or other legally recognized person.

**CHANGE OF USE:** Any use which substantially differs from the previous use of a building or land.

**CHARITABLE AND PHILANTHROPIC SERVICES:** Has dual definitions:

(A) Any publicly or privately supported religious, benevolent or humanitarian organization that provides service(s) to public or private beneficiaries;

(B) Any public or private nonprofit or not-for-profit organization which operates benevolent or charitable service(s) including, but not limited to, public or private orphanages, child care centers, and hospices for children or adults.

**CHARITABLE USE:** Property used by a nonprofit or eleemosynary organization that provides a service beneficial to the general public or to a significant portion of the public for no fee or at a fee recognized as being less than that charged by profit-making organizations.

**CHECK CASHING FACILITY:** A business that involves cashing checks and other financial services for a fee, often for people without checking accounts.

**CHILD CARE CENTER:** Commercial facility for the care of more than seven unrelated children.

**CHURCH OR PLACE OF WORSHIP:** A building where people congregate for religious purposes.

**CITY ATTORNEY:** Has dual definitions:

(A) Any person licensed by the State as an Attorney-at-Law who has been officially appointed to that Office by the Mayor and Council for an indefinite term or as an employee or independent contractor, and who is the Chief Legal Officer of a City;

(B) Any person who has been delegated all the powers, duties and responsibilities of that office, and who is principally responsible for providing professional legal services to the City.

**CITY ENGINEER:** Has dual definitions:



(A) Any person licensed by the State as a Registered Engineer who has been officially appointed to that Office by the Mayor and Council for an indefinite term or as an employee or independent contractor, and who is the Chief Engineer of the City;

(B) Any person who has been delegated all the powers, duties and responsibilities of that office and who is principally responsible for providing professional engineering services to the City.

**CITY GROWTH MANAGEMENT PLAN:** A graphic plan supplemented by written narrative, prepared and recommended by the Planning and Zoning Board, and officially approved by the Mayor and Council, which is intended to guide the growth and development of the City and which may include:

(A) Analyses of physical, economic and social conditions prevalent in, or expected to occur in, the community; and

(B) Proposals and recommendations for:

1. Establishment or modification of public policies and the regulation of land development and land use;
2. The classification of roadways for regulatory purposes;
3. Establishment and periodic modification of official maps which address land development regulatory processes;
4. Acquisition and development of public lands for specific purposes;
5. Establishment of, or improvement of, any essential public service;
6. The desirable future public and private land use arrangement for all land within the territorial limits of the City; and
7. Any other matter of public benefit.

**CITY MANAGER:** A professionally-qualified person who has been officially employed and appointed to that Office by the Mayor and Council as an employee and who serves as the Chief Administrative and Financial Officer of the City.

**CITY PLANNER:** Director of the Planning and Development Department, who is responsible for the administration of all development and construction activities, planning activities, and the administration of the UDO.

**CIVIC CENTER:** A building or complex of buildings that house City offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

**CLEARING OR CLEAR-CUTTING:** The toppling of trees, shrubs or other standing vegetation on a land parcel by “clearing” or “Clear Cutting” all.

**CLUSTER:** A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.



**CLUSTER DEVELOPMENT OR SUBDIVISION:** A development design technique that concentrates buildings in specific areas on the site (with an appropriate reduction in lot area and bulk requirements, but no increase in the “density” or total number of lots or buildings allowable), and which allows the remaining land to be used for recreation, common open space and preservation of natural features.

**CLUSTER OR CONSERVATION SUBDIVISION:** A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

**COMMERCIAL AND INDUSTRIAL MACHINERY AND EQUIPMENT REPAIR AND MAINTENANCE:**  
Establishment for the repair and maintenance of commercial and industrial machinery and equipment.

**COMMISSARY:** an approved catering establishment, restaurant, or other location approved by the governing body of the jurisdiction in which it is located in which food, containers or supplies are kept, handled, prepared, packaged or stored as related to a mobile food vending unit.

**COMMON ELEMENTS:** Land amenities, parts of buildings, central services and utilities, and any other elements and facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

**COMMON USE ELEMENTS:** Land amenities, parts of buildings, central services and utilities, and any other features and facilities which are designated in a “Master Deed” as common elements, and which are owned and used by all owner-members of an association or condominium.

**COMMUNITY CENTER:** A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

**COMMUNITY FACILITY:** A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

**COMPLETE APPLICATION:** An application form completed as specified by ordinance and the rules and regulations of the City of Rincon and all accompanying documents required by ordinance for approval of the application.

**CONDITIONAL USE:** A use that, due to its nature, must follow an administrative procedure prior to the issuance of any land development permit that further evaluates the use at the specific location.

**CONDOMINIUM:** A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONDOMINIUM ASSOCIATION:** The community association which administers and maintains the common property and common elements of a condominium.

**CONDOMINIUM, COMMERCIAL:** A building (or group of buildings) used for offices, businesses, professional services and other commercial enterprise organized, owned and maintained as a condominium.



**CONDOMINIUM, HOTEL:** A condominium set up like a hotel in which each room is individually owned and in which some rooms are available to transients for rent.

**CONDOMINIUM, INDUSTRIAL:** An industrial building (or group of buildings) organized, owned and maintained as a condominium.

**CONDOMINIUM, OFFICE:** An office building (or group of buildings) organized, owned and maintained as a condominium.

**CONSERVATION SUBDIVISION:** See *CLUSTER CONSERVATION*.

**CONTIGUOUS:** Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous. See *ABUT* and *ADJOINING LOT OR LAND*.

**CONVENTIONAL HOUSE (SEE SINGLE-FAMILY):** Homes fabricated and assembled on-site.

**CONVERSION:** A change in the use of land or a structure.

**CRITICAL AREA:** An area with one or more of the following characteristics:

- (A) Slopes in excess of twenty percent;
- (B) Floodplain;
- (C) Soils classified as having a high water table;
- (D) Soils classified as highly erodible, subject to erosion or highly acidic;
- (E) Land incapable of meeting percolation requirements;
- (F) Land formerly used for landfill operations or hazardous industrial use;
- (G) Fault areas;
- (H) Stream corridors;
- (I) Estuaries;
- (J) Mature stands of native vegetation; and
- (K) Aquifer recharge and discharge area.

**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:

- (A) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;



(B) 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;

(C) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(D) Generating plants, and other principal points of utility lines.

**CRITICAL ROOT ZONE:** The circular area above and extending below the ground around the trunk of the tree with a radius equivalent to the distance to the dripline, or 1.25 feet for every one inch in DBH, whichever is greater. The critical root zone depths are as follows: 30 inches (tree diameter nine inches or less); 36 inches (tree diameter of 10 inches to 14 inches) 42 inches (tree diameter 15 inches to 19 inches); and 48 inches (tree diameter 20 inches or more).

**CULTURAL FACILITIES:** Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.

**CURRENT PLANNING CAPACITY:** A measure of the ability of a region to accommodate the growth and development within the limits defined by existing infrastructure and natural resource capabilities.

## D

**DAILY DELIVERY VEHICLE:** A vehicle that makes brief stops to deliver goods or services.

**DAY CARE CENTER:** See *CHILD CARE CENTER*.

**DEDICATION:** The act of dedicating a gift or donation of property by the owner to another party.

**DEED:** A legal document conveying ownership of real property.

**DENSITY:** The number of dwelling units, or housing structures per acre of land.

**DERELICT VEHICLE:** Any inoperable, unregistered or discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land

**DEVELOPMENT:** Any man-made 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.



**DEVELOPMENT REGULATION:** Zoning, subdivision, site plan, official map, flood plain regulation or other governmental regulation of the use and development of land.

**DEVELOPMENT UNIT(S):** Has multiple definitions directly relating to the land use of the defined “development unit”:

(A) Any primary use, such as a “land lot”, “Building” or portion of building, which is permitted to be developed on the smallest land lot allowable in a specific land use zoning district;

(B) The smallest building lot allowable in a specific land use zoning district.

(C) An expression of “density” that specifies the maximum number of “primary uses” allowable on a gross acre of land.

(D) The determinant of minimum lot size, which is derived by dividing the area of a gross acre (43,560.0 square feet) by the maximum number of “development units” allowable per gross acre in a specific land use zoning district;

(E) The result of any subdivision or partitioning of the interior area of any primary use building into separate salable or leasable spaces or apartments, each constituting a “development unit” when physically segregated from all others in a building.

Typical types of “development units” are:

(A) Manufactured House

(B) One-unit detached “Conventional House”;

(C) Two-unit Attached “Duplex”;

(D) Multi-unit Attached “Townhouse/Rowhouse”;

(E) Multi-unit Attached “ Apartment”.

**DISTRICT:** A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

**DOG:** any member of the canine family, regardless of age, including pet foxes, wolves, coyotes and not limited thereto.

**DOMESTIC ANIMAL:** any animal kept for pleasure rather than utility.

**DOMESTIC ANIMAL KENNELS, COMMERCIAL:** The boarding, breeding, raising, grooming, or training of two or more dog or cats, not owned by the owner or occupant of the premises, and/or for commercial gain.



**DRY CLEANING AND LAUNDRY PROCESSING:** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry where the cleaning is performed off-site.

**DWELLING, ATTACHED:** A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

**DWELLING ONE-UNIT, DETACHED:** A dwelling which is not attached to any other dwelling by any means.

**DWELLING, GROUP:** A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term “group dwelling” includes—but is not limited to—the terms rooming house, apartment hotel, fraternity house or sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

**DWELLING, SINGLE-FAMILY:** A structure, not more than one dwelling unit, designed for residential use which meets or exceeds the following standards:

- (A) Minimum width of 24 feet.
- (B) The roof shall have a minimum of 2:12 roof pitch and shall have a surface of asphalt composition, concrete, fiberglass or metal tiles, slate, built-up gravel materials, or other materials approved by the building official.
- (C) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
- (D) Tie downs per instructions or manufacturer’s instructions for manufactured housing.
- (E) Be constructed according to applicable state and federal standards

**DWELLING UNIT:** A structure or a portion of any structure designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels, motels, boardinghouses or like uses.

## E

**EAVE:** The projecting lower edges of a roof overhanging the wall of a building.

**EGRESS:** An exit.

**ELECTRIC POWER SWITCH GEAR STATION:** A public utility station providing electricity.



**ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION:** A private or nonprivate organization which is not organized or operated for the purpose of carrying on a trade or business and no part of the net earnings of which are for the benefit of any individual.

**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 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.

**ELEVATION:**

- (A) A vertical distance above or below a fixed reference level;
- (B) A plat scale drawing of the front, rear, or side of a building.

**EMINENT DOMAIN:** The authority of a government to take, or to authorize the taking of, private property for public use.

**ENCLOSURE:** any uncovered, enclosed parcel of land where animals or fowl are kept.

**ENCROACH:** To advance beyond proper limits or to trespass upon the property, domain, or rights of another.

**ENCROACHMENT:** Any unauthorized building, structure, pole, tower, sign or other mobile or immobile object that is constructed or placed on any public way or public right-of-way, or that overhangs, obstructs or restricts access to or from any public right-of-way, or that is located within any designated floodway, but not including the following:

- (A) Streetlights, street name signs, traffic control, hazard warning, public directory or public information signs, symbols, barricades or devices constructed or installed by an authorized government unit or agency, or authorized contractor or agent of such unit or agency, and necessary utility service poles installed by public or private utility companies.
- (B) Public driveways that provide access from private land abutting a public right-of-way, when such driveway has been authorized by the State, County or Municipal agency possessing proper jurisdiction over the right-of-way.
- (C) Any obstruction in a delineated floodway, right-of-way or adjacent land. The act or an instance of encroaching; anything taken by encroaching.

**ENGINEER:** Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, street, highways, water and sewage systems, drainage system, structures or other technical related areas.

**ENLARGEMENT:** An increase in the size of an existing structure.



**ESTABLISHMENT:** An economic unit, generally at a single physical location, where business is conducted, or services or industrial operations are performed.

**EXCLUSIVE:** Has dual definitions:

(A) The list of uses allowable or prohibited in Land Use Zoning Districts in this Code shall be “exclusive”.

(B) In any class of uses, only those which are specifically referenced as prohibited shall be excluded from the list.

**EXISTING CONSTRUCTION, FLOOD DAMAGE PROTECTION:** For the purposes of determining rates, structures for which the start of construction commenced before February 19, 1987, the effective date of the initial FIRM for that community.

**EXISTING GRADE:** The vertical elevation of an existing ground surface prior to cutting or filling activities.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** 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 February 19, 1987, the effective date of the first floodplain management regulations adopted by a community.

**EXISTING USE:** The lawful use of a lot or structure at the time of the enactment of the UDO.

**EX OFFICIO:** An automatic appointment to an office by virtue of holding another office, as the City Attorney is the Ex-Officio Hearing Officer for the Planning and Zoning Board.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** 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.

**EXTENSION:** Has dual definitions:

(A) An increase in the amount of existing floor area within an existing building.

(B) An additional time period (specified length of time) to be allowed for compliance with the provisions of the UDO.



## F

**FACILITY:** Any non-residential location containing one or more underground storage tanks and integral piping systems that contain pollutants.

**FACTORY BUILT HOUSE:** A dwelling unit that is constructed and assembled at a factory and transported to the building's site and placed on a prebuilt foundation.

**FARM OR FARMLAND:** A parcel of land used for agricultural activities.

**FEED AND GRAIN, SALES & STORAGE:** An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

**FEEPAYER:** Any person applying for authorization to establish a connection to the City water and/or sewer system, or other extra service.

**FILL OR FILLING:** The placement of any organic or inorganic solid material or soil on an undisturbed or disturbed ground surface, or into an excavation, natural ground surface depression or water body.

**FINAL APPROVAL:** The last official action taken by the Mayor and City Council regarding approval of any matter presented.

**FINISHED GRADE:** The final elevation, contour, slope and dimension of any ground surface, after land-disturbing activities, including cutting or filling have been completed.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland or tidal waters; or

(B) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD HAZARD BOUNDARY MAP (FHBM):** An official map of the City issued by the Federal Emergency Management Agency which depicts the boundaries of areas of special flood hazard.

**FLOOD INSURANCE RATE MAP (FIRM):** 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:** An official report prepared by the Federal Emergency Management Agency that defines possible and probable flood profiles and the projected height of the base flood.

**FLOODPLAIN:** Any land area susceptible to flooding.

**FLOODPLAIN ADMINISTRATOR:** An individual that has been appointed, and operates under the supervision and guidance of the City Manager or designee. Duties include reviewing proposed development, which is also reviewed by the Director of Planning and Development or Designee.

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

**FLOOD PRONE AREAS:** That land adjacent to a creek, stream, river, channel, canal or other body of water that is designed as a floodplain or flood prone area by a governmental agency.

**FLOODWAY:** 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.

**FLOOR:** The uppermost surface of any level concrete slab or wood flooring of an enclosed building, including the basement.

**FOOD AND BEVERAGE PROCESSING:** The preparation, processing, or canning and packaging of food and/or beverage products. This shall not include slaughterhouses.

**FOOD TRUCK:** A retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

**FOOT CANDLE:** A measurement of light intensity. One foot candle is the illuminance on a one square foot surface from a uniform source of light.

**FOREST:** Areas of stands of trees the majority of which are greater than 12 inches caliper measured four feet above grade, covering an area greater than one-quarter acre; or groves of mature trees without regard to minimum area consisting of more than six individual specimens.

**FORESTRY:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products or in performing forest services.



**FREEBOARD:** 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.

**FRONTAGE:** That site of a lot abutting on a street; the front lot line.

**FRONTAGE BUILDOUT:** The percentage of lot frontage occupied by a building's façade

**FULL-SERVICE CAR WASH:** An automotive care service that includes either an automatic or exterior hand car wash and interior services such as vacuuming, performed either by an attendant or the customer.

**FUNERAL HOME:** A business that provides burial and funeral services for the dead and their families.

## G

**GARAGE, STRUCTURED:** A deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles, either public or privately operated and owned.

**GARAGE, PRIVATE RESIDENTIAL:** A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

**GARAGE, REPAIR:** Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**GAS STATION:** Has dual definitions:

(A) A building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, and/or where battery, tire, and other similar sales and minor repair services are rendered.

(B) A licensed commercial establishment offering retail sale or supply of motor fuels, lubricants and other operating commodities for motor vehicles, and which may include service bays for minor repairs, but not including vehicle body refinishing, painting, or other servicing of motor vehicles.

**GENERAL WAREHOUSING AND STORAGE:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment. Includes the storage of personal items for individuals.

**GOLF COURSE:** A tract of land for playing golf, improved with tees, greens, fairways, hazards and which may include clubhouses and shelters.



**GRADING:** The process of altering ground surfaces to different finished grades specified on any grading plan required by this Code, and including activities commonly known as stripping, cutting, filling, stockpiling and shaping, and shall include the land in its cut or filled condition.

**GREEN AREA:** Land shown on a development plan, master plan or official map for preservation, recreation, landscaping or park.

**GROSS LEASABLE AREA:** The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

**GROUND ANCHOR:** Any device at the manufactured home stand designated to secure a manufactured home to the ground.

**GROUND COVER:** Grasses or other plants grown to keep soil from being blown or washed away.

**GROUND ELEVATION:** The original elevation of the ground surface prior to cutting or filling.

**GROUP HOMES:** See *PERSONAL CARE HOMES*.

**GUARD DOG:** Any dog which has been trained to attack persons and/or animals independently or upon command, and any dog which, while not so trained, has a known propensity to attack persons or animals and is used for the purpose of providing security to any person or premises.

## H

**HEALTH SERVICES:** Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, oxygen and miscellaneous types of medical supplies and services.

**HEARING OFFICER:** The City Attorney, who shall be automatically appointed as an Ex-Officio member of the Board and who shall serve as the Hearing Officer for each Appeal heard by the Mayor and City Council.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

**HISTORIC STRUCTURE:** Any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;



(C) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or

(D) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the secretary of the interior, or
2. Directly by the secretary of the interior in states without approved programs.

**HOMEOWNERS ASSOCIATION:** A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

**HORSE OR LIVESTOCK RANCH:** An agricultural operation where horses and domestic farm animals, excluding swine, are kept for use as part of a farm or raised for sale.

**HORTICULTURE:** The cultivation of a garden or orchard. See *NURSERY*.

**HOTEL:** A lodging establishment for transient guests which is open to the public, for compensation, providing lodging or board, or both, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. Any on-premises use that is accessible by the general public, such as a restaurant, bar or event/assembly space, is a separate principal use and must be an allowed use in the base zoning district. Any on-premises use that is accessible only by hotel guests is an accessory use.**HOUSE, BOARDING:** A building other than a hotel or motel where lodging and/or meals are provided for three or more persons who are not related by blood, marriage or adoption, by agreement on terms of payment and time period.

**HOUSE TRAILER:** See *MOBILE HOME*.

**HOUSEHOLD:** A family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**IMPROVEMENT:** Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

**INDUSTRIAL BULK STORAGE:** Any primary use building or land used for bulk-fuel storage (above or below ground).

**INDUSTRIAL PARK:** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.



**INDUSTRIALIZED BUILDING:** Any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the Industrialized Building Act, O.C.G.A. § 8-2-110 et seq.

**INDUSTRY:** Those fields of economic activity including communication, construction, electric, forestry, fishing, gas, hunting, mining, manufacturing, transportation, trapping, sanitary services and wholesale trade.

**INFRASTRUCTURE:** Facilities and services needed to sustain commercial, industrial and residential activities.

**INGRESS:** Access or entry.

**INN or BED AND BREAKFAST:** A commercial facility for the housing and feeding of transients.

**INSTITUTIONAL USE:** A nonprofit or quasi-public or institution such as a church, library, public or private school, hospital, City-owned or operated building, structure or land used for public purpose.

## J

**JUNK:** Any scrap, waste, reclaimable material or debris, whether or not stored, used in conjunction with dismantling, processing, salvage, storage, baling, disposal, other use or disposition.

**JUNK YARD OR SALVAGE YARD:** A facility for the dismantling, processing, salvage, storage, baling, disposal, other use or disposition of vehicles.

## L

**LAND DEVELOPMENT:** Has dual definitions:

(A) Any public or private land used, improved, developed or subdivided whether for immediate or future use; and

(B) All manual, mechanical or chemical methods proposed to be used, or used, to construct, reconstruct, remodel, alter, relocate, dismantle or demolish any public or private building or structure, sign, bridge, tower, water supply system, sewerage system or stormwater drainage system, or the surface paving or repaving of any roadway, driveway, parking lot or any other land surface exceeding 1,000 square feet in total area, and the use or re-use of any land.



**LAND DEVELOPMENT PERMIT:** An official written authorization issued by the Planning and Development Director, or by a governing body or government agency possessing proper jurisdiction, allowing a qualified applicant to conduct land-disturbing activities specified in the permit.

**LAND-DISTURBING ACTIVITY:** Has multiple definitions:

(A) Any public or private land use, improved, modified or developed whether for immediate or future use;

(B) Any public or private building or structure, sign, road or street, bridge, water supply system, sanitary sewerage system or stormwater drainage system which is, or which is proposed to be, constructed, reconstructed, remodeled, altered, relocated, dismantled or demolished.

(C) Includes, but is not limited to, any disturbance of any ground surface by manual, mechanical or chemical methods proposed to be used, or used, for clearing, clear-cutting, dredging, excavating, filling, grading, shaping, stockpiling, stripping and transporting of natural soil or other material comprising the ground surface and other modification of any land surface exceeding 1,000 square feet in total area;

(D) Includes 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. Excludes normal property maintenance, including planting or trimming of ornamental plants or trees, (but not including clearing or clear-cutting) and lawn landscaping, resodding or topsoil dressing, and maintenance of utility services and easements; and

(E) Any disturbance of any ground surface that causes, or may cause, soil erosion due to water, wind or other natural force and the resulting movement of soil sediments into State waters or into public or private lands within the State.

**LAND SURVEYOR:** Has dual definitions:

(A) One who is licensed by the State as a Land Surveyor and is qualified to make accurate field measurements and mark, describe and define land boundaries.

(B) Any person qualified to measure, mark, describe, define and map land boundaries and who is licensed by the State as a Land Surveyor or Registered Engineer.



**LAND USE:** Has dual definitions:

- (A) A description of how land is occupied or utilized.
- (B) The occupation of or development of any land parcel for any residential, commercial, industrial, recreational or other use, or public or private purpose.

**LAND USE PLAN:** A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of agricultural, commercial, educational, industrial, recreational, residential, other public and private purposes or combination of purposes.

**LAND USE ZONING DISTRICT:** Any geographic area within the City which has been defined by boundaries depicted on the “Official Zoning and Street Classification Map” and that has been identified with a descriptive name as provided in this Code, and in which District certain land use restrictions and development regulations apply.

**LANDSCAPE:** Has dual definitions:

- (A) An expanse of natural scenery.
- (B) The addition of lawns, trees, plants and other natural and decorative features to land.

**LANE:** Synonymous with *ALLEY*.

**LIBRARY:** A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

**LIST OF ALLOWABLE OR PROHIBITED USES:** A list of primary, special, conditional and prohibited uses applicable to all land use zoning districts in the City.

**LIVING UNIT:** See *DWELLING UNIT*.

**LOADING SPACE:** An off-street space or berth used for the loading or unloading of commercial vehicles.



**LOT COVERAGE:** That portion of the lot that is covered by buildings and structures, usually expressed in percent.

**LOT DEPTH:** The dimension from a front lot line to its corresponding rear lot line.

**LOT, DOUBLE FRONTAGE:** Any lot that extends between two streets with access to both.

**LOT FRONTAGE:** Has dual definitions:

(A) The length of the front lot line measured at the street right-of-way line.

(B) The dimension of the front lot line along the abutting street right-of-way line.

**LOT, INTERIOR:** A lot which has other lots abutting both of its side lot lines.

**LOT LINE:** Has dual definitions:

(A) A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

(B) Any land lot boundary line which divides a lot of record from another lot or from a public or private street, or any other public space.

**LOT LINE, FRONT:** Has dual definitions:

(A) The lot line separating a lot from a street right-of-way.

(B) The common boundary line of a lot abutting a street right-of-way.

**LOT LINE, REAR:** The boundary line opposite to the front lot line.

**LOT LINE, SIDE:** Any boundary line that extends between the front and rear lot lines.

**LOT, MINIMUM AREA OF:** Has dual definitions:

(A) The smallest area established by the UDO on which a use or structure may be located in a particular district.

(B) The total area of the smallest lot allowable in a specific land use zoning district.

**LOT OF RECORD:** Has dual definitions:



(A) A lot which exists as shown or described on a plat or deed in the records of the local registry of deeds.

(B) A land lot which exists as depicted on a plat or as described in a deed or other legal instrument that has been lawfully recorded in the public land records of the County.

**LOT, REVERSE FRONTAGE:** A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

**LOT, THROUGH:** A lot which fronts upon two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the lot.

**LOT WIDTH:** The distance between side lot lines, measured parallel to the front lot line along a line that intersects both side lot lines at the minimum required building setback distance.

**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 the UDO.

## M

**MACHINE TOOL AND INDUSTRIAL EQUIPMENT REPAIR:** An establishment engaged in the repair or servicing of motors, industrial machinery, business machinery, consumer machinery, equipment, tools, or professional instruments, or welding, or similar products or by-products.

**MAJOR SUBDIVISION:** Refer *SUBDIVISION, MAJOR*.

**MANUFACTURED HOME:** A factory-built, single-family structure that is manufactured under the authority of 42 USC Section 5401 and that is transportable in one or more sections, built on a permanent chassis but is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or axles permanently attached to its body or frame.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MANUFACTURED HOME PARK OR SUBDIVISION, NEW:** 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 after February 2, 1987, the effective date of the first floodplain management regulations adopted by a community.



**MANUFACTURED HOME STAND:** That area of a lot which has been reserved for placement of a manufactured home.

**MANUFACTURING AND PROCESSING:** Any person or establishment engaged in the mechanical or chemical creation, conversion or blending of raw, semi-finished or finished materials or substances into different products, including but not to:

(A) Fabrication or assembly of component parts, food and beverage processing, bottling or packaging of animal, vegetable or mineral products;

(B) Any fabrication, casting, machining, assembly or packaging of any wood, metal, plastic, mineral or other material, whether natural or synthetic, but excluding petroleum and petrochemical processing, and the transport, storage, processing or disposal of any “hazardous materials”; and

(C) All buildings and all supporting facilities for any use of this class that must be fully enclosed or constructed to fully suppress all noise or odors resulting from the on-premises conduct of the use, and to prevent off-premises sound transmission.

**MASTER PLAN:** Has dual definitions:

(A) A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community’s population, economy, housing, transportation, community facilities and land use.

(B) A plan for the total final development arrangement or layout of a land parcel, showing the location and extent of significant existing natural features such as watercourses, forests and topography, existing or proposed roadways, bridges, streets, easements, rights-of-way and other land reservations, building lots or buildings and other structures, recreation areas and other features proposed to be modified or added.

**MAY:** A “verbal auxiliary” showing power to, or ability to, perform a certain act or function; a discretionary power, not an imperative or mandatory equivalent to “shall” or “must” as commonly used in Law.

**MAYOR AND COUNCIL:** The publicly elected governing body of the City of Rincon who have been authorized by Acts of the State Legislature to exercise specific powers of local government and who have the general responsibility for the proper administration of and enforcement of this Code.

**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.



**METER:** A metric scale measure equal to 3.28 feet.

**METES AND BOUNDS:** A method of describing the boundaries of land by directions and distances from a known point of reference.

**MICRO-BREWERY:** A manufacturer of alcoholic malt beverages of up to 15,000 barrels per year for the purpose of wholesale distribution of a majority of its product with incidental sales of up to 3,000 barrels to the public for on-site consumption or carryout.

**MILE:** A linear measure equal to 5,280 feet, 1,760 yards or 1.6 kilometers.

**MINI-WAREHOUSE STORAGE:** A facility consisting of individual rental units used for the storage of personal property

**MINOR SUBDIVISION:** Refer to *SUBDIVISION, MINOR*.

**MIXED USE DEVELOPMENT:** An undivided or subdivided land parcel, of minimum contiguous size specified by this Code, that is planned, engineered and developed according to an approved land development plan, and which is used, sold, leased, or rented for one or more uses permitted by the land use zoning district in which the development is located.

**MOBILE HOME:** See *MANUFACTURED HOME*.

**MOBILE HOME PARK:** a parcel of land not less than 5 acres in size owned by an individual, partnership, or corporation which is used for the rental of mobile homes.

**MOBILE HOME SPACE:** A plot of land for placement of a single mobile home within a mobile home park.

**MOTEL:** A lodging establishment for transient guests containing sleeping accommodations and customary accessory uses for rental primarily to automobile transients with exterior access to rooms. Any on-premises use that is accessible by the general public, such as a restaurant, bar or event/assembly space, is a separate principal use and must be an allowed use in the base zoning district. Any on-premises use that is accessible only by hotel guests is an accessory use.

**MOTORIZED EQUIPMENT AND MACHINERY:** Establishments primarily engaged in the sale or rental of tools, trucks, tractors, recreational vehicles, boats, construction equipment, agricultural machinery, and similar industrial equipment.



**MOVIE THEATER:** A place where motion pictures are shown to the public for a fee.

**MULTIUSE BUILDING:** A building containing two or more distinct uses.

**MUNICIPAL:** In the primary sense, means “pertaining to a town or city or to its local government”.

## N

**NANO-BREWERY:** A producer of alcoholic malt beverages of up to 3,000 barrels per year for the purpose of wholesale distribution and sales to the public either for on-site consumption or carryout.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**NEIGHBORHOOD:** An area of a community which possesses characteristics that distinguish it from other community areas, such as distinct ethnic, economic, historical or architectural characteristics, or boundaries defined by physical barriers such as major highways, railroads, major land uses or natural features.

**NEW CONSTRUCTION:** Buildings, structures or other land uses whose start of construction date was on or after the effective date of this UDO.

**NEW CONSTRUCTION, FLOOD DAMAGE PROTECTION:** For the purposes of determining insurance rates, structures for which the start of construction commenced after December 19, 2010, the effective date of the initial FIRM, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced after February 2, 1987, the effective date of the first floodplain management ordinance adopted by the community, and includes any subsequent improvements to such structures.

**NOISE SENSITIVE AREA:** An area within the property line of a school, medical office, funeral home, nursing home, court house, church, government buildings, or public library.

**NONCONFORMING:** Any existing lot, existing land use, or the use of any existing structure or building, or the use of any sign, or any other existing use conditions, rules, regulations or provisions of this Code on the day the Code was adopted, shall be deemed as substandard and nonconforming:

(A) Nonconformities include, but are not necessarily limited to, nonconforming land lot, nonconforming land use, nonconforming structure, nonconforming building and nonconforming sign.



**NONCONFORMING LOT:** A lot whose total area, dimensions or other features was lawful prior to the adoption or amendment of this Code, but which now fails to conform to the present requirements of the land use zoning district in which it is located.

**NONCONFORMING LAND USE, BUILDING, STRUCTURE OR SIGN:** Any land use, building, structure or sign whose total area, dimensions, class of use or other features was lawful prior to the adoption or amendment of this Code, but which now fails to conform to the present requirements of the land use zoning district in which it is located.

**NONCONFORMING LOT:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the UDO, but fails by reason of such adoption, revision or amendment to conform to the present requirements of the UDO.

**NON-REFERENCED USE:** Any use not specifically referenced in the List of Allowable or Prohibited Uses as prohibited, which may be allowed in a particular land use zoning district only after an official determination is made by City Planner, that such use is similar in nature and character to other uses allowable in that district.

**NORTH AMERICAN VERTICAL DATUM (NAVD):** NAVD has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

**NUISANCE ANIMAL:** any animal which:

- (A) Molests passersby or passing vehicles;
- (B) Attacks other animals;
- (C) Trespasses on school grounds, recreational areas or parks;
- (D) Is repeatedly at large;
- (E) Damages private or public property;
- (F) Barks, whines or howls in an excessive, continuous or untimely fashion; or
- (G) Constitutes a nuisance as the term is defined by the law of this state.

**NURSING HOMES:** A home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

**NURSERY , COMMERCIAL CROP & TREE FARM:** Land or greenhouses used to raise crops, trees, flowers, shrubs and plants for sale. See HORTICULTURE.

**NURSERY, PLANT and RETAIL:** A small-scale establishment to raise and sell trees, plants and flowers.

## 0

**OCCUPANCY PERMIT:** A Permit which shall only be issued by the Planning and Development Department as evidence of compliance with all provisions of this Code and with all other City, County, State and Federal Regulations and which shall only authorize lawful occupancy of a building or lawful use of a structure or land.



**OFFICE, BUSINESS AND PROFESSIONAL:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, including medical or dental offices where patients are not lodged overnight.

**OFFICE BUILDING:** A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**OFFICE PARK:** A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

**OFFICIAL ZONING MAP:** A map adopted by the Mayor and City Council which separates the particular zoning districts contained in this chapter into spatial limits.

**OFFICIAL ZONING AND ROADWAY CLASSIFICATION MAP:** A map depicting all land use zoning districts and all public roadway classes in the City that has been officially approved by the Mayor and Council.

**OFF-STREET PARKING SPACE:** Has dual definitions:

(A) A temporary storage area for a motor vehicle that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

(B) A public or private, paved or surfaced, temporary storage space for a passenger or cargo motor vehicle, which:

1. Is directly accessible to a driveway or access aisle to a public or private roadway;
2. Is not located on a public or private street right-of-way, or paved or unpaved roadway; and
3. Measures not less than 18.0 feet in length and 9.0 feet in width.

**ON-STREET PARKING SPACE:** Has dual definitions:

(A) A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

(B) A paved, surfaced or unpaved temporary storage space for a passenger or cargo motor vehicle, which:

1. Is located on a public or private street right-of-way, or paved or unpaved roadway; and
2. Measures not less than 18.0 feet in length and 9.0 feet in width.

**OPEN SPACE:** Has multiple definitions:

(A) Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space;

(B) A scenic easement to any significant natural feature or historic object;

(C) Any public or private access to any private or public watercourse or water body; and

(D) Any land parcel, whether improved by landscaping or unimproved in its natural state, which is legally



dedicated, designated or reserved for public or private use or enjoyment, or for the common use and enjoyment of owners and occupants of a particular land development or neighborhood that includes the open space.

**OPEN SPACE, COMMON:** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

**OPEN SPACE, GREEN:** An open space area not occupied by any structures or impervious surfaces.

**OPEN SPACE, PUBLIC:** See Public Park and Open Space.

**OPEN SPACE RATIO:** Total area of open space divided by the total site area in which the open space is located.

**OUTBUILDING:** A separate accessory building or structure not physically connected to the principal building.

**OVERHANG:** Has dual definitions:

(A) The part of a roof or wall which extends beyond the façade of a lower wall;

(B) The portion of a vehicle extending beyond the wheel stops or curb.

**OWNER (ANIMAL):** any person having a right of property in any animal; who keeps or harbors any animal or has its care; who permits any animal to remain on or about the premises owned, possessed or occupied by him; who voluntarily abandons an animal; or who runs an animal away after possessing or owning it.

## P

**PAD:** A paved space in a mobile home park for the parking of a mobile home and usually containing utility connections.

**PARCEL:** A lot or tract of land.



**PARKING ACCESS:** The area of parking lot that allows motor vehicles ingress and egress from the street.

**PARKING AREA or LOT:** Any public or private land area designated and used for parking motor vehicles including parking lots, garages, private driveways and legally designed areas of public streets.

**PARKING BAY:** Has dual definitions:

(A) The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

(B) A module or group of motor vehicle parking spaces consisting of one or two rows of spaces and the aisle from which vehicles enter and leave the spaces.

**PAWN SHOP:** A business that loans money on the security of personal property where unredeemed items are put up for sale.

**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.

**PERSONAL CARE HOMES:** A facility intended to provide living quarters and limited services for individuals who require social, medical, and/or mental health services in a community-based residential setting. Homes must be operated under a program authorized or directed by the State of Georgia department regulating personal care homes.

(A) Personal care home, family. A group home serving six or fewer residents (including any live-in or overnight staff), and located in a building that closely resembles a single-family dwelling.

(B) Personal care home, group. A group home serving fewer than 15 residents (including any live-in or overnight staff), and located in a building that may resemble a multi-family dwelling structure.

**PETITION:** Has multiple meanings:

(A) A request for an amendment to any text, table, list of standards, or numerical standard requirement of this Code; or

(B) A request for an amendment to the Official Land Use Zoning and Roadway Classification Map of this Code; or

(C) A request for an amendment to the List of Uses Allowable or Prohibited in Land Use Zoning Districts of this Code; or

(D) A request for authorization to establish a special use referenced by this Code.

**PETITIONER:** Refer to QUALIFIED APPLICANT OR PETITIONER.



**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.

**PHRASE:** Describes any two or more words that form a “sense unit” in the text of this UDO.

**PLAINLY AUDIBLE:** Any sound that can be detected by a person using his or her unaided hearing faculties. Example: If the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

**PLANNING AND DEVELOPMENT DEPARTMENT:** The responsibilities of this department include the staff review and approval of all development and construction documents. The department is also responsible for inspections and the issuance of all permits related to development.

**PLANNED DEVELOPMENT:** An area of a minimum contiguous size, as specified by ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas.

**PLANNED SINGLE-FAMILY COMMUNITY:** A single-family subdivision within the R-1, R-2, and R-5 districts, developed according to plan as a single entity and containing one or more structures with appurtenant common areas.

**PLANNING AND ZONING BOARD:** A combined advisory and administrative agency of the City, appointed by the Mayor and Council, who’s responsibilities, membership, and authority are described in Chapter 6 of the UDO.

**PLOT:** Has dual definition:

(A) A single unit parcel of land.

(B) A parcel of land that can be identified and referenced to a recorded plat or map.

**PORCH:** A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

**PORNOGRAPHIC BOOK, MOVIE OR VIDEO STORE:** Includes any public or private establishment offering for sale or for rent, any illustrated or un-illustrated printed matter, device, appliance, film or electronic video reproduction which depicts erotic behavior and which is intended to cause sexual excitement.

**PORNOGRAPHIC MOVIE THEATER:** Includes any public or private establishment which sells viewing privileges to customers and which exhibits any periodic or continuous filmed or electronic video reproduction of erotic behavior intended to cause sexual excitement.

**PRIMARY USE:** Has dual definitions:

(A) Any use that may be established as a “matter of right”, if all the features of such use comply with all the requirements of this Code and all other applicable municipal, county, state and federal requirements;



(B) Any category of use shown in the List of Allowable or Prohibited Uses in this Code which is accompanied by the symbol [P].

**PRINCIPAL BUILDING:** See BUILDING, PRINCIPAL.

**PRINCIPAL USE:** Synonymous to “PRIMARY USE”.

**PRIVATE CLUB:** A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit and whose members meet certain prescribed qualifications for membership and pay dues.

**PROCESSING:** A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

**PROCESSING AND WAREHOUSING:** The storage of materials in a warehouse or terminal and where such materials may be combined, broken down or aggregated for transshipment or storage purposes where the original material is not chemically or physically changed.

**PROHIBITED USE:** Has multiple definitions:

- (A) A use that is not permitted in a zoning district.
- (B) Any use that is not allowed to be established in a particular land use zoning district.
- (C) Any category of use shown in the List of Allowable Uses as a blank square.

**PROJECT:** The entire proposed development project regardless of the size of the area of land to be disturbed.

**PROJECT DEVELOPMENT AREA:** The entire area of any land lot or parcel that is proposed to be, or which is, physically altered by the construction of any building or structure, or to which any land-disturbing activities are applied during the course of any development of that lot or parcel.

**PROJECTION:** Has multiple definitions:

- (A) A prediction of a future state based on an analysis of what has happened in the past.
- (B) Part of a building or structure which is exempt from the bulk requirements of the zoning district.
- (C) Any part of a primary building or structure which extends beyond the main walls or perimeter of that building or structure.



**PUBLIC COST BURDEN:** Any capital, operating, administrative, maintenance or other cost burden placed on any tax-supported government agency which is attributable to, or the results of, any public or private land development project.

**PUBLIC DRIVEWAY:** Any vehicular driveway or ramp that provides access from private land abutting a public right-of-way, which must be authorized by the State, County or City agency possessing proper jurisdiction over the right-of-way.

**PUBLIC HEARING:** A meeting, publicly advertised as required by law, which is conducted by any government body, official or agency for the express purpose of presenting some matter(s) of public concern or effect upon which official action(s) will be taken after hearing comments and criticisms from attending members of the general public.

**PUBLIC MEETING:** A meeting announced, advertised in advance, and open to the public, with the public given an opportunity to talk and participate.

**PUBLIC NOTICE:** Has dual definitions:

(A) The advertisement of a public hearing in a paper of general circulation in the area, and through other media sources, indicating the time, place and nature of the public hearing.

(B) A paid advertisement giving timely and lawful notice of a public meeting or hearing scheduled to be conducted by any government body, official or agency, which is placed in a newspaper of general circulation within the affected territory or jurisdiction and which must be supplemented by notification(s) given to other news media, and which may be supplemented by posted notices and signs, all of which must indicate the time, place and purpose of that public meeting or hearing.

**PUBLIC PARK OR OPEN SPACE:** An area designed principally to offer recreation, passive or active, to the public.

**PUBLIC ROADWAY CLASSES:** A system of classifying all public roadways within the territorial limits of the City by function, design or daily traffic volumes, as a basis for establishing building setback and other land use and land development requirements:

- Class 1 - Federal Interstate Highway
- Class 2 - Numbered Federal and State Highway
- Class 3 - Number State Regional Highway
- Class 4 - Numbered County Regional Road
- Class 5 - "Cross-Town" Connector Road
- Class 6 - Neighborhood Connecting Street
- Class 7 - Neighborhood Service Street

**PUBLIC USE:** All buildings, structures, facilities, or other uses of land, or services, that are owned, operated, administered or maintained by a government body, official or agency, to which the general public has right of access, or from which facilities or services the general public is benefited.



**PUBLIC WAY:** Any roadway, right-of-way, driveway, ramp or walkway which is dedicated to, or unrestricted to, use by the general public up to any point at which it terminates at any private property boundary.

## Q

**QUALIFIED APPLICANT OR PETITIONER:** Has dual definitions:

(A) Any person who is legally qualified to submit any required application or voluntary petition referenced in this Code.

(B) Any person listed as owner(s) of record, or as owner(s) on any land deed(s), or as principal lessor(s) on any lease(s), or who possess notarized letter(s) of authorization or agency from the owner(s) of record, principal lessor(s), trustee(s), or other authorized person(s) stating the applicant is authorized to submit the application.

**QUORUM:** Has dual definitions:

(A) A majority of the full authorized membership of the Planning and Zoning Board or the City Council.

(B) A simple majority of the membership of any lawfully constituted government body, unit or agency, necessary for the official conduct of business.

## R

**RABIES CERTIFICATE:** a certificate signed by a licensed veterinarian bearing a license number, ownership, name, address, breed, color and sex of dog or cat, which shall be issued for each dog or cat vaccinated. The date of last vaccination of such dog or cat shall be clearly stated on such certificate, and a copy of such certificate shall be sent by such veterinarian to the animal control center.

**REAL PROPERTY BOUNDARY:** A line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by a person from real property that is owned, rented or leased by another person, excluding intrabuilding real property division.

**RECREATION VEHICLE:** A vehicle which is:

(A) Built on a single chassis;

(B) Four hundred square feet or less when measured at the largest horizontal projection;

(C) Designed to be self-propelled or permanently towable by a light duty truck; and

(D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**RECREATIONAL VEHICLE PARK:** See CAMPGROUND.



**REHABILITATION:** The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

**RENT:** A periodic payment, made by a tenant, to his/her landlord for the use of land, buildings, structures, or other property, or portions thereof.

**RESIDENCE:** A home, abode or place where an individual is actually living at a specific point in time.

**RESIDENTIAL CLUSTER:** An area to be developed as a simple entity according to a plan and containing residential housing units which have common or public open space area as an appurtenance. See CLUSTER.

**RESIDENTIAL DENSITY:** The number of dwelling units per acre of residential land.

**RESTAURANT:** Any fixed place or facility at or in which food and/or drink is offered and/or prepared for retail sale or for service for consumption on the premises. Prepared food may be consumed off the premises for take-out restaurants.

**RESTORATION:** The replication or reconstruction of a building's original architectural feature.

**RETAIL AND PERSONAL SERVICES:** Includes sale of a general range of consumer durable goods, such as:

- Furniture and major appliances, and
- Clothing
- Household furnishings and wares
- Food and beverages
- Hardware, paint and tools
- Flowers and gifts
- Pharmacies
- Bookstores
- Other general merchandise of similar nature; and
- General personal services, such as:
  - Hair styling and barber shops
  - Photography and art studios
  - Watch repair
  - Optical services
  - Nail Salons
  - Therapeutic Massage
  - Other general personal services of similar nature

**RETROFIT:** Modification of an underground storage tank system to meet the requirements of this Code.

**REZONE:** To change the zoning classification of particular lots or parcels of land.

**REZONING:** A common term used to describe a change of land use zoning district classification affecting any specified land lot or parcel.



**RIGHT-OF-WAY (R.O.W.):** Has dual definitions:

(A) Any land acquired by purchase, lease, reservation, dedication, prescription, power of eminent domain or other means for the purpose of establishing a public or private roadway, driveway, ramp or walkway, railroad, electric transmission line, pipeline or similar use.

(B) In the public sense, the right of one person, or the community at large, to pass over the land of another.

**ROD:** A linear measure equal to 16.5 feet or 5.5 yards.

**ROOMING HOUSE:** See BOARDING HOUSE.

**RUNNING AT LARGE:** the conduct of any animal, other than a hunting dog while hunting, not confined by its owner or keeper within walls or a fence of proper design, controlled by a leash, or kept in some manner as to keep it from coming in contact with members of the public.

## S

**SANITARY LAND FILL:** A site for solid waste disposal.

**SCENIC EASEMENT:** Has multiple definitions:

(A) An easement granted by a landowner to another person which entitles its holder to limited or unlimited use or enjoyment of the land and/or improvements on the land;

(B) The right to access, and the right to maintain and to nurture trees or plants considered to be of botanical, scenic or historical significance;

(C) The right to access, and the right to maintain buildings or other land improvements considered to be of architectural, scenic or historical significance;

(D) The right to visual access and enjoyment of a natural object or vista;

(E) A self-imposed restriction by a landowner and/or land improvement owner to avoid or refrain from impairing, modifying or destroying the subject, object or purpose of an easement, in perpetuity or only during the entire term of the grant.

**SCHOOL, PUBLIC OR PRIVATE:** Any building or part thereof which is designed, constructed or used for educational or instructional purposes.

**SCREENING:** Has dual definitions:

(A) A method of visually shielding or obscuring one abutting or nearby structure or use from another by



fencing walls, berms or densely planted vegetation;

(B) The removal of relatively coarse floating and/or suspended solids by straining through racks or screens.

**SELF-SERVICE LAUNDRY:** An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

**SERVICE BUILDINGS:** A building, housing facilities such as: laundry, maintenance, office and recreational structures necessary to the successful development and management of a mobile or manufactured home park and a recreational vehicle park.

**SHALL:** Has dual definitions:

(A) Used in the imperative sense to express a command;

(B) Identifies a mandatory requirement to refrain from, or to perform, a certain act or function.

**SHIPPING CONTAINER:** A large box designed primarily for shipping or hauling materials, but which is also suitable for storage of materials. Examples of such containers include intermodal freight containers, site boxes, pods, truck trailers when used for storage, roll-off dumpsters and similar containers.

**SHOPPING CENTER:** A building or buildings containing two or more stores that are used primarily for retail sales but may include commercial trade or professional uses.

**SIGHT TRIANGLE:** A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SIGNS:** Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, or identifying an establishment, product or service, that is projected onto any surface and is affixed or attached to premises.

**SIGN, ADDRESS:** The “house number” (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This excludes post office box numbers.

**SIGN, AWNING OR CANOPY:** Any sign painted on or applied to the surface of an awning or canopy.

**SIGN, BANNER:** Any sign, except an awning sign, applied to or made of cloth, paper, fabric, flexible plastic or other fabric-like material that only uses such non-rigid material for backing or background.



**SIGN, BILLBOARD:** Any sign painted on or applied to the surface of an outdoor advertising poster panel.

**SIGN, BUILDING:** A sign that is permanently attached to the wall of a building.

**SIGN, CONSTRUCTION:** A sign that provides contact information for the contractor building on the premises where the sign is located.

**SIGN, DIRECTORY/DIRECTIONAL/INFORMATIONAL:** A sign identifying businesses, a building, group of buildings, commercial center, office park, or directing an individual to a location of ingress or egress to or from the property.

**SIGN DISPLAY AREA:** Any part of a sign that contains letters, numbers, pictures or symbols to communicate information.

**SIGN, FREESTANDING:** Any sign supported by a structure other than a building or wall. Includes monument, directional, and neighborhood identity signs.

**SIGN, HANGING OR PROJECTING:** Any sign that extends outward from a building or structure.

**SIGN, MANSARD:** Any sign or portion of a sign painted or mounted on a fence, wall or roof edge.

**SIGN, MARQUE:** Any sign or portion of a sign that has blank face(s) and tracks for changeable letters.

**SIGN, MOBILE:** Any permanent or temporary painted sign or marquee sign mounted on a trailer or on portable supports.

**SIGN, MONUMENT:** Any freestanding sign supported by a solid structure containing a sign face that is supported solely by its own ground-mounted base and that is not attached or affixed in any way to a building or other structure.

**SIGN, OUT OF SERVICE:** An establishment relating to the sign was terminated, relocated, or discontinued.

**SIGN PRIMARY:** The primary sign for an establishment.

**SIGN, REAL ESTATE:** A sign erected by the owner or his or her agent advertising the real property upon which the sign is located for sale.

**SIGN, TEMPORARY:** A sign that is not permanently installed or affixed and is intended to be used for a limited period of time.

**SIGN(AGE) SYSTEM:** A system of multiple signs for a project development area designed and intended to establish a unique project identity through the use of primary and supplemental directional or information signs that feature a standardized or uniform logotype, design, scale, material and color.

**SITE:** Any plot or parcel of land or combination of contiguous lots or parcels of land.



**SITE PLAN:** The development plan for one or more lots that provide conceptual building and site layout including access, buffers, landscaping, parking, utilities and stormwater areas to be reviewed by the Planning and Zoning Board for a recommendation and to City Council for approval.

**SITE PLAN REVIEW:** The review process for a site plan for one or more lots to be reviewed by the Planning and Zoning Board for a recommendation and to City Council for approval.

**SKETCH PLAN:** A conceptual site plan reviewed by City Council only to provide recommendations rather than an approval or denial.

**SKIRTING/UNDERPINNING:** Installation of acceptable material from the exterior base of the mobile home to the ground which may or may not provide support to the home. Acceptable materials include masonry, stone and may include metal or other materials compatible with the siding of a particular mobile home unit.

**SOIL SEDIMENT:** Any granular or particulate matter, whether mineral or organic and whether the product of soil erosion or avulsion, which is in a state of undissolved physical suspension or precipitate in water or ice, and which is being transported or has been transported from its site of origin by wind, water, ice, gravity or other means.

**SPECIAL USE:** Permitted uses that, due to their nature, require additional requirements in order to be allowed.

**SPOT ZONING:** Has dual definitions:

(A) Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

(B) A local legislative act or ordinance which changes the land use zoning district classification of a lot or parcel of land to another classification and which is clearly:

1. Contrary to the public interest and solely for the economic benefit of the landowner(s); or
  2. Incompatible with existing adjacent uses and the character of the neighborhood or vicinity; or
  3. Contrary to the desirable future use of the subject land which is depicted on any City land use plan;
- or
4. An arbitrary, capricious or prejudicial action.

**START OF CONSTRUCTION:** Includes substantial improvement and means the date any building permit was issued and the actual start date of all construction, repair, reconstruction or improvement activities conducted within 180 days of the permit issue date:



(A) The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, including:

- Pouring of concrete slabs or footings;
- Installation of piles or columns, or any work beyond the excavation stage for a conventional structure; and
- Placement of a manufactured home on a foundation.

(B) Permanent construction excludes:

- Land preparation;
- 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; and
- The placement of accessory buildings such as garages or sheds not occupied as dwelling units, or not part of the main structure.

(C) 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.

**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.

**STREET, ARTERIAL:** Higher, traffic, multi-lane roadways that connect to the highway system.

**STREET, COLLECTOR:** Major and minor roads that connect local roads and streets with arterials.

**STREET, LOCAL:** Roads that are the primary access to residences and businesses, with the lowest posted speed of the street types.

**STREET WIDTH:** Shall mean the shortest distance between the lines delineating the right-of-way of a street.

**STRUCTURE:** That which is built or constructed.



**STRUCTURAL ALTERATION:** Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

**STRUCTURAL PRACTICES:** Mechanical or physical soil and water conservation measures, other than vegetative practices, that are applied during the course of land-disturbing activities to change the textural surface of land or to store, regulate, or dispose of run-off, or to prevent excessive soil sediment loss, such as:

- Concrete or fabric mesh rip-rap
- Dikes
- Waterways or outlets
- Grade Stabilization structures
- Special land grading techniques
- Sediment basins
- Level spreaders
- Diversions
- Sediment traps
- And similar measures

**STUDIO:** A building or portion of a building used as a place of work by an artist, photographer or artisan or used for radio or television broadcasting.

**SUBDIVISION:** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development.

**SUBDIVISION, MAJOR:** The subdivision of a parcel into five or more smaller parts or individual and separate lots which is referenced on an application for a land development permit or which requires a new street, a major or complex water or sewer service extension, a major or complex stormwater drainage system, or which has other development features that distinguish it from a minor subdivision.

**SUBDIVISION, MINOR:** The subdivision of a parcel into four or fewer smaller parts or individual and separate lots which is not referenced on any application for a land development permit, or which does not require a new street or a major or complex water or sewer service extension, or a major or complex stormwater drainage system, and which has not previously been a part of, or which does not contain any former part of, any abutting minor subdivision which was created and officially approved within the preceding three years.

**SUBDIVISION PLAT:** Any certified land survey of a subdivision which is depicted on a plat or map that is



proposed to be, or that has been, officially approved by the Director of Planning and Development and the Mayor, and that is proposed to be, or that has been, properly recorded in the public land records of the County.

**SUBDIVISION PLAT, FINAL:** The final version of a previously approved Preliminary Subdivision Plat for a specific parcel which depicts:

- (A) The location of all significant existing natural features such as watercourses, forests and topography;
- (B) A Certified Land Survey of all existing and revised subdivision boundaries and lot lines, surveyed bearings and dimensions and existing and revised topography;
- (C) The actual location and dimensions of all features constructed, developed, modified or added within the land area described on the Plat, including but not limited to all bridges, roadways and streets, easements, rights-of-way and other land reservations, building lots, buildings and other structures, watercourses, drainage ways and retention or detention ponds, recreation areas and all other similar significant features.

**SUBDIVISION PLAT, PRELIMINARY:** A preliminary plan for a specific land parcel which depicts:

- (A) The location of all significant existing natural features such as watercourses, forests and topography;
- (B) A certified land survey of all existing subdivision boundaries and lot lines, surveyed bearings and dimensions, bridges, roadways and streets, easements, rights-of-way and other land reservations, building lots, buildings and other structures, recreation areas and other significant features;
- (C) All proposed subdivision boundaries and lot lines, and the location and dimensions of all features proposed to be constructed, developed, modified or added within the land area described on the plat.

**SUBDIVISION “REFERENCE MAP”:** Any plat or map of a parcel that depicts a “ Subdivision”, but which does not comply with the subdivision plat requirements of this Code.

**SUBSTANDARD:** Any land use, land lot dimension, building, structure, sign or other object that does not fully comply with the requirements of this Code or the requirements of any other City-adopted Health, Building, Housing, Fire, Electrical, Mechanical or Plumbing Codes, or other applicable County, State or Federal laws regulating similar subject matter.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, rehabilitation, addition, or other improvement of 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 prior to 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.



For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) 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.

**SURROGATE HEARING OFFICER:** An Attorney-at-Law possessing qualifications equivalent to the City Attorney who, with the express consent of the City Manager, may be nominated by the City Attorney to act as a temporary Hearing Officer to hear and decide each appeal before the City Planning and Zoning Board, and who shall only be temporarily delegated all powers, duties and responsibilities of the incumbent Hearing Officer.

**SURVEYOR:** A person who determines or delineates the form, extent, position, distance or shape of a tract of land by taking linear and angular measurements and by applying the principals of geometry and trigonometry who is licensed as a registered land surveyor by the State of Georgia.

## T

**TATTOO SHOP AND/OR BODY PIERCING:** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This use shall not include the application of permanent cosmetics.

**TECHNICAL REVIEW TEAM:** The following persons may be involved in the technical evaluation of all proposed land development plans, land subdivision plats and master plans, petitions for amendment of the UDO (text and/or map), proposals for land annexation, or any other matter of City concern:

- Director of Planning and Development
- City Engineer
- Director of Public Works
- Fire Chief
- Building Inspector
- Other technical experts, elected officials or private citizens as determined by the City Manager or designee



**TEMPORARY USE(S):** Has dual definitions:

(A) A use established for a period of time set by the Planning and Zoning Board with the intent to discontinue such use upon the expiration of the time period.

(B) Temporary customary uses or buildings established as operations, sales or service centers for construction projects or real estate developments.

**TERMINAL:** Has dual definitions:

(A) A place where transfer between modes of transportation takes place;

(B) A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

**THEATER:** A building or part of a building devoted to showing motion pictures or dramatic or musical or live performances.

**THEATER, DRIVE-IN:** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seating in automobiles.

**TITLE PAWN SHOP:** A business that loans money on the security of a personal vehicle title.

**TOWNHOUSE:** A residential development unit located in a row of three or more such units in which each has its own front and rear access to the outside, no unit is located over another unit (as in an “apartment” unit), and each unit is separated from all the other units by one or more common fire resistant walls.

**TRACT:** An area, parcel, site, piece of land or property which is the subject of a development application.

**TRACT HOUSE:** A dwelling in a residential development containing houses similar in size and appearance.

**TRAILER:** A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

**TRAILER COURT:** See MOBILE HOME PARK.

**TRAVEL TRAILER:** A recreation vehicle that is towed by a car or a truck. See RECREATION VEHICLE.

**TREE ORDINANCE:** The officially adopted ordinance that regulates the protection, removal and replacement of trees within the City of Rincon.

**TREE SURVEY:** A plot plan indicating location, size and common name of those trees required by the officially adopted Tree Ordinance for the City of Rincon.



**TRACTOR TRAILER:** A heavy commercial vehicle that carries materials, goods, or objects typically in a container.

**TRUCK AND TRACTOR TRAILER REPAIR:** An establishment engaged primarily in the fueling, servicing, or repair of tractor trucks or similar heavy commercial vehicles.

**TWO-UNIT ATTACHED HOUSING (duplex):** A structure containing two dwelling units, each of which has direct access to the outside.

## U

**UNDISTURBED GROUND SURFACE:** The ground surface of a referenced land parcel in its original, natural, undisturbed state.

**UNIFIED DEVELOPMENT ORDINANCE:** The officially adopted ordinance that regulates the manner, type, size and use to which a piece of property may be put.

**UNRESTRAINED ANIMAL:** any animal which is not secured by a leash or lead at least six feet in length, and not longer than 20 feet in length, or inside a fenced area within the real property limits of its owner.

## V

**VACCINATE/INOCULATE:** means to inject into the body of a dog or cat an approved antirabies vaccine prescribed by the state, such vaccine having a U.S. government license number approval stamped on the label of the vaccine container and which vaccine has been approved by the health department. Vaccine used for vaccination of dogs or cats against rabies shall be refrigerated and kept under proper conditions showing no signs of spoilage or otherwise being unfit for producing immunity against rabies.

**VARIANCE:** Has multiple definitions:

(A) General variance: relief from the strict application of the dimensional requirements of the UDO, including setbacks, height, lot width, parking, and acreage, and landscape requirements, reviewed by the Planning & Zoning Board and approved by the City Council.

(B) Single Family or Two-Family Variance: relief from the dimensional requirements of the UDO, including setbacks, height, lot width, parking, and acreage, and landscape requirements approved by the Planning and Zoning Board.



(C) Administrative Variance: relief from the strict enforcement of the UDO to address an unnecessary hardship upon a lot or parcel of land of no more than 10% of the required standard approved administratively.

**VEGETATIVE PRACTICES:** Measures proposed or installed to stabilize erosive or sediment producing soils by covering the soil, including:

- (A) Permanent seeding, sprigging, or planting that produces long-term vegetative cover;
- (B) Short-term seeding to produce temporary vegetative cover;
- (C) Sodding to cover areas with a turf of perennial sod-forming grass.

**VEHICLE SALES:** Any business establishment that sells or leases new or used automobiles, trucks, vans, motorcycles or other similar motorized transportation vehicles.

**VESTED USE:** The continuance of a nonconforming use in a zoning district in which such use is not permitted under the provisions of the UDO, such use having been established prior to the adoption of the UDO. See NONCONFORMING USE.

**VETERINARIAN:** A licensed professional person skilled in the science and art of prevention, cure or alleviation of disease and injury in animals, especially domestic animals.

**VETERINARY CLINIC OR HOSPITAL:** A licensed commercial establishment where animals are provided medical or surgical treatment by a licensed veterinarian, and where the boarding or keeping of animals is typically limited to recuperative care related to the medical or surgical treatment services; not a “kennel”.

**VICIOUS ANIMAL:** Any animal that constitutes a physical threat to human beings or other animals.

**VIOLATION, FLOOD DAMAGE PROTECTION:** 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 article is presumed to be in violation until such time as that documentation is provided.

**VISION OBSTRUCTION TRIANGLE:** Has dual definitions:

- (A) A triangular area located at intersecting roadway right-of-way lines within which the following encroachments



are prohibited to obstruct the sight distance of motorists entering the intersection:

1. Private use building and structures;
2. Private use signs, poles, trees, plants or other objects higher than 3.5 linear feet;
3. Public or private utility service poles and towers, traffic light standards, signposts or other objects exceeding 15.0 inches in diameter, whether located on the public right-of-way or on abutting private property.

(B) A triangular area defined by establishing two points on intersecting right-of-way lines, each point located 25.0 linear feet outward from the intersect, and further defined by extending the longest side (hypotenuse) of the created triangle to corresponding points intersecting with the nearest edge of the paving of both intersecting roadways.

## W

**WAREHOUSING:** Terminal facilities for handling freight with or without maintenance facilities.

**WATER AND SEWER SYSTEMS:** The entire municipal water supply, treatment and distribution, and sanitary sewage collection, treatment and disposal system.

**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:

(A) Swamp or marshes, especially as areas preserved for wildlife and natural watershed/drainage.

(B) Tidal marshes, swamps or permanently flooded natural estuarine lowlands, whether publicly or privately owned and whether or not ownership is claimed by the State or Federal government.

**WHOLESALE TRADE:** Has dual definitions:

(A) Establishments or places of business primarily engaged in selling merchandise to retailers, industrial, commercial, institutional or professional business users or to other wholesalers or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

(B) Any land, building or structure primarily devoted to storage of merchandise for resale to retailers or industrial, commercial, institutional, or professional business users, or to other wholesalers; or persons who act as purchasing or selling agents or brokers for other individuals or companies.



**WIND-POWERED ADVERTISING DEVICES:** Banners, pennants, spinners, streamers, balloons or similar devices.

**WORKING DAY:** Any regular business day or any period occurring between 7:00 a.m. and 6:00 p.m., Monday through Friday.

## Y

**YARD DEPTH:** The shortest distance between a lot line and a yard line.

**YARD LINE:** A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.



RINCON, GA



UNIFIED DEVELOPMENT  
ORDINANCE

**03**

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# DEVELOPMENT REGULATIONS



# DEVELOPMENT REGULATIONS

## **Sec. 90-27. - Establishment and purpose of zoning districts.**

(A) Classification of districts: In order to classify, regulate and restrict the uses of land, buildings, structures and other open spaces about buildings, the City of Rincon is divided into districts as follows:

1. Agricultural—AR-1. Agricultural Residential (five acres or more). A district where general agricultural uses of a commercial nature may be conducted on five acres or more, but which prohibits uses that are incompatible to uses in adjacent districts or uses which may create public nuisances.
2. Agricultural—AR-2. Agricultural Residential (less than five acres). A district where limited agricultural uses of a commercial nature may be conducted, but where the list of allowable uses is more restrictive than the list for AR-1.
3. Residential—R-2. Purpose of district. A district that permits limited single-family and duplex residential uses with a density of four units per acre. Duplex units shall be counted as .5 units per acre for density purposes and shall be required to meet specific design requirements as described in Sec. 90-31(C).
4. Residential Multi-Family—R-3. Purpose of district. A district that permits duplexes, townhouses, and apartments. Duplex units shall be counted as .5 units per acre for density purposes and shall be required to meet specific design requirements as described in Sec. 90-31(C).
5. Residential—R-4. Purpose of district. A district where campgrounds, mobile homes and recreational vehicle parks are permitted.
6. Residential—R-5. Purpose of district. A district that permits limited single-family and duplex residential uses with a density of five units per acre. Duplex units shall be counted as .5 units per acre for density purposes and shall be required to meet specific design requirements as described in Sec. 90-31 (C).
7. Commercial—OC. Purpose of district. A district where business and professional offices, institutional uses and certain commercial activities may be established as described on the use table, but no commercial outdoor storage businesses are allowed.
8. Commercial—B-1. Purpose of district. A district where limited commercial activities may be conducted, primarily to provide goods and services to adjacent neighborhoods, but no commercial outdoor storage businesses are allowed.
9. Commercial—B-2. Purpose of district, A district where general commercial activities may be conducted, primarily to provide goods and services to the entire community.
10. Industrial—L-1. Purpose of district. A district where limited industrial uses, light manufacturing, and industrial parks are permitted.
11. Industrial—H-1. Purpose of district. A district where general industrial activities and manufacturing are permitted under strict environmental and community protection controls.

# 3

12. Planned Unit Development— (PUD). Purpose of district. The purpose of the PUD district is to encourage flexibility in land planning that will result in improved design, character and quality of new mixed-use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

13. Traditional Residential Business Overlay—TRB. Purpose of district. The TRB overlay is established for a mix of residential uses and compatible small-scale business, commercial, and institutional uses. The purpose of the TRB overlay is to promote and protect the neighborhood character while providing nearby residential areas with convenient shopping and service facilities.

14. Highway 21 Corridor Overlay— H21. Purpose of district. The purpose of the Corridor Overlay District is to establish minimum design standards for public improvements and property development along Highway 21 to maintain the current character of the community and its small-town agricultural heritage.

15. Fort Howard Corridor Overlay—FHO. Purpose of district. This district has been established to regulate development along corridors in close proximity to the gateways of the City. Of particular concern along these corridors are continued visibility, protection of existing natural resources, residential areas, and landscaping.

## Agricultural Districts

(B) Table 90-271. Describes the development standards required per zoning district.

	Max. dwelling units per acre	Min. front setback	Min. side setback	Min. rear setback	Min. width of property	Min. depth of property	Max building height
AR-1 and AR-2	1	50 ft	15 ft	15 ft	200 ft	200 ft	35 ft

## Residential Districts

	Min. land area per lot	Max dwelling unit per gross acre	Min. front setback	Min. side setback	Min. rear setback	Min. width of lot	Min. depth of lot	Min open space	Max building height
R-2	12,000 SF	4	35 ft	15 ft	25 ft	100 ft	120 ft	55%	35 ft
R-3	2,000 SF (townhomes)	8	35 ft	15 ft	25 ft			35%	50 ft
	5,600 SF (apartment)	15	35 ft	15 ft	25 ft			35%	50 ft
R-4	8,000 SF	4	35 ft	15 ft	25 ft	80 ft	100 ft	55%	35 ft
R-5	8,500 SF	5	25 ft	10 ft	20 ft	85 ft	100 ft	55%	35 ft

# 3

## Commercial and Industrial Districts

	Min. Land Area	Min. front setback	Min. side setback	Min rear setback	Min. open/ green space	Max building height
OC	10,890 SF	35 ft	15 ft	15 ft	20%	50 ft
B-1	21,780 SF	35 ft	15 ft	15 ft	20%	50 ft
B-2	21, 780 SF	35 ft	10 ft	15 ft	20%	50 ft
L-1	5 acres	35 ft	15 ft	15 ft	20%	50 ft
H-1	15 acres	35 ft	15 ft	15 ft	20%	50 ft

## Traditional Residential Business Overlay District

	Min. land area per lot	Max dwelling unit per gross acre	Min. front setback	Min. side setback	Min. rear setback	Min. width of lot	Min. depth of lot	Min open space	Max building height
TRB Overlay	12,000 SF	4	35 ft	15 ft	25 ft	100 ft	120 ft	55%	35 ft

## Highway 21 Corridor Overlay District

	Front and street side setback (refer to Figures Sec. 90-36.5 and Sec. 90-36.6)	Side setback	Rear setback	Frontage buildout	Lot width	Max. Impervious surface area (%)	Min. building height	Max building height	Height for mechanical / architectural above the max height	Ground floor ceiling height
Highway 21 Corridor Overlay	10 ft min. to 20 ft max.	0 ft min.	5 ft min.	70% min.	20 ft min.	80%	22 ft	3 stories or 40 ft	10 ft	12 ft min

## Fort Howard Overlay District

	Min. land area per lot	Max dwelling unit per gross acre	Min. front setback	Min. side setback	Min. rear setback	Min. width of lot	Min. depth of lot	Min open space	Max building height
Fort Howard Overlay	21,780 SF	8	20 ft	5 ft	10 ft	20 ft	20%	3 stories or 35 ft	35 ft

# 3

**Sec. 90-28. - Districts shown on maps.**

The boundaries of the various districts are shown on a Zoning Map of Rincon, which is located in the office of the city hall. The Zoning Map of the incorporated area is hereby made a part of this chapter; and all notations, references, and other information shown thereon shall be as much a part of this chapter as if all the matter and information set forth by said maps were fully described herein.

**Sec. 90-29. - Interpretation of zoning district boundaries.**

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the Zoning Map of the City of Rincon, the following rules shall apply:

- (A) Unless otherwise specifically indicated, where district boundaries are indicated on the Zoning Map as approximately following the center line of a street, highway, railroad right-of-way line, stream bed or river bed or such center lines extended, then such center lines shall be construed to be such district boundaries.
- (B) Where district boundaries are indicated on the Zoning Map as approximately following the corporate limits line of the city, then such corporate limits line shall be construed to be such district boundaries.
- (C) Where district boundaries are indicated on the Zoning Map as being set back from a street, road, highway, railroad, stream or river and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be construed as being at the scaled distance from the center line of such street, road, highway, railroad, stream or river and as being parallel thereto.
- (D) Where a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot; provided, however, that such extension shall not include any part of such lot which lies more than 50 feet beyond the district boundary; and provided further, that this provision shall not apply to a through lot. In the case of a through lot, the restriction of the district applying to adjoining lots which front on the same street as the lot frontage in question shall apply.

**Sec. 90-30. Equivalent Zoning Districts**

The zoning districts below shall be renamed as follows:

**Table 90-30.1**

Previous District	GA	LA	RR2.5	R-4	R-6	R-8	R-11	M-6	MXU	LC	GC	LN	GN
Current District	AR-1	AR-2	R-2	R-2	R-2	R-3	R-3	R-4	PUD	B-1	B-2	L-1	H-1

**Sec. 90-31. – Design Standards.**

(A) *Conventional Single-Family structure and design standards:*

- (1) Plastic panels are prohibited as roofing materials with the exception of being used as materials for skylights or patio covers.

# 3

(2) The exterior walls shall be comprised of the following materials: clapboards, simulated clapboards such as conventional vinyl or metal siding over a minimum covering of one-half inch exterior wood sheathing, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed, corrugated metal panels.

(3) A minimum of ten feet wide driveway access from a public or private road is required for all lots.

(4) All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction which complies with the City Building Code.

(5) All dwelling units and habitable spaces must meet the requirements of all Federal, State and local Codes.

(6) If handicapped ramps are added they must meet the requirements of ADA, Federal, State and local Codes.

(7) All dwelling units and habitable spaces must meet the requirements of all State of Georgia Building and Construction Codes.

## ***(B) Manufactured home safety standards.***

For the purposes of public safety, all manufactured homes or other such forms of mobile, modular, or manufactured housing are subject to the following requirements:

(1) Manufactured home stand requirements. Prior to the issuance of a manufactured home relocation permit the owner of the parcel or lot for which the manufactured home is to be placed must have an approved mobile home stand.

(2) Manufactured home tie down requirements. All manufactured homes shall be tied down in accordance to the manufacturer's installation requirements and all Federal, State and local Codes.

(3) Manufactured home siding, stairs, and foundation requirements:

(i) All manufactured homes shall have siding materials consisting of wood, masonry, vinyl, concrete, stucco, masonite, or metal lap. The exterior siding material shall extend to ground level except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

(ii) Skirting and/or siding must be in place within 30 days from the date the permit is issued.

(iii) Stairs and landings are required at all exits and shall comply with all Federal, State and local Codes.

(iv) A proposal for refuse collection, storage and disposal shall be submitted, and approved by the city, during the final manufactured home site plans approval stage.

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(4) Foundation requirements on all manufactured homes are as follows:

- (i) Supports or piers shall not be more than two feet from the exterior end wall
- (ii) All grass and organic material shall be removed and the foundation must be placed on stable soil (dirt pad).
- (iii) In no case shall wheels, any undercarriage or transporter unit be left on any structure.

(5) Manufactured home additions and auxiliary structures. Any significant feature added to a manufactured home that was not part of the manufacturers' original design is considered to be either an addition or an auxiliary structure.

- (i) All auxiliary structures (such as porches, decks, awnings, cabanas, stairs, etc. unless provided and approved by the manufacturer) shall be entirely self-supporting, unless designed and approved by a professional engineer or registered architect. All such structures shall be constructed in accordance with the Federal, State and local Building Codes.

(6) Use of a manufactured home as a single-family dwelling.

- (i) Permitted locations. Manufactured homes qualifying as a single-family dwelling shall be allowed in all residential districts and shall be regulated uniformly with other housing constructed on site, subject to requirements and limitations set forth in this article. Approval shall be in accordance with section 50-36 11.
- (ii) Compatibility standards. Compatibility standards for manufactured homes meeting the definition of single-family dwellings are as follows:

Manufactured homes shall be compared to site-built and other housing in the immediate general area within the same zoning or residential district areas. Approval shall be granted upon the finding that the manufactured home is substantially similar or superior in size, siding material, roof material, foundation and general aesthetic appearance to:

- a) Site-built or other forms of housing which may be permitted in the same general area under this article;
- b) Existing development; or
- c) Proposed development in the same zoning district or area.

(iii) All towing devices, wheels, axles and hitches must be removed.

(iv) At each exterior door there must be a landing that is a minimum of 36 inches by 48 inches.

### *(C) Duplexes in single-family districts.*

Where permitted in single-family zoning districts, districts shall provide the following standards:

- (1) The duplex shall be attached and appear as a single dwelling unit.

# 3

(2) The exterior of the duplex shall appear as a single dwelling unit and shall comply with the design standards prescribed in Sec. 90-31-A.1 and 90-31-A.2.

(3) Vehicular access and garages shall be to the side or rear of the building.

(4) Where feasible, each duplex entrance shall be located on separate exterior walls.

## *(D) Townhouses.*

(1) Townhouse units shall have an individual entrance, with entrance vestibules, canopies or porches to give identity to each unit and provide weather protection.

(2) Townhouses shall appear as a unified building mass, maintaining a common architectural language across the entire length of units. This mass shall be varied by changes in unit orientation, color/material variations, shifts in roof profile, and variation at corner units. Windows, bays, balconies, and other articulation may also be used to express the individuality of each unit.

(3) Each building shall incorporate treatments that “complete” the end and corner units, including:

- (i) an extended base or ground floor units, or
- (ii) a protrusion, porch or bay that wraps the corner, or
- (iii) an embedded corner tower.

(4) Windows.

- (i) Use multiple-pane windows.
- (ii) Provide windows that are designed to create shadows (either recessed or protruding).
- (iii) Use visually significant window elements (i.e. frame dimensions, lintels, casings, sills, and trim).
- (iv) Locate windows so that the occupants from one residence cannot look directly into an adjacent residence.

(5) Roofline.

- (i) Vary the roofline along the building length to reflect individual units.
- (ii) Pitched and continuous sloping roof forms are encouraged.
- (iii) Flat roofs shall be discouraged. Where flat roofs are used, they should be detailed with parapets or roof overhangs, and detailed with brackets, corbels, or other decorative supports.

# 3

## *(E) Traditional Residential Business Overlay.*

Additional standards to ensure a consistent appearance with the surrounding area are described below.

### (1) Roofs.

(i) Gable or hip roof forms are required.

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

(iii) Roofs shall be made of standing-seam metal or asphalt shingles.

(2) Exterior siding material shall consist of wood, brick, brick veneer, clapboards, simulated clapboards such as conventional vinyl, masonite or other materials of like appearance.

### (3) Windows.

(i) Front facades shall have windows that encompass a minimum of 15 percent of the front façade surface area.

(ii) All windows shall be vertically shaped with a height greater than width.

(iii) With the exception of bathroom windows or sidelights adjacent to doors, required windows shall not be painted, mirrored or visibly tinted glass or glass like products.

(iv) Each occupiable room must have natural daylight and ventilation directly into the room from an adjacent exterior wall or roof, with the exception of utility rooms, storage spaces, interior bathrooms and similar areas.

(4) All mechanical equipment shall, whether roof, wall, or ground mounted, be located on the side or rear façade and screened from view from any public right-of-way.

(5) Buildings shall utilize at least two (2) of the following design features from the list below to provide visual relief along the front of the dwelling unit.

(i) Covered front porches

(ii) Pillars or posts

(iii) Louvered shutters

(iv) Side loaded garage or carport

(v) Brick chimney

# 3

(vi) Central entrance

(vii) Gables

(6) New construction should maintain a similar design aesthetic to the properties demonstrated in Figure Sec. 90-31.1, Figure Sec. 90-31.2, Figure Sec. 90-31.3.

(7) The primary structure colors shall be reviewed for compliance with the color palette on file in the Planning and Development Department.

**Figure Sec. 90-31.1**



**Figure Sec. 90-31.2**



**Figure Sec. 90-31.3**



# 3

## *(F) Highway 21 Corridor Overlay.*

Developments shall divide large building masses into heights and sizes that relate to the human scale by incorporating actual or perceived changes in the building mass. Each new building with elevations over 50 lineal feet corner to corner shall be broken into smaller Major Articulations intended to convey the impression of separate buildings. Requirements for both Major and Minor Articulations will apply to the front elevation and both side elevations.

### (1) Major Articulations – Breaking up of larger elevations into smaller masses.

- (i) Facades (over 100 feet) should be broken vertically with a maximum spacing between breaks in material or massing occurring no less than every 50 feet horizontally or at each change in occupant. (See Figure 90-31.4)
- (ii) Each unit with a single building containing multiple units (strip mall) should treat every business's façade (more than 50 feet from the adjacent business measured entry to entry) with a change in material, color, and/or massing. (See Figure 90-31.4)
- (iii) Use color changes, material changes, slight projections in materials, offsetting of the building envelope, or changes in parapet height to achieve the required variation. (See Figure 90-31.6)
- (iv) In general, any change in material or color should also include a change in the profile of the material or outlined with trim.
- (v) Changes in material and color should not abut one another within the same vertical plane.
- (vi) Changes in a perceived massing can be achieved through slight projections of veneers (three to four inches) or changes in parapet heights and are not required to include actual offsets in the footprint.

### (2) Minor Articulations – Way in which each mass is given a variety of detail.

- (i) Building exteriors shall all have consistent architectural features, building materials, and rooflines.
- (ii) Development applications must include elevations for all four sides of the building.
- (iii) Metal wall panels used as veneer on pre-engineered metal buildings should be limited to no more than 40% of any given façade on the front and side elevations.
- (iv) The same material and color mix for the front elevation should be carried around both sides. (See Figure Sec. 90-31.5)
- (v) Buildings at the corner of two public streets shall create focal points to anchor the corner. These focal points may include a chamfered corner, display windows, corner entrances, fountains, or an outdoor gathering area with landscaping and furniture. Varying the height, adding canopies, providing

# 3

additional glazing, projecting materials, providing changes in materials, etc. are additional ways to create a focal point and anchor the corner. (See Figure Sec. 90-31.5)

(vi) The design of the primary entrance and individual tenant space entries must express greater architectural detail by using awnings, recessed/projected entries, changes in material, variations of the material patterning, or other similar techniques to create a focal point at the entry. (See Figure Sec. 90-31.6)

(vii) Building colors shall be earth tones, grays, pale (less than 50% color value) primary and secondary colors, white cream tones, and/or other similar colors and shall be reviewed for compliance with the color palette on file in the Planning and Development Department.

(viii) Primary façade colors shall be low reflectance, subtle, neutral or earth tone colors. Dramatic accents and/or primary colors may only be used for small areas such as trim, logos, or to distinguish an architectural feature.

(ix) The combination of dramatic accent colors or primary colors cannot compose more than 10% of any building façade while the primary façade colors shall be low reflectance, subtle, neutral or earth tone colors.

(x) Material selections and/or colors should be layered horizontally and detailed to present the appearance of a base, body, and crown. Simple metal coping topping a parapet is not a design element and cannot be considered as a crown. (See Figure Sec. 90-31.6)

(xi) Prototypical buildings designed for repetition to project a company or chain image do not generally comply with the district regulations. The designs may be acceptable if they conform to the standards or adapt their features to accomplish the standards' intent.

(xii) The following exterior materials and features are prohibited:

- a) Plywood, cinderblock, unfinished poured concrete, unfaced concrete block, and plastic and/or metal not closely resembling a natural material
- b) Ribbed, standard metal panels
- c) Mansard roofs, low slope roofs without a parapet, and unarticulated roofs exceeding 50 feet in length without a change in parapet height
- d) Incongruous architectural details or contrasting color combinations
- e) Unscreened chain link or woven metal fences
- f) Use of highly reflective glass or other reflective materials as the main building feature

(xiii) Some consideration may be given to the following:

- a) Architectural poured in place concrete or concrete veneer panels
- b) Mansard roofs used only to focus attention on primary entries or corners

**Figure Sec. 90-31.4**



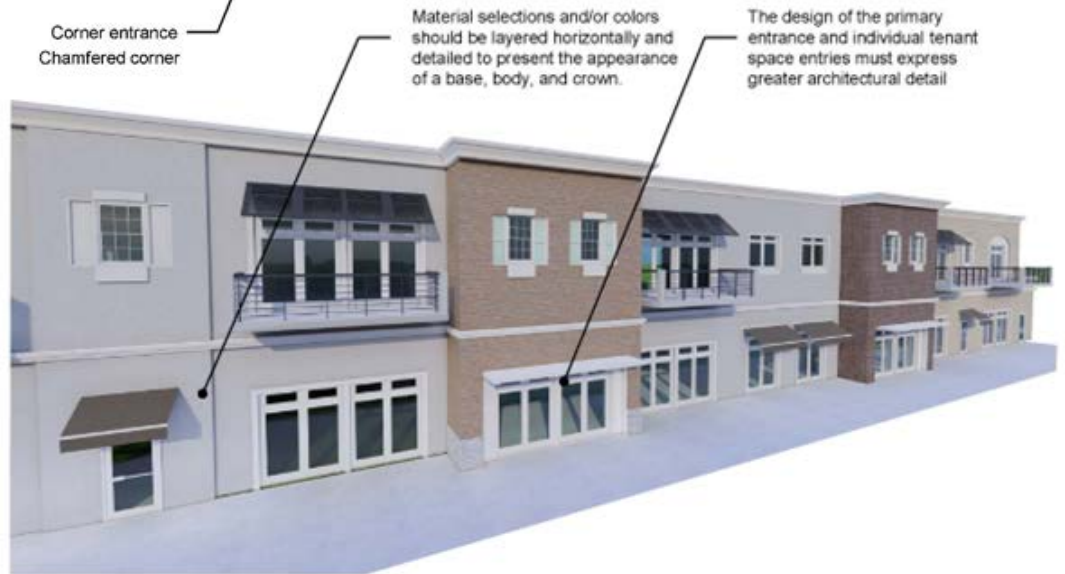
**Figure Sec. 90-31.5**



Corner fountain

Corner entrance  
Chamfered corner

**Figure Sec. 90-31.6**



(3) Lighting. Any proposed site lighting shall be solar powered.

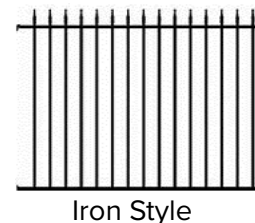
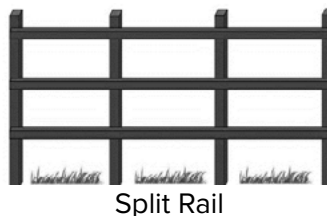
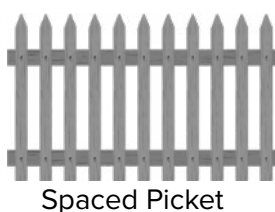
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## **Sec. 90-32. - Perimeter fence and wall standards and requirements.**

Perimeter fences and walls are allowable on land lots in all Zoning Districts; however, a fence permit is required. Front-yard fences shall consist of more than 75% open voids (see Figure 90-32.1), as viewed on a horizontal plane, and shall not be constructed more than 4 linear feet in height.

- (A) Rear and side yard fencing shall not be constructed more than 7 linear feet in height unless extraordinary property protection or security requirements or special “attractive nuisance” enclosure requirements are evident or can be proven.
- (B) Barbed wire fences are prohibited on any residential property.
- (C) Fences shall be constructed with the finished side facing adjacent properties or street rights-of-way.
- (D) The height of a fence or wall shall be measured from the finished grade at the base of the fence or wall to the top of the fence or wall but shall not include posts or columns.
- (E) Only the following materials shall be permitted:
  - (1) Wrought iron and extruded aluminum;
  - (2) Split-face concrete masonry units (CMU);
  - (3) Brick;
  - (4) Stone with mortar or dry stack stones;
  - (5) EIFS or stucco;
  - (6) Composite materials;
  - (7) Vinyl; and
  - (8) Decay-resistant wood. Wooden fence surfaces other than cypress or cedar should be painted or stained in order to protect the wood from decay.
  - (9) Other materials as approved by the Building Inspector.
- (F) No wall or fence may be constructed of exposed concrete block, tires, roofing tin, wooden pallets, junk or other discarded materials.
- (G) Retaining walls, flood control structures or similar devices or structures are exempted from the limitations of this section.
- (H) All fences shall be regularly maintained and kept in good condition by the respective property owners.

**Figure 90-32.1 Examples of more than 75% open voids**





### **Sec 90.33.- Uses**

#### ***(A) Permitted Uses***

The uses listed in table 90.33.1 may be permitted upon application to the Planning and Development Department. New development must be reviewed by the Planning and Zoning Board, which shall submit a recommendation to City Council. A site development plan is required to accompany the application.

#### ***(B) Conditional Uses.***

The conditional uses listed may be permitted and will be subject to conditions as outlined by the City Council, and subject to the requirements of Sec. 90-96 A site development plan is required to accompany the application.

(1) Restrictions on conditional uses. No conditional use may be:

(i) Extended to occupy a greater area of the land unless authorized to do so by the governing body.

(ii) Extended to occupy a greater area of building or structure unless such additional area of building or structure already exists as part of the building or structure, and is clearly designed to house the same kind of use as the conditional use occupying the building unless authorized to do so by the City Council.

#### ***(C) Special Uses.***

Special uses are permitted uses that have additional standards as provided for in Sec. 90-46.

#### ***(D) Uses not listed in the use table***

When a requested use is not already listed in the use table as permitted, special use, or conditional, the Director of Planning and Development shall determine if the requested use is most similar to a listed use. This determination shall be made based on the type, intensity, environmental and social impacts of the proposed use. The requested use shall then be subject to the same standards as the most similar use.

#### ***(E) Prohibited Uses***

(1) A use shall be prohibited unless:

(i) The use is specifically listed in the use table as a permitted, special use, or conditional use.

(ii) The Director of Planning and Development has determined that a requested use is most similar to a listed use, as described in table 90.33.1.

(2) Under no circumstances shall the following be permitted in any residential zoning district:

(i) In open areas, the parking or storing of an unoccupied house shall not be permitted. Houses shall be connected to utilities.

(ii) Commercial vehicles with more than two-axles shall not be parked or stored on any residentially zoned property at any time with the following exceptions:

# 3

- a) trailers used for supply and equipment storage at a properly permitted construction site; or
- b) the property does not abut or cross a creek, stream, wetland or other waterbody; and
- c) the property is a minimum of two acres in size; and
- d) no more than two of these vehicles shall be stored on the site; and
- e) these vehicles shall not be visible from the road; and
- f) no maintenance of these vehicles shall occur on the property; and
- g) a parking permit shall be required and must be approved by the City Manager and the Director of Planning and Development.

(iii) To park or store power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvable materials in quantity on lots less than five acres in size.

(iv) Recreational vehicles on private property for dwelling purposes. Recreational vehicles shall only be permitted if parked in the side or rear of the primary structure and shall not protrude past the front of the primary structure and shall not be hooked up to sewer.

(3) Under no circumstances shall the following be permitted in any zoning district:

(i) Recreational vehicles on private property for dwelling purposes. Recreational vehicles shall only be permitted if parked in the side or rear of the primary structure and shall not protrude past the front of the primary structure and shall not be hooked up to sewer.

(F) The following is the table of permitted uses:

Table 90-33.1 Key C = Conditional Use, P = Permitted Use, SU = Special Use	AR-1	AR-2	R-2	R-3	R-4	R-5	OC	B-1	B-2	L-1	H-1	Reference
Adult Entertainment Establishments (See Adult Entertainment Ordinance)									SU			Sec. 90-48.
Adult Care Facilities	SU	SU		SU			SU	SU	SU			Sec. 90-47
Amusement Facility								P	P			
Athletic Club or Gymnasium							P	P	P			
Automotive Repair Services									SU	SU		Sec 90-49

# 3

Table 90-33.1 Key <b>C</b> = Conditional Use, <b>P</b> = Permitted Use, <b>SU</b> = Special Use	AR-1	AR-2	R-2	R-3	R-4	R-5	OC	B-1	B-2	L-1	H-1	Reference
Boarding House or Bed & Breakfast Inn	C	C		C	C	C	P	P	P			
Building Construction and Specialty Trade Contractor's Offices with Storage										P		
Building Material and Supplies Dealers										P		
Bulk Fuel Storage	C									C		
Business and Professional Offices							P	P	P	P		
Cemetery	P	P	P	P	P	P	P	P	P	P		
Check Cashing Facility									SU			Sec. 90-52
Childcare Center	P	P		P		P	P	P	P			
Church or Place of Worship	P	P	P	P	P	P	P	P	P	P		
Commercial Crop and Tree Farm	P	P										
Commercial and Industrial Machinery and Equipment Repair and Maintenance										SU		Sec.90-53
Community Center	P	P	P	P		P	P	P	P			
Cultural Facilities	P	P		P	P	P	P	P	P			
Domestic Animal Kennels, Commercial	SU	SU										Sec.90-54
Duplex (two-family attached)			P	P		P						
Feed and Grain Sales and Storage	P									P		
Food Truck							P	P	P	P	P	Sec. 90-56
Food and Beverage Processing										P		
Full-service car wash									SU			Sec. 90-57
Funeral Home							SU	SU	SU	SU		Sec.90-58
Gas Station								SU	SU	SU		Sec. 90-59
Health Services							P	P	P			
Horse or, Livestock Ranch, Commercial	P									C		
Hotel							P	P	P			

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Table 90-33A.1 Key C = Conditional Use, P = Permitted Use, SU = Special Use	AR-1	AR-2	R-2	R-3	R-4	R-5	OC	B-1	B-2	L-1	H-1	Reference
Industrial Bulk Storage										C		
Junk or Salvage Yard										C		
Library	P	P	P	P			P	P	P			
Machine Tool and Industrial Equipment Repair										P		
Manufactured Home	P		C		P							
Micro-brewery									P	P		
Mini-warehouse storage									P	P		
Mobile Home, Travel Trailer, Campgrounds, and Recreational Vehicle Parks					SU							Sec. 90-60
Motel												
Motorized Equipment and Machinery Sales										P		
Movie Theater								P	P			
Multi-unit Attached—Apartments				P								
Nano-Brewery								P	P	P		
Nursery, Plant and Retail							P	P	P			
Pawn Shop									SU			Sec. 90-61
Private Club	SU	SU		SU	SU		SU	SU	SU			Sec. 90-62
Public Park	P	P	P	P	P		P	P	P			
Restaurants					C		P	P	P	P		
Retail and Personal Services							P	P	P			
Schools, Public or Private	C	C	C	C		C	C					
Self-Service Laundry							P	P	P			
Single-Family (detached conventional)	P	P	P									
Tattoo Shop and/or Body Piercing								P	P			
Title Pawn Shop									SU			Sec. 90-63
Townhouse				P								

# 3

Table 90-33A.1 Key C = Conditional Use, P = Permitted Use, SU = Special Use	AR-1	AR-2	R-2	R-3	R-4	R-5	OC	B-1	B-2	L-1	H-1	Reference
Truck and Tractor Trailer Repair									C	C		
Vehicle Sales								P	P	P		
Veterinary Clinic or Hospital, or Animal Boarding (requires sound-resistant construction)	SU	SU					SU	SU	SU			Sec. 90-64
Warehousing										P		
Water and Sewage Systems											P	
Wholesale Trading										P		

**Sec. 90-34. - Planned unit developments (PUD).**

(A) Applicability. The PUD District is applicable to tracts of at least five (5) acres of land if creation of a single master development will yield greater benefits to the general public than would otherwise occur through more conventional planning and zoning concepts.

(B) Eligibility Criteria. A PUD must meet the following criteria:

(1) Demonstrated Benefit. The City encourages the PUD to provide the following:

- (i) Preservation and/or substantial enhancement of significant natural or historic features;
- (ii) Preservation and/or substantial enhancement, as applicable, of significant usable open space;
- (iii) Incorporation of a complementary mixture of uses or a variety of housing types;
- (iv) Inclusion of creative design that allows redevelopment of a nonconforming site, bringing it into closer compliance with the Ordinance; and/or
- (v) Economic development through the creation of primary jobs.

(C) Public Services. All PUDs shall be served and/or be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis of the impact on transportation, utilities, and community services.

(D) Allowed Uses. Land uses for the PUD shall be designated on the associated PUD Concept Plan and/or PUD Master Plan approved by the City Council. These land uses shall be incorporated into the ordinance adopting the PUD zoning for the property. Uses that will be favorably considered for a PUD include family entertainment, restaurants and outdoor dining areas and limited retail services.

# 3

(E) Prohibited Uses. Land uses that are specifically prohibited in a PUD shall include uses that are automobile related (i.e. full-service car washes, gas stations, automotive repair services, vehicle sales, etc.), motels, adult entertainment, vape shops, medical facilities, pawn shops, tax and quick loan offices, title pawn shops, self-service laundry, and veterinary hospitals and boarding facilities.

(F) Dimensional Requirements. A table shall be provided that details any and all dimensional standards, including but not limited to setbacks, buffers, height and number of parking spaces.

(G) Approved Plan. No use of the parcel, nor construction, modification, or alteration of any use or structure within a PUD shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. A PUD plan shall be approved subject to the procedures and criteria in the ordinance.

(H) Administrative procedures for PUD zoning. Requests pertaining to the establishment of a PUD district shall be considered as an amendment to the Zoning Ordinance and shall be administered and processed accordingly. Requests must include a master plan that addresses use, setbacks, lot size, density, bulk and other requirements. Applicants seeking PUD zoning shall meet with appropriate staff and the City Manager or designee for a preliminary review prior to making an application for rezoning. A general outline of the proposal along with a supporting concept plan or master plan shall be submitted. The final master plan will then follow the same process as a rezoning.

(I) The preliminary concept or master plan. The preliminary plans shall include the following:

(1) Existing features.

(i) The bearings and distances of the boundary lines pertaining to the property to be divided.

(ii) The location of any streams, natural drainage ways, trees greater than eight inches DBH, wetlands, and other waterways which exist on the property.

(iii) The distance and direction to waterlines and sanitary sewer lines.

(iv) The name, location, and right-of-way width of existing streets either on the property or on the land adjoining the property.

(v) The location of railroads, public or private rights-of-way or easements, utilities, and parks or other public spaces, either on the property or adjoining the property.

(2) Proposed design features.

(i) The location of, purpose, and width of any major proposed drainage or utility easement.

(ii) The location and names of proposed streets and lanes.

(iii) The proposed land use and site development plan for the PUD.

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(J) Development standards. Specific standards must be set forth in the PUD master plan which shall include, at a minimum:

- (1) All the above requirements of preliminary plus the following:
- (2) Land use master plan showing the location, net acreage, and gross acreage of each type of use, including open space in the PUD and the existing land uses of property adjacent to the PUD. The master plan shall also include the approximate location of major circulation systems and utility systems.
- (3) Standards for residential and commercial structures, including proposed height, setbacks, lot coverage, parking, buffers and other appropriate standards.
- (4) Standards for major roadway circulation systems including the right-of-way width, pavement width, and design and utility locations.
- (5) Location, dimensions, and purpose of any easements.
- (6) Permitted uses within each area.
- (7) A plan for the proposed phasing and a build-out schedule of development within the PUD.
- (8) The master plan shall also include the expected limits of the 100-year flood where appropriate.

(K) Amendment of master plan.

- (1) Approved master plan may be revised subject to submission to the City Council for review, Public Hearing, comment and motion/vote regarding approval.

## **Sec. 90-35. – Traditional Residential Business Overlay**

(A) Location. The Traditional Residential Business Overlay includes all properties north of Ninth Street on Georgia Avenue and Carolina Avenue. The boundaries of the overlay are illustrated on the zoning map.

(B) Future Applicability. The entirety of any property subject to this ordinance on the date of adoption shall remain subject to their article, even if the original parcel is subdivided in the future.

(C) Zoning. The requirements of this section shall be considered an overlay to the underlying zoning district designations as shown on the official zoning map. As overlay regulations, this section shall be supplemental to the underlying zoning district requirements contained in the Unified Development Ordinance. The provisions of this ordinance shall be overlaid and imposed in addition to underlying zoning regulations and other City ordinances. The Director of Planning and Development or designee is authorized to interpret and enforce such rules, regulations, guidelines, and standards as may be reasonably necessary or desirable.

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In any case where the standards and requirements of the Overlay District conflict with those of the base zoning district or with other provisions of the City of Rincon Code of Ordinances, the standards and requirements of the Overlay District shall govern unless otherwise specified.

(D) Permitted and Prohibited Uses. The uses permitted in the TRB overlay district shall be the same as those permitted in the underlying zoning districts except as prohibited below.

(1) The following use types and uses shall be prohibited within the TRB overlay district:

- (i) Cemetery
- (ii) Check cashing facility
- (iii) Funeral home
- (iv) Self-service laundry

(E) Development Regulations. Design standards for the Traditional Residential Business Overlay are located in Section 90-31(E).

(F) Lighting. Any proposed site lighting shall be solar powered.

### **Sec.90-36. – Corridor Overlay District**

(A) Location. The Corridor Overlay District includes Highway 21 from the southern boundary of the City of Rincon to the south side of the railroad tracks as illustrated on the zoning map. The areas include all properties located within 500 ft. of either side of Highway 21 and extend the length of Prosperity Drive, Northridge Drive, Towne Park West Drive, and Towne Park Loop. The boundaries include all lots of record which are in whole or in part within that 500 ft. of the included rights-of-way. Where there are existing intersecting streets, the standards shall apply for the first 500 ft. of depth from the street intersection, as depicted on the zoning map.

(B) Future Applicability. The entirety of any property subject to this ordinance on the date of adoption shall remain subject to this article, even if the original parcel is subdivided in the future.

(C) Zoning. The Corridor Overlay District is supplemental to the underlying zoning district classifications and regulations established in the Unified Development Ordinance. The provisions of this ordinance shall be overlaid and imposed in addition to underlying zoning regulations and other City ordinances. The Director of Planning and Development or designee is authorized to interpret and enforce such rules, regulations, guidelines, and standards as may be reasonably necessary or desirable.

In any case where the standards and requirements of the Overlay District conflict with those of the base-zoning district or with other provisions of the City of Rincon Code of Ordinances, the standards and requirements of the Overlay District shall govern unless otherwise specified.

(D) Applicability. These regulations apply to new development and redevelopment within the Corridor Overlay District. In the case of redevelopment, an entire redevelopment site shall be brought into compliance with this ordinance if one or more of the following conditions are met:

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- (1) The building floor area is being increased by more than fifty (50) percent; or
- (2) More than fifty (50) percent of the existing building floor area is being replaced; or
- (3) There is a combination of floor area increase and existing floor area replacement exceeding fifty (50) percent of the original building floor area.

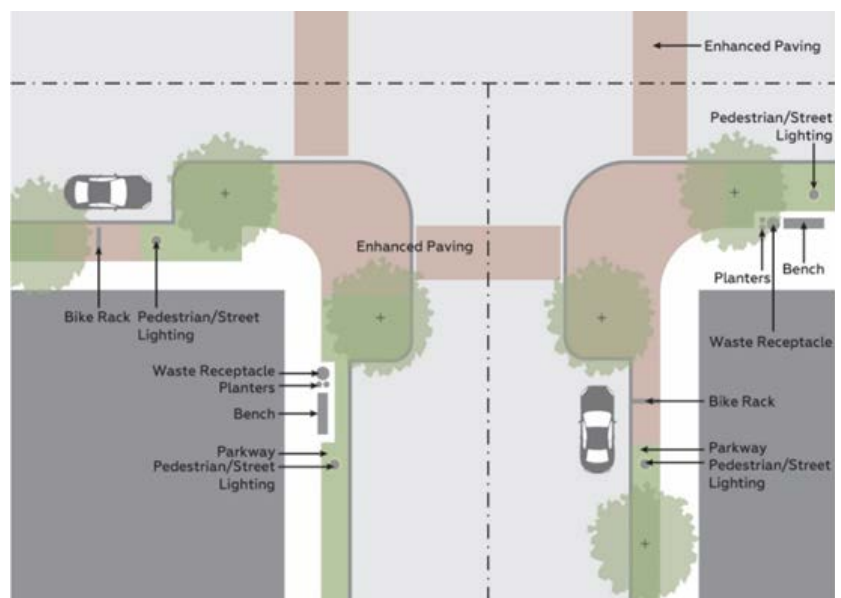
(E) Exceptions. Parking, landscaping, screening, and all other regulations shall be met for the entire site. The following exceptions shall apply to redevelopment sites and new structures on vacant lots:

- (1) Building setback. Existing buildings will not be required to be moved or expanded to meet the setback requirements; however, building additions shall meet the required setback. All new buildings within a redevelopment site shall be required to meet the building setback provisions.
- (2) Minimum height. Existing buildings undergoing redevelopment shall not be required to meet the minimum building height. Any new buildings within the redevelopment site, however, shall meet the requirement.
- (3) Building frontage. Existing buildings shall not be required to meet the minimum building frontage requirement. New buildings and additions shall be required to comply with the frontage requirements to the maximum extent feasible.
- (4) Non-Substantial Expansion. For redevelopment projects not meeting the criteria of Section D, Applicability, only the addition or exterior building modifications shall comply with the regulations contained in this ordinance. The remainder of the building and the site shall not be subject to this ordinance.

(F) Vehicular/Pedestrian streets and site access shall be as follows:

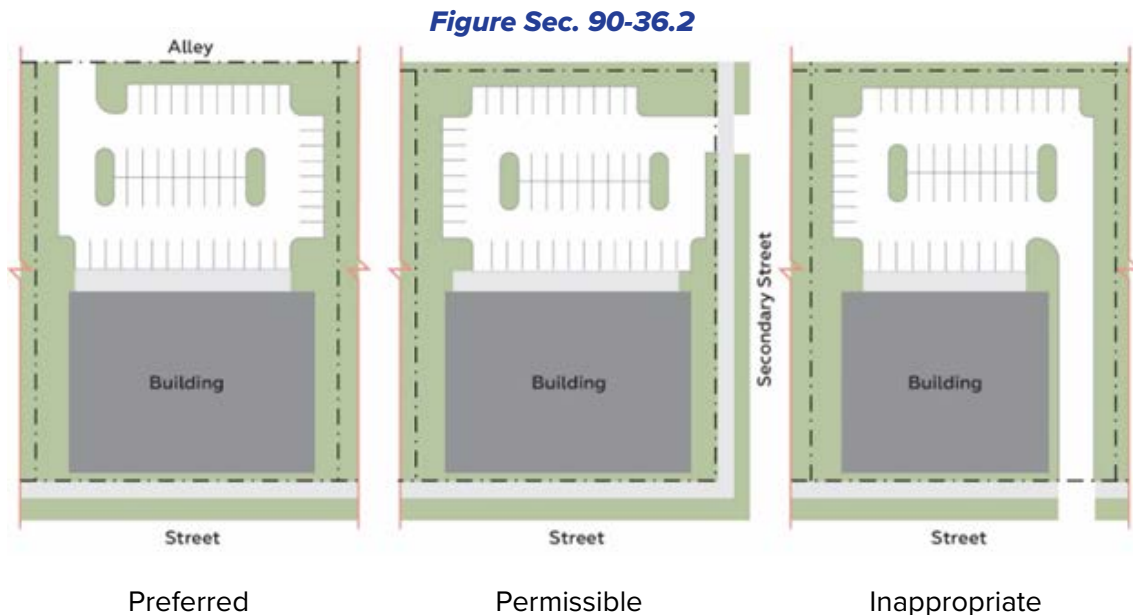
- (1) Dedication. The applicant may be required to build and/or dedicate right of way for public streets to provide interconnectivity and parallel routes to Highway 21. Such new streets shall meet City design standards for construction materials and quality, but shall also include, where applicable and approved by the City Engineer, enhanced paving/crosswalks, on-street parking, bike/pedestrian accommodations, and street trees as shown on Figure Sec.90-36-1.

**Figure Sec. 90-36.1**



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(2) Access. The number of curb cuts and driveways shall be minimized. Cross access or rear/side access is preferred where possible as shown on Figure Sec. 90-36.2.



(G) Additional design standards shall be as follows:

(1) Street trees. Provide large or understory tree species along all new streets. Spacing for understory species shall be 30' to 45' on center and large species shall be 50' to 60' on center.

(2) Lighting. Install pedestrian scaled street lighting on all streets to provide the minimal foot candle levels needed for the planned intensity of uses adjacent to the streets.

(3) Regulations for Driveway and Encroachment Control Manual. The minimum spacing of driveways/vehicular access points and the minimum throat depth from right of way to first internal access point shall comply with the GDOT standards in the Regulations for Driveway and Encroachment Control Manual.

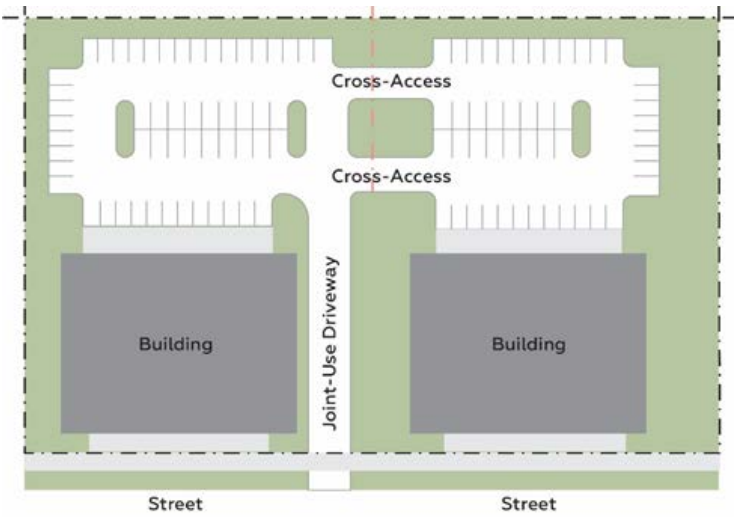
(4) Inter-parcel access. Provide inter-parcel access points suitable for safe vehicular, bicycle, and pedestrian travel between all contiguous commercial, office, industrial, or residential uses, as demonstrated in Figure Sec. 90-36.3. The Director of Planning and Development or designee may waive this requirement only if the developer demonstrates that an inter-parcel connection is not feasible because of traffic safety, environmental, or topographical issues.

(i) The point of access shall meet the minimum spacing and throat depth referenced above and shall be established on a first come basis. Subsequent adjacent parcel developments must utilize the established connection point.

(H) Standards for Highway 21.

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**Figure Sec. 90-36.3**



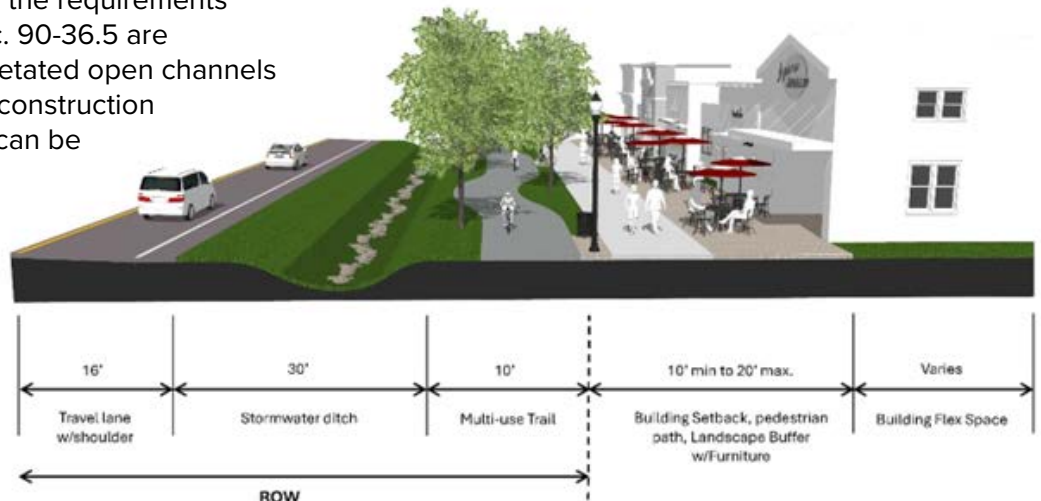
(1) The intent is to activate the corridors and provide good pedestrian connectivity. Stormwater collection is provided either through swales/ditches or piping. This results in a requirement to have further separation from the edge of pavement to the buildings. In an effort to enhance this condition, a trail and bioswale are required, as depicted in Figure Sec. 90-36.4.

**Figure Sec. 90-36.4 Typical Section Existing Conditions**



**Figure Sec. 90-36.5 Typical Section Tier 1**

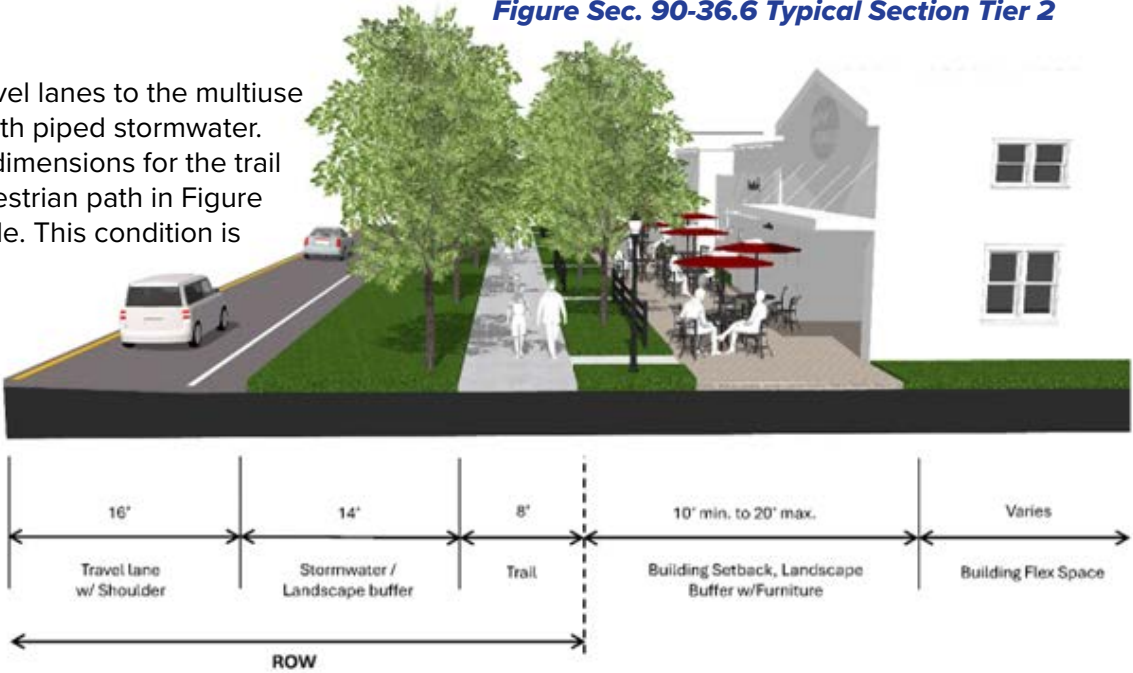
(2) When a swale/ditch is provided, the requirements associated with Tier 1 in Figure Sec. 90-36.5 are applicable. Swales/ditches are vegetated open channels that are designed to manage post-construction stormwater runoff. Swales/ditches can be used to manage stormwater runoff on a wide variety of development sites, including residential, commercial and mixed-use. Figure Sec. 90-36.5 demonstrates how the swale/ditch continues to be accommodated along with a trail, setback, and pathway.



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**Figure Sec. 90-36.6 Typical Section Tier 2**

(3) The depth from the travel lanes to the multiuse trail is reduced for sites with piped stormwater. In the case of piping, the dimensions for the trail and building setback/pedestrian path in Figure Sec. 90-36.6 are applicable. This condition is considered Tier 2.



(I) Landscaping standards:

(1) A minimum of 20% of the site shall be an open space/landscaped area. The areas required in other standards herein may count towards achieving this standard.

(i) Landscaping shall be provided in the front and street side setback as demonstrated in Figures 90-36.5 or 90-36.6, depending on the tier.

(ii) Plant at least 50% of the required open space/landscaped area in trees, shrubs, and groundcovers/ornamentals. No more than 50% of the landscape shall be in turfgrass whether seeded, sprigged, or sodded.

(iii) Provide at least 10 large canopy trees per acre. This requirement may be accomplished through preservation, planting, or a combination of the two.

(2) All landscape designs must observe and accommodate sight lines at all intersections, driveways, and pedestrian crossings.

(3) Provide a 6-8' minimum landscape strip along Highway 21 frontage to create a consistent landscape aesthetic that does not block visibility to the use. The setback shall be inclusive of this landscape strip. The following shall be the minimum requirements for every 100' of the landscape strip. For properties that have frontages in increments less than 100', the landscaping standards required for understory trees and shrubs shall be adjusted proportionally for example, frontages of 50' must meet 50% of the standards, frontages of 125' must meet the standards for 100' and an additional 25% of the standards

(i) 5 understory trees (may be grouped provided that there is no more than 50' between trees in any area)

(ii) 15 shrubs or ornamental grasses. Ornamental grasses must be of a species that will mature to a height of a minimum of 30” and a maximum of 6’.

(iii) Landscape at least 50% of the total area with trees, shrubs and living ground cover ensuring no more than 50% turf grass.

(4) Provide a 5’ minimum landscape strip on each parcel for the side and rear lot lines for areas where a city-wide buffer would not apply. For areas where a city-wide buffer standard would apply, that city-wide standard shall be used. The following shall be the minimum requirements:

(i) 15 shrubs or ornamental grasses. Ornamental grasses must be of a species that will mature to a height of a minimum of 30” and a maximum of 6’.

(ii) Landscape a minimum of 75% of the total area with trees, shrubs, and living ground cover ensuring no more than 25% turf grass.

(J) Parking Lot Layout:

(1) For parking lots with more than 10 spaces:

(i) Provide no more than 10 spaces in a row without a tree island that is at least 9 feet wide and 18 feet in length.

(ii) Provide a minimum of one medium or large canopy tree species in each island unless there is a conflict with an overhead utility. In that case, an understory tree may be used.

(2) Parking shall not front Highway 21. Parking lots shall be oriented in the side or rear of properties as demonstrated in Figures Sec. 90-36.7 and Sec. 90-36.8. If parking is on the side, a street wall minimum height of 2.5 feet and a maximum height of five feet (measured from the elevation of the public sidewalk) shall be provided. Street walls shall provide the following:

(i) Street Walls shall have openings no larger than necessary to allow automobile and pedestrian access.

(ii) Street Walls shall be placed in line with the building façade facing the same street.

(iii) Street Walls shall not be permitted in the right-of-way.

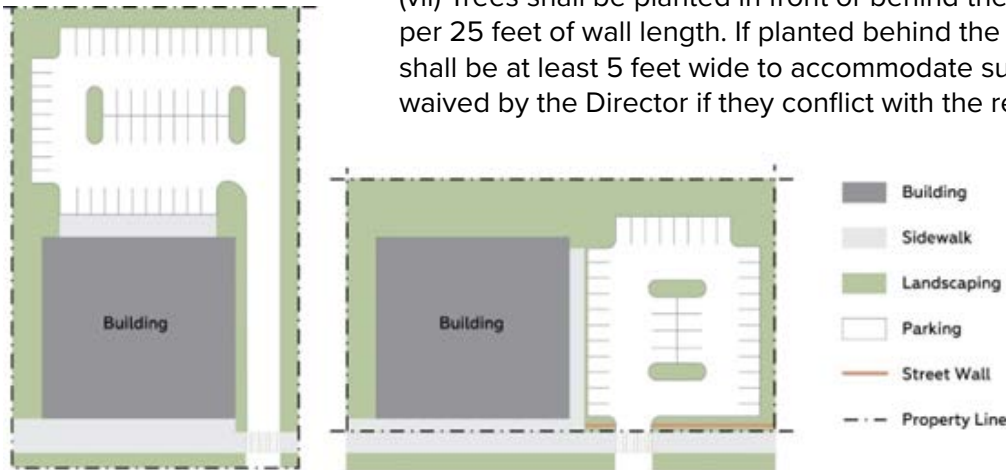
(iv) Street Walls shall be constructed of wrought iron, brick, masonry, stone, powder-coated aluminum or other decorative materials that complement the finish on the primary building. Chain link, wood and PVC street walls/fences shall be prohibited.

(v) The area in front of a street wall shall include a landscaped strip with a minimum width of five feet (with ground cover, hedges, or shrubs). The landscape strip may be waived by the Director of Planning and Development if the area in front of the wall is needed to expand the public sidewalk.

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(vi) The area between the street wall and on-site parking shall also include a three-foot wide landscape strip.

**Figure Sec. 90-36.7**



(vii) Trees shall be planted in front or behind the street wall at a rate of one tree per 25 feet of wall length. If planted behind the street wall, the landscape area shall be at least 5 feet wide to accommodate such trees. The trees may be waived by the Director if they conflict with the required or existing street trees.

**Figure Sec. 90-36.8**



(K) Screening Requirements and Loading Requirements:

(1) Garbage/refuse areas and receptacles shall be placed in an accessible location as far from any public streets as practicable. The area shall be enclosed on three sides with decorative masonry walls of a similar material to match the architecture of the adjacent building. The fourth side shall be a self-closing opaque gate made from non-combustible materials. The walls and gate shall be a minimum of 12" higher than the receptacle.

(2) HVAC units and other mechanical equipment shall be screened from view from public streets by locating them behind the building, behind walls/fences, or through adequate landscaping plantings or other screening.

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(3) Vegetative screening shall include 100% coverage of the planting area, including a minimum of 75% evergreen plant materials. The plants shall be a minimum of four feet in height at the time of planting and have a height of not less than one foot above the height necessary to fully screen in two years (whichever is greater).

## (L) Lighting Design Standards:

(1) Streetlights shall be provided on both sides of all internal streets and public rights-of-way and shall be spaced appropriately for the needs of pedestrians and vehicular use.

(2) The streetlights should use decorative fixtures and poles with housing and pole materials that are dark in color, non-reflective, and consistent with the design and architectural character of the buildings.

(3) Fixtures shall meet IESNA standards for full cut-off type and designed to accommodate a house-side shield when adjacent to residential uses.

(4) Lighting shall not directly illuminate adjacent residential properties.

(5) Canopy lighting fixtures shall be completely recessed into the canopy and shall be shielded such that the lamp source is not visible. No lighting is permitted on top of or on the side of the canopy.

(6) Parking lot lights shall not exceed a height of 25' from finished grade.

(7) Site and parking lot lights cannot be placed in the tree islands.

(8) Street/pedestrian light posts shall not exceed a height of 18' from finished grade and shall be a uniform decorative post and cap accepted by the City.

(9) Lighting. Any proposed site lighting, except streetlights, shall be solar powered.

(M) Drive-Through Facilities. Figures Sec. 90-36.9, Sec. 90-36.10, Sec.90-36.11 are examples of appropriate design for drive-through facilities (building up to the street; drive-through window in the rear):

### (1) Building and Site Design.

(i) Drive-through lanes and windows shall be located along the side or rear of the building, away from street frontages.

(ii) Drive-through facilities on a separate site than the principal use shall not be allowed.

(iii) Menu boards shall not be visible from public rights-of-way. When not concealed from view by a building, menu boards shall be screened with landscape.

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(iv) Weather protection devices shall be provided over drive-through service points, openings, and menu boards. Lighting associated with weather protection devices shall be recessed and flush with the underside of such device.

(v) Weather protection devices, menu boards, and other elements associated with drive-through facilities shall be architecturally integrated and designed in harmony with the building.

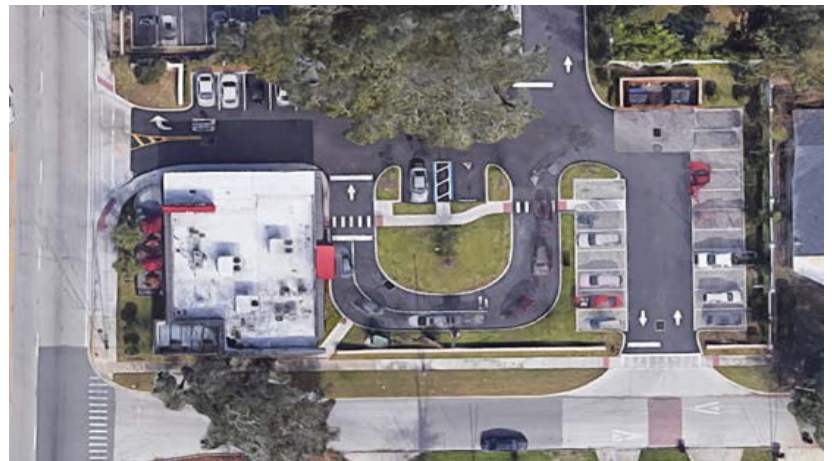
(vi) Garbage receptacles shall be provided after the service point or opening. Such trash receptacles shall be convenient and easily accessible from automobiles.

## (2) Pedestrian circulation.

**Figure Sec. 90-36.9 Appropriately sited drive-through facilities**

(i) A direct and convenient pedestrian connection shall be provided between the right-of-way and the main building entrance.

(ii) Safe pedestrian walkways shall be provided within the site. Walkways shall be clearly delineated by raised pedestrian crossings, decorative paving, bollards, signage, and landscaping to create separation from vehicular use areas. Where walkways intersect a vehicular use area, the walkway pavement shall be continued through the vehicular use area to clearly delineate the pedestrian network.



**Figure Sec. 90-36.10 Exterior Drive-Through Facilities**



**Figure Sec. 90-36.11 Interior Drive-Through Facilities**



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## (N) Auto Service Station/Car Wash Facilities:

(1) The convenience store or service building shall meet the required setback of the district. All pumps, parking, and service bays shall be located to the side (interior side only) or rear of the main building.

(i) All services, other than gas, shall be performed within a fully enclosed building.

(ii) Screening as provided in subsection K of this section shall be provided to screen the vehicular use areas. Landscaping (up to three feet in height) shall be provided in front of the wall to soften the treatment.

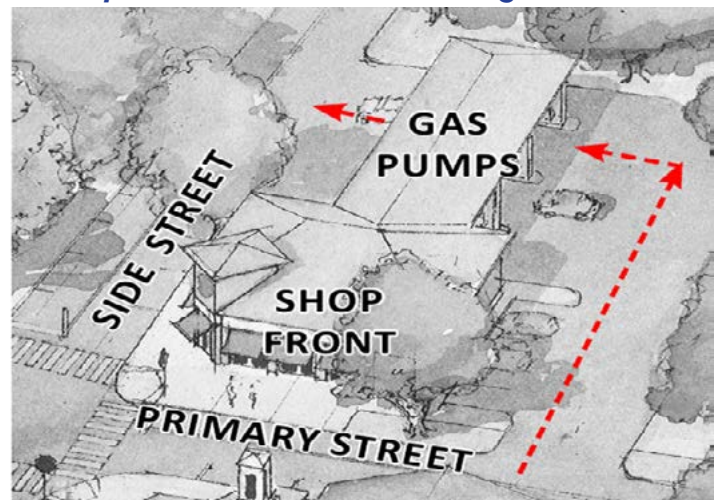
(iii) Gas station canopy clearance shall not exceed 18 feet.

(iv) Accessory car wash structures shall not exceed 20 feet in height, unless they have a hip or gable roof.

(v) Accessory car wash openings, service, and storage areas, and refuse enclosures shall be oriented away from public view.

(vi) Site lighting shall minimize direct and reflected glare and excess brightness; therefore, only cut-off fixtures shall be allowed.

**Figure Sec. 90-36.12 Gas station with ground-floor shopfront that defines the frontage of the lot.**



**Figure Sec. 90-36.13 Service station examples of pumps to the side of the building**



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## (O) Signage Design Standards:

### (1) Monument Signs.

- (i) No more than one double face monument sign per site.
- (ii) Maximum height of 8 feet.
- (iii) Maximum sign area of 64 square feet per face.
- (iv) Structural material and separation.
  - a) No exposed concrete block
  - b) Brick, stone, masonry or equal architectural material
  - c) Must reflect the architecture of the development
  - d) Minimum 50-foot separation between monument signs on any street frontage.
- (v) Exceptions: Gas stations may have an additional 24 square feet to advertise gasoline prices

### (2) Wall signs.

- (i) Maximum of one wall sign for each place of business.
- (ii) Permitted only on exterior building walls facing public streets.
- (iii) Sign area of four square feet per linear foot of the wall, subject to the following maximum sizes:
  - a) Maximum of 150 square feet for building of three stories or less
  - b) Maximum of 300 square feet for buildings of four stories or more

### **Sec. 90-37. - Fort Howard Corridor Overlay.**

(A) Location. The Fort Howard Corridor Overlay includes all of Fort Howard Road from the intersection of Route 21 to 500 feet before the intersection of Old Augusta Road. The corridor overlay district shall be located along the following routes, in both directions, in their entirety within the jurisdiction of the City of Rincon. The boundary of the district shall consist of a line five hundred (500) feet from the edge of the right-of-way, on both sides of the road, and running parallel to that right-of-way. The entire area within these lines shall constitute the Fort Howard Corridor Overlay.

(B) Future Applicability. The provisions of this article shall apply only to structures constructed and land uses established or modified after the effective enactment date of this ordinance.

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(C) Zoning. The requirements of this section shall be considered an overlay to the underlying zoning district designations as shown on the official zoning map. As overlay regulations, this section shall be supplemental to the underlying zoning district requirements contained in the Unified Development Ordinance. The provisions of this ordinance shall be overlaid and imposed in addition to underlying zoning regulations and other City ordinances. The Director of Planning and Development or designee is authorized to interpret and enforce such rules, regulations, guidelines, and standards as may be reasonably necessary or desirable.

In any case where the standards and requirements of the Overlay District conflict with those of the base zoning district or with other provisions of the City of Rincon Code of Ordinances, the standards and requirements of the Overlay District shall govern unless otherwise specified.

(D) Permitted and Prohibited Uses. The uses permitted in the corridor overlay district shall be the same as those permitted in the underlying zoning district except as prohibited below.

(1) All “clear-cut” areas shall be:

(i) Replanted with trees during an accepted planting season;

(ii) replanted through natural regeneration;

(iii) or, reseeded for agricultural purposes, at a rate equal to or greater than the typical seeding requirements found in the erosion and sediment control ordinance, within one hundred twenty (120) days of the cessation of the timbering activities.

(E) Prohibited Uses. The following use types and uses shall be prohibited within the corridor overlay district:

(1) Service Stations, Convenience Stores, Automobile Repair;

(2) Scrap and Salvage Services;

(3) Commercial Entertainment Services;

(4) Adult Entertainment;

(5) Pawn Shops; and

(6) Title pawn shops.

(F) Development Regulations.

(1) Parking Lot Layout.

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(i) Any parking area adjacent to any street shall have a landscaping buffer of ten (10) feet between the street and parking area.

(ii) For parking lots with more than 10 spaces:

a) Provide no more than 10 spaces in a row without a tree island that is at least 9 feet wide and 18 feet in length.

b) Provide a minimum of one medium or large canopy tree species in each island unless there is a conflict with an overhead utility. In that case, an understory tree may be used.

(iii) Parking shall not front Fort Howard Road. Parking lots shall be oriented in the side or rear of properties. Any parking area adjacent to any street shall have a landscaping buffer of ten feet between the street and parking area.

## (2) Buffers

(i) Adjacent Use Buffers. The required buffer for commercial uses adjacent to residential zones shall be thirty (30) feet with the following options:

a) Overstory trees: 5 every 100 linear feet.

b) Understory trees: 6 every 100 linear feet.

c) Evergreen shrubs: 25 every 100 linear feet and at least 6 feet high at maturity.

d) At least 50% of all trees must be evergreen.

(ii) Adjacent Street Buffers. Unless expressly exempted or modified in this subsection, development shall provide a minimum 10' wide buffer along adjacent streets with the following requirements:

i. Overstory trees: 2 every 100 linear feet.

ii. Understory trees: 4 every 100 linear feet.

iii. Evergreen shrubs: 10 every 100 linear feet.

(iii) Location of Buffers. Buffer areas shall be located between the property boundary and all development on the site, but not necessarily within the minimum setback.

(iv) Existing Vegetation

a) If a buffer area has existing trees, they shall be preserved and be used as part of the buffer to

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comply with the buffer standards of this Ordinance. Where groupings of native shrubs are present, their preservation with minimum disturbance is required. Any clearing or other work in buffers must have the prior approval of the Planning & Development Director.

b) In order to preserve existing vegetation and to restrict activities within a buffer, protective fencing shall be installed in accordance with tree protection zones as described in Sec. 90-147.

c) Existing vegetation that is preserved shall not be limbed up from the ground more than five (5) feet to the lowest branches, except:

i. Vegetation at intersections may be limbed up to a greater height to ensure compliance with sight distance; and

ii. If understory planting is proposed, the Planning & Development Director may allow existing vegetation to be limbed up to a height that will provide adequate sunlight to plants.

d) The removal of invasive species shall be allowed with an approved replanting plan, if needed.

(iv) Development Within Required Buffers. Development is prohibited within required buffers except in accordance with this subsection:

a) The following activities may occur in required buffers, unless expressly prohibited elsewhere in this ordinance.

i. Street or driveway access, provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.

ii. Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all required landscaping, is provided and the Planning & Development Director determines that installation or maintenance of such elements will minimize impacts to required vegetation to the maximum extent practicable.

iii. Lighting fixtures.

iv. Service and utility lines and minor facilities (e.g. water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage lines, utility boxes and pedestals), subject to the following standards:

1. Such lines generally shall run approximately perpendicular to/from the adjacent street right-of-way or common property line. If they must be installed approximately parallel to the street right-of-way or property line, the easement for the lines may be included as part of a required buffer if the easement allows the vegetation or structures necessary to meet buffer screening

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requirements and provides the requisite visual separation in a manner that is aesthetically acceptable; otherwise, additional buffer width shall be required to provide the space needed for the required buffer screening.

2. Permission for easement and right-of-way disturbance and clearings for such utility and service lines and facilities shall be more favorably considered when such activity is consolidated with vehicular access routes.

b) The following features and activities are allowed within adjacent street buffers only:

- i. Signage, to the extent permitted by the Ordinance.
- ii. Clearing for sight distances at permitted entrances and exits to any development as required to provide for reasonable traffic safety.
- iii. Fountains, plazas, sculptures, and similar features that are part of publicly owned facilities.

(3) Screening Requirements and Loading Requirements.

- (i) Garbage/refuse areas and receptacles shall be placed in an accessible location as far from any public streets as practicable. The area shall be enclosed on three sides with decorative masonry walls of a similar material to match the architecture of the adjacent building. The fourth side shall be a self-closing opaque gate made from non-combustible materials. The walls and gate shall be a minimum of 12” higher than the receptacle.
- (ii) HVAC units and other mechanical equipment shall be screened from view from public streets by locating them behind buildings, walls, fences, or through adequate landscaping plantings.
- (iii) Vegetative screening shall include 100% coverage of the planting area, including a minimum of 75% evergreen plant materials. The plants shall be a minimum of four feet in height at the time of planting and have a height of not less than one foot above the height necessary to fully screen in two years (whichever is greater).

(4) Lighting Design Standards.

- (i) Streetlights shall be provided on both sides of Fort Howard and shall be spaced appropriately for the needs of pedestrians and vehicular use.
- (ii) The streetlights should use decorative fixtures and poles with housing and pole materials that are dark in color, non-reflective, and consistent with the design and architectural character of the buildings.
- (iii) Lighting shall not directly illuminate adjacent residential properties.

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(iv) Parking lot lights shall not exceed a height of 25' from finished grade.

(v) Street/pedestrian light posts shall not exceed a height of 18' from finished grade and shall be a uniform decorative post and accepted by the City.

(vi) Lighting. Any proposed site lighting, except streetlights, shall be solar powered.

## (5) Pedestrian Facilities.

(i) Public sidewalks shall be required on one side of Fort Howard Road, at a minimum.

(ii) Sidewalks shall generally be located on the side of the street to best continue existing sidewalk networks, if present.

(ii) Sidewalks should maintain consistency in orientation, design, dimensions and materials to meet all other city standards and building codes.

(6) The primary structure colors shall be reviewed for compliance with the color palette on file in the Planning and Development Department.

### **Sec. 90-38. - Accessory structures.**

In residential and agricultural zones, and for the residential lots in the PUD zones, the location of all accessory buildings used for storage or non-residential purposes must comply with all building setback requirements of this chapter, including all building setback provisions referencing "project Development Area" boundaries and all other provisions of this section as follows:

(A) Accessory buildings are allowed in rear and side setback areas, if located not less than five feet from any corresponding lot line.

(B) Must be located behind the front of the primary structure.

(C) All accessory buildings over 250 square feet must meet all applicable building codes and permits.

(1) The total square footage of all accessory buildings on a lot that is less than one acre shall not exceed more than 50 percent of the square footage of the principal structure on the lot.

(2) The total square footage of all accessory buildings on a lot that is one to three acres shall not exceed more than 100 percent of the square footage of the principal structure on the lot.

(3) The total square footage of all accessory buildings on a lot that is more than three acres shall not exceed more than five percent of the square footage of the lot.

(4) Any accessory building over 1,000 square feet, other than for single-family or duplex lots, shall adhere to the site plan approval process.

# 3

(D) A building permit is required for all accessory structures.

(E) No detached accessory building shall be more than 30 feet in height.

(F) Temporary use of construction trailers. An approved re-locatable structure may be used for a temporary office for use on a commercial or industrial construction site provided the following criteria are met and a permit is issued by the Planning and Development Department:

(1) At no time shall the re-locatable structure be used for living purposes.

(2) The re-locatable structure must connect to the city's water and sewer system if the structure has restroom and/or water facilities installed. Also, plumbing and electrical services must be approved by the Planning and Development Department prior to occupying the premises.

(3) Said re-locatable structure shall be removed from the site within 15 days after completion of the project.

(4) If work stops on said project for more than 120 days, structure shall be removed within 15 days.

(5) The re-locatable structure is not allowed on a site for more than 24 months.

(G) Temporary use of construction trailers in residential developments. One re-locatable structure is permitted as a temporary sales office, for use in a major residential subdivision of 20 lots or more as long as the following criteria is [are] met and a permit is issued by the Planning and Development Department:

(1) Permit is issued in developer's name.

(2) At no time shall the temporary office structure be used for living purposes.

(3) Must be set up on a lot of record within the setbacks specified by the Zoning Ordinances applicable to that development.

(4) The re-locatable structure trailer must connect to the city's water and sewer. Also, plumbing and electrical services must be approved by the Planning and Development Department prior to occupying the premises.

(5) Sales office meets the requirements of the latest edition of the Georgia Accessibility Code.

(6) Sales office must be removed within six months of the date the approved plat for the residential subdivision is recorded or until a model home is completed, whichever comes first.

(H) Temporary use of dwelling unit or manufactured home as a model home. New dwelling units or manufactured homes completely constructed or installed in accordance with all the provisions of the City of Rincon Code of Ordinances of the city may be used as temporary sales offices/model homes as long as the following criteria are met and a permit is issued by the Planning and Development Department:

# 3

- (1) Permit is issued in developer or general contractor's name who owns such model or manufactured home.
- (2) Dwelling unit may only be used by sales personnel and may not be occupied as a dwelling unit while being used as a temporary sales office/model home.
- (3) Each temporary sales office/model home must have at least six off-street parking spaces available for use by sales personnel or customers.
- (4) Use as a temporary sales office/model home must terminate upon the later of the expiration of 18 months from the date the permit is issued or the date on which more than 90 percent of the platted and recorded lots or spaces in that residential subdivision or mobile home mobile home park have completed residential structures located thereon which have been sold or leased by the developer or general contractor.
- (5) For good cause shown, the Planning and Development Department may extend the termination date for a temporary sales office/model home.

## **Sec. 90-39. - Communication equipment.**

- (A) Structural plans for all commercial radio, television, cellular and other transmitting or relay antenna towers must be approved by an engineer licensed to practice in the State of Georgia and a permit issued by the Planning and Development Department, and shall be subject to Chapter 75, Telecommunications.
- (B) Only communication equipment located on public property may exceed 30 feet above the nearest adjacent grade.
- (C) Communication towers must meet all front, rear, and side yard setbacks.
- (D) All towers shall be designed and constructed to withstand a wind velocity of not less than 125 miles per hour.
- (E) Residential radio towers shall be allowed per adherence to federal and state guidelines.

## **90-40.- Decks and patios.**

Patios, as defined in this chapter, no higher than one foot above the nearest adjacent grade may be placed anywhere within the property boundaries. Decks, as defined in this chapter, and patios that extend beyond one foot above the nearest adjacent grade shall be required to comply with all setback requirements.

## **90-41.- Home occupations and home business offices.**

- (A) Home occupations shall be regulated by Chapter 18, Businesses, Sec. 18-52 of the City of Rincon Code of Ordinances.
- (B) Prohibited uses. The following uses are not permitted as home occupations:
  - (1) Vehicle and/or body and fender repair.

# 3

(2) Greenhouse or commercial nursery.

(3) Food handling, processing or packing of food, or production of food items, with the exception of cottage foods as defined and regulated by Ga. Comp. R. & Regs. R. 40-7-19.01-10 Cottage Food Regulations.

(4) Medical or dental lab.

(5) Day care, for more than six minors.

(6) Adult daycare centers.

(7) Restaurants.

## **90-42. Satellite receiving dish antenna.**

A satellite dish shall be allowed in all zones, however, in all residential zones the following requirements shall apply:

(A) Dish shall not extend more than three feet above the highest point of the roof and the height of the antenna may not exceed 30 feet in height.

(B) In all zoning districts, antenna will be placed so as not to create a hazard to traffic or public utilities.

## **Sec. 90-43. Secondary dwelling structures.**

Where permitted, secondary dwelling structures must adhere to the following requirements as per their respective category:

(A) Accessory dwelling units (ADUs). ADUs, including garage apartments, may only be permitted on a lot with a single-family dwelling and where there is adequate parking for two single-family dwelling units and meets the setbacks for the primary structure. ADUs may not have a living area greater than one-half of the primary structure's total living area. ADUs may be rented for compensation as long as the owner resides in the primary structure.

(B) Caretakers dwelling. Caretakers dwellings may only be permitted in commercial and industrial zones and intended to house only persons employed by the permitted commercial or industrial use.

(C) Guest home. Guest homes may only be permitted on a lot with a single-family dwelling and provided that such shall only be permitted in a rear yard, there is adequate parking for two single-family dwelling units, and the structure meets the primary structure's setbacks. Guest homes may not have a living area greater than one-half of the primary structure's total living area. Guest homes are intended for housing guests of the residents occupying the main building and shall not be rented, sold or otherwise used as a separate dwelling.

# 3

(D) Non-residential mobile structures as temporary use. The Director of Planning and Development or designee shall have the authority to issue a permit subject to the following conditions. Such use shall be permitted subject to the following conditions:

- (1) Such mobile home shall be allowed only for use by schools or churches.
- (2) Any permit issued under these conditions shall be valid for only 12 months with option to renew for an additional 12 months.
- (3) Placement of the mobile unit must be compatible with the established development pattern so as not to adversely affect the adjoining and surrounding properties.
- (4) Every 800 square feet shall be considered one unit.
- (5) When a mobile unit is placed upon an occupied lot, it shall comply with all regulations established for the district.
- (6) The mobile unit shall be provided with skirting completely enclosing any open space that exists between the ground and the bottom of the mobile unit. Such enclosure shall be visually compatible with the neighborhood.
- (7) The mobile unit shall be provided with a foundation designed to support the maximum load during all seasons and approved by the Planning and Development Department.
- (8) No additions shall be made to the mobile unit.
- (9) Steps that are compatible with conventional residential construction shall be provided to all exterior entrances and shall meet state and federal requirements.
- (10) The mobile unit shall be located on the tract of land in a manner consistent with the location of building on adjoining lots.

**Sec.90-44.- Swimming pool requirements and placement.**

All swimming pools over 3,000 gallons capacity shall comply with the following requirements:

- (A) Application for permit to construct a swimming pool must be submitted to the Planning and Development Department. The structural plans must be approved by the Planning and Development Department prior to the issuance of a permit and the beginning of construction and/or excavation;
- (B) Swimming pools may only be located in either the side or rear yard and must meet all set back requirements;
- (C) Swimming pool construction must meet all requirements of the International Swimming Pool and Spa Code;
- (D) All swimming pools must be confined within a fenced area. The fence must be a minimum of four feet in



height and all gates must be lockable, self closing, and self latching. Fencing material shall have no opening larger than six inches in diameter;

(E) No swimming pools shall be placed across, on, or beneath any easements nor shall any utility easement be granted which bisects a swimming pool; and

(F) Must have a plan to contain all water run-off. Drainage must be contained on site or diverted to an existing drainage handling facility.

**Sec. 90-90-44. Shipping Container**

(A) Shipping Containers in residential districts shall not remain on the premises longer than 30 consecutive days and may only be permitted one time per calendar year.

(B) There shall be no more than one shipping container on a residential premises at any given time.

(C) A permit shall be required before placement of a shipping container in a residential district.

**Sec. 90-45. – Planned Single-Family Home Communities**

Planned single-family home communities in the R-2 and R-5 districts shall provide the following:

(A) A homeowners’ association shall be established, or management company identified. Said association or company shall operate pursuant to subdivision covenants, which are submitted to the City with the final plat. It is the intent that said association or company will provide oversight of the development standards and maintenance of common areas and amenities.

(1) Covenants shall include a provision that no more than 20 percent of homes in the community may be rented until at least 12 months has elapsed since issuance of the certificate of occupancy.

(B) The management company overseeing rentals shall pay an occupation tax and register with the City annually, pursuant to Chapter 18 of the City of Rincon Code of Ordinances, for a license to operate a planned single-family home community.

**Sec. 90-46. – Special Use Regulations**

The following uses are permitted as provided in Table 90-33.1, but must meet the following criteria:

**Sec. 90-47. - Adult care facilities.**

Adult care facilities are listed and defined into three major classes: family personal care homes, group personal care homes, and nursing or rest homes. The requirements for these uses are as follows:

(A) Family personal care home. This use is limited to six or fewer persons including supervisory personnel and staff and must meet the following requirements:

(1) Such use shall comply with all federal, state and local requirements.

# 3

(2) The parking layout and design shall be characteristic of the neighborhood within which such use is located.

(3) The use shall only be established in a building designed as and occupied as a one- or two-family dwelling structure.

(B) Group personal care homes. The following requirements apply to all group personal care home:

(1) Such use shall provide the number of off-street parking spaces required for nursing homes and hospitals as set forth in Chapter 4, Off-street Parking and Unloading, plus safe and functional off-street patron pick-up and delivery spaces.

(2) Visiting hours must be limited to hours of 6:30 a.m. and 9:00 p.m. when such use is located in a residential neighborhood.

(3) Such use shall only be permitted on a lot which abuts and has vehicular access to a collector street, major arterial or secondary arterial. The City Council may waive this requirement if, on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards to the neighborhood served by such streets.

(4) The parking layout and design shall be characteristic of the neighborhood within which such use is located.

(5) Where the use abuts a lot occupied by a single-family or duplex dwelling, visual buffers shall be provided so as to shield all parking areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation or an appropriately designed fence or wall, or a combination thereof as approved by the Planning and Zoning Board.

(C) Nursing homes. The following requirements apply to all nursing homes:

(1) Such use shall provide the number of off-street parking spaces required for nursing homes and hospitals as set forth in this chapter, off-street parking and unloading, plus safe and functional off-street patron pick-up and delivery spaces.

(2) Visiting hours must be limited to hours of 6:30 a.m. and 9:00 p.m. when such use is located in a residential neighborhood.

(3) Such use shall only be permitted on a lot which abuts and has vehicular access to a collector street, major arterial or secondary arterial.

(4) The parking layout and design shall be characteristic of the neighborhood within which such use is located.

# 3

(5) Where the use abuts a lot occupied by a single-family or duplex dwelling, visual buffers shall be provided so as to shield all parking areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation or an appropriately designed fence or wall, or a combination thereof as approved by the Planning and Zoning Board.

## **Sec. 90-48. - Adult entertainment establishments.**

See current ordinances, Chapter 18, Article VIII of the City of Rincon Code of Ordinances.

## **Sec 90-49. - Automotive Repair Service and Parts.**

The outdoor storage of vehicles awaiting repair and disassembled vehicles shall only be permitted on the side or rear of the site and must be screened with a 7' tall opaque fence. All other vehicles must be parked in a parking space as shown on the approved site plan.

## **Reserved: Sec. 90-51 - 90-52**

## **Sec. 90-52. – Check cashing facilities.**

Such use shall not have direct frontage on Highway 21.

## **Sec. 90-53. – Commercial and Industrial Machinery and Equipment Repair and Maintenance.**

The outdoor storage of vehicles, equipment, or machinery awaiting repair and disassembled vehicles, equipment or machinery shall only be permitted on the side or rear of the site and must be screened with a 7' tall opaque fence. All other vehicles must be parked in a parking space as shown on the approved site plan.

## **Sec. 90-54. – Domestic Animal Kennels.**

All outdoor runs, pens, animal sheds, and kennels shall be located at least 100 feet from any residential district property line and have at least 50 feet from the property line regardless of the adjacent property line.

## **Sec. 90-55. – Food and Beverage Processing.**

Excludes slaughterhouses. Must meet noise and odor suppression performance standards.

## **Sec. 90-56. – Food Truck.**

The following licensing regulations shall apply to food truck operations:

(A) It shall be unlawful for any person or business to sell, or offer for sale, food of any type from a food truck or temporary food establishment without a license first having been granted under this section, except when a permit is not required in accordance with the Effingham County Department of Public Health.

(B) The license requirements herein may be waived by the City of Rincon for an event hosted by the City of Rincon, or a special event hosted by a non-profit. Any permits that shall be required by the Effingham County Department of Public Health will still be required.

(C) An application for a license hereunder shall be submitted to the City of Rincon setting forth all information required hereunder and in compliance with this ordinance. The City of Rincon shall develop a form of application for the purpose of compliance with this article.

# 3

(D) When applicable, the following information shall be provided with each application for a mobile food vendor license:

- (1) Name of the mobile food vendor;
- (2) Type, make, model, and license plate number of vending unit;
- (3) Owner's contact information;
- (4) Operator's contact information;
- (5) Copy of approved permit from the Effingham County Department of Public Health;
- (6) Copy of approved permit from Georgia Department of Agriculture (for ice cream trucks; only)
- (7) List of proposed operating locations;
- (8) Signatures from property owners indicating consent for the use of their property; and
- (9) Signature of applicant indicating agreement to comply with the requirements listed in this article.

Prohibited conduct and requirements:

(A) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.

(B) The license under which the mobile food vendor is operating must be firmly attached and visible on the mobile food vending unit or structure at all times.

(C) Food service licenses issued under this ordinance do not allow for alcohol sales.

(D) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the food truck vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the city.

(E) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the vending unit either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor shall be in compliance with the City of Rincon noise ordinance.

(F) Except as may be allowed as part of a city-approved special event, vending structures shall not be left

# 3

unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation

(G) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the food truck vendor licensee.

(H) The following safety regulations shall apply to any and all vehicles operating as vending units under this article:

(1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.

(2) Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

(I) Food truck vendors:

(1) Any driver of a food truck vendor motorized vehicle must possess a valid driver's license.

(2) Except as otherwise allowed and described within this article, a food truck must operate from a motorized, wheeled vehicle that may lawfully be driven upon streets and roadways within the state.

(J) Vending locations:

(1) A mobile food vendor shall not operate on any private property without the written consent of the owner, a copy of which shall be maintained in the mobile food vending units or structure.

(2) Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or ten feet of any driveway.

(3) Except as may be allowed as part of a city-approved special event, no mobile food vendor, except for ice cream trucks, shall conduct business or operate in the public right-of-way.

(4) Except as may be allowed as part of a city-approved special event, operating a mobile retail food establishment may occupy no more than ten percent of the designated parking spaces on a given property, and at no time shall the operation of a mobile food vendor reduce the number of parking spaces on a property below the minimum required by City of Rincon Code of Ordinances.

(5) The placement of the mobile retail food establishment shall not impede the flow of traffic, be placed in the right-of-way, or cause any potential safety hazards to pedestrians or vehicles.

(6) Mobile food vendors shall not be located within 200 feet of any city-sponsored or sanctioned special

# 3

event, unless the mobile food vendor is licensed by the city to operate at such an event.

## **Sec. 90-57. – Full-Service Car Washes.**

Separations shall be provided between all full-service car washes to other full-service car washes at a minimum of 1,000 feet measured by linear foot from property line to property line.

## **Sec.90-58.- Funeral homes.**

Does not include a crematorium. Must demonstrate how parking for the use will be accommodated without impacting surrounding properties.

## **Sec. 90-59. - Gas stations.**

Separations shall be provided between all gas stations to other gas stations at a minimum of 1,000 feet measured by linear foot from property line to property line.

## **Sec. 90-60- Mobile Home, Travel Trailer, Campgrounds, and Recreational Vehicle Parks.**

(A) Must have a minimum lot size of five acres.

(B) Property must be connected to public water and sewer utilities.

(C) The principal use shall be for temporary lodging for overnight tourists not to exceed 5 days. Recreational vehicles are prohibited as permanent residences in all zoning districts.

(D) Owners to pay license fee. Any person owning or operating a campground/recreational vehicle park or camp on any lot or tract of land within the corporate limits of the city, in which park or camp three or more trailer parking sites are provided, shall pay an annual license fee .

(E) Owner to provide for disposal of excreta. Any person owning or operating such campground/recreational vehicle park or camp shall, before renting parking sites, first provide means for the disposal of human excreta, in accordance with the health regulations of the state, the county, and the city.

(F) Violation of section. Any person violating any part of this section shall be punished as provided by Section 1-11.

## **Sec. 90-61. – Pawn shops.**

Such use shall not have direct frontage on Highway 21.

## **Sec. 90-62. - Private clubs.**

Wherever permitted, private clubs must meet the following requirements:

(A) Such clubs shall not be open to the general public but shall be operated only for the benefit of dues-paying members.

(B) Any building or structure established in connection with such uses shall be set back not less than 50 feet



from all property lines.

(C) The site size shall not be less than two acres in size.

**Sec. 90-63. – Title pawn shops.**

Such use shall not have direct frontage on Highway 21.

**Sec. 90-64. - Veterinary hospitals.**

The following regulations shall apply to development of all animal hospitals, veterinary clinics, and animal boarding places:

(A) The use shall front a major arterial street, provided that where all pens, runs or buildings housing such animals are located at least 100 feet from any property line.

(B) All outdoor runs, pens and animal sheds housing more than five animals shall be located at least 100 feet from the property line of any residential district property.

(C) No animals shall be allowed in any outdoor run located within 100 feet of a property line between the hours of 7:00 p.m. and 7:00 a.m.

(D) All runs or pens located within 100 feet from any property line or street right-of-way shall be screened by a solid fence with landscaping.





RINCON, GA



UNIFIED DEVELOPMENT  
ORDINANCE

04

PARKING &  
STREETS

# 4

## PARKING & STREETS

### Sec. 90-62. - Access to public street required.

No building shall be constructed or erected upon a lot, or parcel of land, which does not abut upon a public street, publicly approved street, or permanent easement of access to a public street. Such easement must have a minimum width of 25 feet unless an easement of lesser width was of record prior to the adoption of this chapter.

If a subdivision consists of more than 75 lots, then two or more permanent, publicly approved entrances/exits are required.

### Sec. 90-63. - Off-street parking and unloading.

#### (A) Parking Requirements.

Table 90-63.1 provides the required parking requirements per use. Parking for uses not included on the table shall be reviewed and determined by the Director of Planning and Development or designee.

**Table 90.63.1**

USES	PARKING SPACES REQUIRED
Adult entertainment establishments	1 per 200 square feet of floor area
Adult Care Facilities and Hospitals	1 for each 2 patient beds
Amusement Facility	1 per 500 square feet of enclosed area plus 1 per 1,000 square feet of outdoor area
Athletic Club or Gymnasium	1 per 300 square feet of floor area
Automotive Repair Services	3 per service bay
Boarding House or Bed & Breakfast Inn	1 for each 2 beds
Business and Professional Offices	1 per 300 square feet floor area
Childcare Center	1 for each 10 students
Church or Place of Worship Private Club	1 for each 4 seats of maximum seating capacity in principle assembly area and 1 for each 17 classroom seats
Community Center, Cultural Facilities or Library	1 per 500 square feet of floor area
Duplex	2 for each dwelling unit
Full-service car wash	2 per every wash bay
Funeral Home	20 for each parlor
Gas Station	2 for every 4 pumps
Health Services	1 per 250 square feet of floor area
Manufactured Home	2 per dwelling unit

USES	PARKING SPACES REQUIRED
Manufacturing, industrial plant, laboratory, bottling plants	1 per 300 square feet of office space plus 1 per every 5,000 square feet of research or laboratory space, warehouse space, and/or manufacturing space
Mobile Home, Travel Trailer, Campgrounds, and Recreational Vehicle Parks	1 per individual site
Motel or Hotel	1 for each guest room plus 1 per 300 square feet of administrative area plus 1 per 300 square feet of event space
Motorized Equipment and Machinery Sales	1 for each 2,500 square feet of lot area
Movie Theater	1 for every 4 seats
Multi-unit Attached—Apartments	1.5 per dwelling unit
Private club or event center	1 per 300 square feet of floor area
Public Park	1 per 1,000 square feet of activity area
Public or Private Schools	1 per classroom plus 1 for each 300 square feet of administrative area
Single-family	2 per dwelling unit
Restaurants and breweries	1 per 125 square feet of floor area
Retail and Personal Services (including Shopping Centers)	1 per 300 square feet floor area
Self-Service Laundry	1 per every 5 laundry machines
Townhouse	2 for each dwelling unit plus amenity and guest parking of 1 additional space per every 5 units.
Vehicle Sales	1 for each 400 square feet floor area
Wholesale Trading and Warehousing	1 for 1,000 square feet, plus 1 for each 300 square feet of retail sales or service

***(B) Parking Standards Single-Family and Two-Family.***

Off-street parking spaces shall be provided on every lot on which any of the following uses are hereby established. Driveways must serve only one lot. Common driveways are not permitted to serve single-family and two-family units. Off-street parking spaces shall include adequate maneuvering areas and shall be provided with vehicular access to a street or lane. All parking spaces shall be:

- (1) Made of a asphalt, concrete or other city approved product;
- (2) A minimum of nine feet in width and 18 feet in length; and
- (3) Equal in number to at least the minimum requirements for the specific use set forth in Table 90.63.1 .
- (4) Recreational vehicles. Recreational vehicles shall be parked in the side or rear of the primary structure and shall not protrude past the front of the primary structure.

(5) Residential curb cuts. Paving of driveways are required for all properties as they are developed, including those that front exclusively on unpaved roads. Property owners shall pave all driveways from the right-of-way line to the edge of the existing paved streets.

- a. No more than two combined entrances and exits shall be allowed for any parcel of property, having a frontage less than 200 feet on any one street. Additional entrances or exits for parcels having a frontage in excess of 200 feet may be permitted at the rate of one entrance/exit for each additional 200 feet of frontage.
- b. The distance between any two curb cuts on the same side of the street shall be more than ten feet on local roads, 25 feet on collector, and 35 feet on arterial.
- c. The width of any driveway shall not exceed 24 feet at the right-of-way line and 24 feet measured at the edge of pavement.
- d. The property owner may submit to the Planning and Development Department a request to install a shorter paved area for the driveway due to extreme circumstances.

***(C) Parking Standards Multi-family residential districts.***

Additional parking shall be required for clubhouse and other non-residential uses. A parking plan shall be included with the site plan application. The storage of campers, boats, or other recreational equipment shall not be permitted unless a common parking area designed for these features is included with the site plan application.

(1) Curb cuts for multi-family residential dwellings shall meet the following requirements:

- (i) No more than two combined entrances and exits shall be allowed for any parcel where the frontage is less than 300 feet on any one street. On parcels with less than 150 feet of frontage, only one combined entrance and exit shall be allowed (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet may be permitted at the rate of one entrance/exit for each additional 200 feet of frontage;
- (ii) All driveways shall be constructed so as to be at least ten feet from the property line;
- (iii) Maximum width of any driveway shall not exceed 35 feet measured at the end of the radii (minimum 12½-foot radius); and
- (iv) Minimum length of any driveway shall be at least 25 feet from the rear edge of sidewalk, or property line if a sidewalk is not required.

(2) All parking spaces shall be:

- (i) Made of asphalt, concrete or other City approved product;
- (ii) A minimum of nine feet in width and 18 feet in length; and

(iii) Equal in number to at least the minimum requirements for the specific use set forth in Table 90-63.1.

(iv) All parking spaces must be clearly marked by a white painted stripe no less than 4 inches wide running the length of each of the sides of the space, or by curbing, or by another acceptable method to clearly designate the space.

(3) All surface parking lots shall have the following minimum lighting requirements:

(i) Illumination shall provide an average maintained illumination of not less than one footcandle equal to one lumen per square foot at grade level, and shall be well distributed in the pavement areas; however, at no point shall illumination be less than one-half footcandle of light measured at grade level. The maximum to minimum Footcandle level shall not exceed a 12 to one (12:1) ratio and the average to minimum footcandle level shall not exceed a four to one (4:1) ratio.

(ii) All parking lot lights shall be dark sky compliant and shall be horizontal to the ground.

(iii) Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where street lighting is removed it should be the responsibility of the entity to independently provide these required levels of illumination.

(iv) All outdoor lighting shall be no greater than 15 feet above grade for non cut-off lights and 35 feet above grade for full cut-off lights.

***(D) Parking Standards Commercial districts.***

Off-street parking spaces shall be provided on every lot per Table 90-63.1. Such spaces shall include adequate maneuvering areas and shall be provided with vehicular access to a street or lane. Parking shall be no closer than ten feet to the street, road, or right-of-way. The parking plan shall be submitted with the site plan application.

(1) Commercial delivery to businesses.

(i) All deliveries to businesses shall be made in appropriate designated and approved delivery areas.

(ii) No area designated or used for commercial deliveries may extend or result in the extension of vehicles onto a public right-of-way.

(2) Curb cuts for commercial land uses shall meet the following requirements:

(i) No more than two combined entrances and exits shall be allowed for any parcel where the frontage is less than 300 feet on any one street. On parcels with less than 150 feet of frontage, only one combined entrance and exit shall be allowed (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet may be permitted at the rate of one entrance/exit for each additional 200 feet of frontage;

(ii) All driveways shall be constructed so as to be at least 12 feet from any side of the property line and building; and,

(iii) Maximum width of any driveway shall not exceed 35 feet measured at the end of the radii (minimum 12½-foot radius);

(3) All parking spaces shall be:

(i) Made of a asphalt, concrete or other City approved product;

(ii) A minimum of nine feet in width and 18 feet in length; and

(iii) Equal in number to at least the minimum requirements for the specific use set forth in Table 90-63.1.

(iv) All parking spaces must be clearly marked by a white painted stripe no less than 4 inches wide running the length of each of the sides of the space, or by curbing, or by another acceptable method to clearly designate the space.

(4) All surface parking lots shall have the following minimum lighting requirements:

(i) Illumination shall provide an average maintained illumination of not less than one footcandle equal to one lumen per square foot at grade level, and shall be well distributed in the pavement areas; however, at no point shall illumination be less than one-half footcandle of light measured at grade level. The maximum to minimum Footcandle level shall not exceed a 12 to one (12:1) ratio and the average to minimum footcandle level shall not exceed a four to one (4:1) ratio.

(ii) All parking lot lights shall be dark sky compliant and shall be horizontal to the ground.

(iii) Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where street lighting is removed it should be the responsibility of the entity to independently provide these required levels of illumination.

(iv) All outdoor lighting shall be no greater than 15 feet above grade for non cut-off lights and 35 feet above grade for full cut-off lights.

***(E) Parking Standards Industrial Districts.***

(1) No more than two combined entrances and exits shall be allowed for any parcel where the frontage is less than 300 feet on any one street. On parcels with less than 150 feet of frontage, only one combined entrance and exit shall be allowed (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet may be permitted at the rate of one entrance/exit for each additional 200 feet of frontage;

(2) All driveways shall be constructed so as to be at least 12 feet from any side of the property line and building; and,

(3) Maximum width of any driveway shall not exceed 35 feet measured at the end of the radii (minimum 12-foot radius).

(4) All parking spaces shall be:

- (i) Made of a asphalt, concrete or other City approved product;
- (ii) A minimum width of nine feet in width and 18 feet in length; and
- (iii) Equal in number to at least the minimum requirements for the specific use set forth in Table 90.63.1 and:
- (iv) All parking spaces must be clearly marked by a white painted stripe no less than 4 inches wide running the length of each of the sides of the space, or by curbing, or by another acceptable method to clearly designate the space.

(5) All surface parking lots shall have the following minimum lighting requirements:

- (i) Illumination shall provide an average maintained illumination of not less than one footcandle equal to one lumen per square foot at grade level, and shall be well distributed in the pavement areas; however, at no point shall illumination be less than one-half footcandle of light measured at grade level. The maximum to minimum Footcandle level shall not exceed a 12 to one (12:1) ratio and the average to minimum footcandle level shall not exceed a four to one (4:1) ratio.
- (ii) All parking lot lights shall be dark sky compliant and shall be horizontal to the ground.
- (iii) Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where street lighting is removed it should be the responsibility of the entity to independently provide these required levels of illumination.
- (iv) All outdoor lighting shall be no greater than 15 feet above grade for non cut-off lights and 35 feet above grade for full cut-off lights.

(6) Commercial delivery to industrially zoned establishments:

- (i) All deliveries to industrially zoned establishments shall be made in appropriate designated and approved delivery areas.
- (ii) No area designated or used for commercial deliveries may extend or result in the extension of vehicles onto a public right-of-way.

(F) All off-street parking spaces shall meet all City of Rincon and other applicable construction standards.

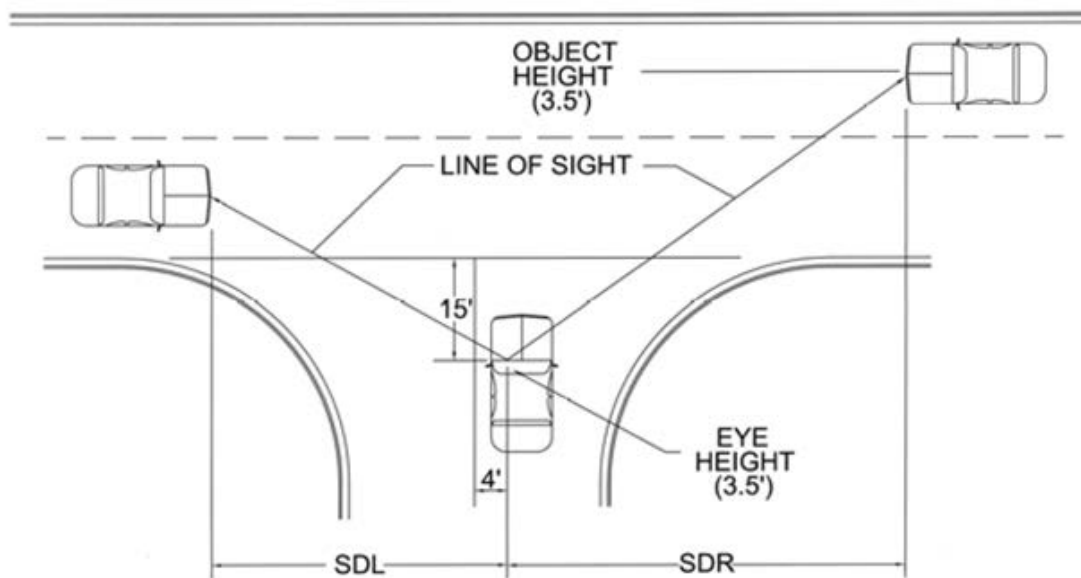
#### **Sec. 90-64. - Street intersection sight triangles.**

(A) Sight triangle standards

Intersections shall be designed with adequate corner sight triangles as depicted in Figure 90-64.1. Where necessary, back slopes shall be flattened and horizontal or vertical curves lengthened to provide the

minimum required sight triangle.

The minimum intersection sight triangle requirement may be calculated using AASHTO “Policy on Geometric Design of Highways and Streets,” Chapter 9 (Intersections), latest edition. Intersection sight triangle is determined with an assumed height of driver’s eye of 3.5 feet and an assumed height of object of 3.5 feet when measuring in the vertical plane. When measuring in the horizontal plane, the intersection sight triangle is determined with an assumed driver’s eye location from a point four feet offset from the centerline and 15 feet from the edge of closest travel lane to a point along the centerline of the closest oncoming travel lane. When measuring in either plane, the line of sight must remain within the proposed standard dedicated right-of-way:



**Figure 90-64.1**

(B) Obstructing visibility at intersections. On any corner lot, within an area formed by the lot lines on the street sides of such lot and a line joining points on such lot lines located at a distance of 20 feet from the point of their intersection, the following shall apply:

- (i) There shall be no fence or wall or hedge higher than three feet.
- (ii) There shall be no obstruction to vision, other than a post or column or tree (except standards erected by city) exceeding one foot in greatest cross-sectional dimension, between a height of three feet and a height of 15 feet above the established grade of either of the intersecting streets.
- (iii) The City Manager or designee may require additional restrictions based on the horizontal or vertical curvature of the roadway or any unique features of the intersection.

**Sec. 90-65. - Designated on-street parking.**

No designated on-street parking space may be proposed, established or permitted on any new public or private roadway or street depicted on any preliminary or final land development plan, or on any preliminary or final land subdivision plat referencing a major subdivision, or on any final land subdivision plat referencing a bona fide minor subdivision, nor shall any be authorized by any official City land development permit issued by the Planning and Development Department, unless formally approved by the Mayor and Council.

**Sec. 90-66. - Streets.**

Streets shall be two-way and a minimum width of 20 feet of pavement for a local street and 32 feet of pavement for a collector street. On-street parking shall be prohibited. All manufactured home spaces shall abut upon an interior drive which shall have unobstructed access to a public street or highway.

- (A) Vehicles, including but not limited to landscaping trailers or moving trucks, that temporarily park on public streets must be sufficiently marked with traffic cones to indicate their presence in the right-of-way. This provision is not applicable to daily delivery vehicles.

**Sec. 90-67. - Service or curbside lanes.**

No service or curbside lanes may be designated for vehicle parking spaces; all such lanes must be restricted only for loading and unloading of passengers and goods, and for the temporary accommodation of disabled vehicles.

**Sec. 90-68. - Trespass by construction on public right-of-way.**

No public or private building or structure, advertising sign, road or street, bridge, water supply system, sanitary sewerage system, stormwater drainage system, pole, tower, sign or other mobile or immobile object shall be constructed or placed on any public way or public right-of-way, or constructed or placed to overhang any public right-of-way, nor to obstruct or restrict access to or from any public right-of-way, except in full conformance with all the terms, conditions, rules, standards and requirements of this Chapter and this chapter.

- (A) Only an authorized government unit or agency, or authorized contractor or agent of such unit or agency, may install traffic control, hazard warning, public directory or public information signs, symbols, barricades or devices, or any sign-supporting structure, on any public right-of-way or roadway.

- (B) No advertising sign, or other private purpose sign, or any private purpose sign-supporting structure, shall be constructed or located on, or overhang, any public right-of-way or roadway.

- (C) Street lights, street name signs, traffic control, hazard warning, public directory or public information signs, symbols, barricades or devices constructed or installed by an authorized government unit or agency, or by an authorized contractor or agent of such unit or agency, and necessary utility service poles installed by any public or private utility company shall be exempt from this restriction.

**Sec. 90-69-90-74. - Reserved.**





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**SIGNS**

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# SIGNS

## **Sec. 90-75. - Purpose of sign regulations.**

The purposes of this chapter are to:

- (A) Regulate the size, illumination, and other characteristics of all types of signs and sign structures;
- (B) Encourage adequate identification of businesses and other uses within the City for general public convenience; and
- (C) Promote traffic safety by prohibiting an excessive number of signs, or signs of excessive size which may confuse or distract motorists, and by prohibiting signs which obstruct sight distance at roadway intersections or along public rights-of-way.

## **Sec. 90-76. - General and special provisions.**

No sign or sign structure, shall be used, reused, altered, remodeled, constructed, relocated or demolished, except in compliance with all the provisions of this chapter.

(A) Encroachment on or over public rights-of-way prohibited. Only an authorized federal, state, county or City government unit or agency, or authorized contractor or agent of such unit or agency, may install traffic control, hazard warning, public directory or public information signs, symbols, barricades or devices, or any sign-supporting structure, on or overhanging any public right-of-way or roadway within their respective jurisdictions.

(1) No private purpose sign or any sign-supporting structure, shall be constructed or located on, or overhang, any public right-of-way or roadway, unless such structure or sign is specifically permitted by the responsible government unit or agency.

(B) Vision obstructions prohibited. No sign or sign supporting structure, shall be located or constructed where such sign or structure obstructs the visibility of traffic, traffic control or directional signs or signals, when viewed from any public roadway or driveway.

(C) Vertical and horizontal clearance required. No sign constructed or located on private property at any public driveway, where vehicles pass under such sign, shall be lower than 16.0 linear feet measured vertically from the driveway crown to the bottom of the sign.

(D) Setback required. All signs constructed or located on private property shall be set back not less than five linear feet from all public right-of-way lines and property lines.

(E) Only one primary sign per lot. Only one primary sign shall be permitted on any individual lot.

(F) Wind-resistant construction required. All plans for all permanent signs and sign structures shall meet wind loading requirements for this area. The plan must incorporate design and construction features adequate to prevent sign overturning, collapse or disintegration from any wind pressure equivalent to current hurricane wind load for this area at the time of application.

(G) Sign measurement. Sign display areas shall be measured by taking the area of the sign, letters, names, pictures, logos or symbols to determine total sign display area.

(H) Visibility of neighboring signs required. No sign shall be constructed or located to obscure the visibility of another sign located on a neighboring or adjacent lot.

(I) Temporary signs. No temporary sign shall be permitted on public property, except public information or traffic control signs erected and maintained by an authorized governmental unit or agency and as listed below:

(1) A maximum limit of one permitted temporary sign, including a banner sign, per lot for a maximum time limit of 45 days shall be allowed on private property. A sign permit is required for a temporary sign.

(2) Only one realtor's sign per lot is allowed. A sign permit is not required for a realtor sign.

(3) Yard sale signs shall be allowed not more than three days prior to the sale and removed not more than two days after the sale. A sign permit is not required for a yard sale sign.

(4) A construction site may have more than one authorized temporary sign per approval of the City Planning or designee.

(5) Required legal advertising shall be permitted and shall be removed not more than two days after the event in which the notice advertised has occurred. No permit shall be required.

(J) Removal of out-of-service permanent signs. All out-of-service permanent signs shall be removed within 180 days from the date the establishment relating to the sign was terminated, relocated, or discontinued. In lieu of removing the sign, an opaque cover can be placed over the sign.

(K) Sign maintenance required. All permanent signs, sign faces, sign posts, and all elements of all permanent sign supporting assemblies, shall be maintained in a safe condition and in good working order.

(L) Display of flags. Any display of a flag may be allowable, but such flags must comply with all setback, horizontal and vertical clearance, and other relevant provisions of this chapter and this chapter. Nothing in this section is intended to bar or to limit the lawful display of any official flag.

(M) All residences and businesses shall provide a conspicuous address. Businesses may also have their addresses painted on the curb in addition to on a fixed location.

(N) Billboards. No billboard shall be erected except in compliance with the regulations listed below:

(1) All illuminated billboards shall use base-mounted lights. The light source must not be visible from a vehicle or residence. No additional lighting shall be allowed.



- (2) All billboards shall be a minimum of ten (10) feet above grade and a maximum of thirty (30) feet above grade.
- (3) Extrusions beyond the face of the billboard, excluding aprons, are prohibited.
- (4) Only one billboard shall be allowed to face the same direction per location. This allows back-to-back or V formation billboards but prohibits two billboards facing the same direction.
- (5) Billboard location shall be no less than 500 feet from the nearest billboard measuring from the nearest point. No more than three (3) billboards shall be permitted per mile when such billboards are located on the same side of the road.
- (6) Billboard structures shall be no less than ten (10) feet from any property line.
- (7) All billboards must also comply with all aspects of the Georgia Outdoor Advertising Code.

**Sec. 90-77. - Sign permits and fees required.**

A “sign permit” shall be required for the construction and location of all signs and sign structures, except signs exempted from the requirements of this chapter.

- (A) Sign permit applications. Each application for sign permit submitted to the Department of Planning and Development shall be accompanied by all necessary construction plans, exhibits, location(s) and other information as required and shall include all required fees.
- (B) Required plans, exhibits information and fees. The following plans shall accompany each application for sign permit:
  - (1) Street address of each proposed sign location, survey sketch or other dimensioned drawing of each proposed sign location, total lot frontage dimensions, setback distances from nearest public rights-of-way and location of nearest public driveways;
  - (2) Dimensioned drawings showing all existing and proposed building signs and freestanding signs, plans for all signs showing all sign face and sign support dimensions, total areas of all sign faces expressed in linear feet and square feet, type of proposed construction materials, illumination details, colors, and all other relevant information; and
- (C) Sign permit fees. The administrative and inspection fees shall be paid with each application for sign permit. The list of fees shall be available in the Department of Planning and Development.

**Sec. 90-78. - Nonconforming signs.**

Any existing sign which did not conform to the terms, conditions, rules, regulations or provisions of this chapter, on the day the ordinance was adopted, shall be defined as substandard and nonconforming.



# 5

(A) Disposition of nonconforming signs. Any sign, or sign structure lawfully existing at the time of adoption of this chapter, may continue to be used, the premises may be rented or leased, and title may be transferred or conveyed by sale, by device or by other lawful means.

(1) Any existing lawful sign may be maintained and repaired if such activity fully conforms to all City-adopted Building, Housing, Fire, Electrical, Mechanical and Plumbing Codes, and all other county, state or federal laws regulating related subject matter; and

(2) No land development permit, occupancy permit or other authorization shall be issued which will have the effect of permitting the reconstruction of, or expansion of, or enlargement of, any nonconforming sign that existed at the time of adoption of this chapter or that was unlawfully created after this chapter was adopted, unless all work sanctioned by the Permit will bring the sign into conformance with ordinance requirements.

### **Sec. 90-79. - Administrative remedies for unsafe signs.**

The owner of any sign or sign structure which has been officially determined to be in violation of the provisions of this chapter, shall be cited with an official notice from the City.

(A) Administrative corrective actions. If any sign owner fails to correct the sign conditions cited in any violation notice within 5 business days, the Planning and Development Department staff shall initiate all actions necessary to correct the cited conditions and to bring the sign into conformance with this chapter.

(B) Administrative costs. All costs of all administrative corrective actions necessary to bring any sign into conformance with this chapter, shall be charged to violator. If such fees are not paid within 90 days, a lien or other appropriate legal action shall be initiated by the City.

(C) Immediate removal permitted. Any sign or sign structure that is officially determined to be unsafe or insecure or a public hazard, and which constitutes an immediate peril to persons or property, may be summarily removed without notice by the Planning and Development Department staff, or at their direction, if the sign owner cannot be readily notified of such condition or necessary action.

### **Sec. 90-80. - Allowable Signs.**

See Table 1.

### **Sec. 90-81. - Sign types and dimensions.**

Specified types of signs, sign elements or other features designated as allowed or prohibited in the various districts, are listed on the following Table 2.

### **Sec. 90-82. - List of prohibited signs.**

Various types of prohibited signs, sign elements or other sign features are as follows:

(A) Any sign with a display area more than 100 square feet per sign face.

(B) Any sign with flashing, animated, moving, revolving or rotating sign faces or beams of light (not including signs conveying time or temperature information to the public).

(C) Any sign illumination from any internal or external light source that creates any hazard to motorist, or which constitutes a public or private nuisance to occupants of any neighboring building.

(D) Any private purpose sign attached to, constructed on, or located on any public roadway or right-of-way, roadway curb or shoulder, fire hydrant, utility pole, public fence, or on any tree or plant, barricade, or signpost located within any public right-of-way (except building street address numbers painted on curbs and resident or occupant identity signs on mailboxes).

(E) All flags, feather signs, pennants, spinners, streamers, balloons that are tethered more than ten feet above the ground, or other wind-powered advertising devices. (See Sec. 90-76, Subsection (2) of this article.) This provision does not apply to special event signs.

(F) Any roof-mounted sign (but not including signs mounted on “mansard-type” roofs as fascia signs).

(G) Any mobile, trailer-mounted, portable, folding, or other moveable or re-locatable sign. This provision does not apply to special event signs.

(H) Any private purpose sign containing any word(s) or symbol(s) similar to traffic control signs, including but not limited to the words “Stop”, “Go”, “Slow”, and “Danger” (but not including any sign intended for traffic safety, hazard warning or human protection purposes on public or private property).

**TABLE 1: ALLOWABLE SIGNS**

<b>SIGN FUNCTION OR PURPOSE</b>	<b>Agriculture AR-1 &amp; AR-2 Districts</b>	<b>Residential R-1, R-2, R-3, R-4, &amp; R-5 Districts</b>	<b>PUD OC, B-1, &amp; B-2 Districts</b>	<b>Industrial L-1 &amp; H-1 Districts</b>
Primary Wall Sign	P	P	P	P
Monument Sign	P	P	P	P
Directory, Informational, & Directional	P	P	P	P
Billboards			P	P
Construction Sign	P	P	P	P
Banner Sign	P	P	P	P
Real Estate Sign	P	P	P	P
Temporary Sign	P	P	P	P

**TABLE 2: LIST OF SIGN TYPES AND DIMENSIONS**

<b>TYPES OF SIGNS</b>	<b>Agriculture AR-1 &amp; AR-2 Districts</b>	<b>Residential R-1, R-2, R-3, R4, &amp; R5 Districts</b>	<b>PUD, OC, B-1, &amp; B2 Districts</b>	<b>Industrial L-1 &amp; H-1 Districts</b>	<b>Additional Standards</b>
Address Sign	Length: 5 LF Area: 1 SF	Length: 5 LF Area: 1 SF	Length: 5 LF Area: 1 SF	Length: 5 LF Area: 1 SF	
Monument Sign	Length: 8 LF Area: 40 SF  Maximum height: 5 feet measured from top of sign to bottom, 12 feet measured from grade to top of sign	Length: 8 LF Area: 40 SF  Maximum height: 5 feet measured from top of sign to bottom of sign	Length: 20 LF Area: 100 SF  Maximum height: 5 feet measured from top of sign to bottom, 20 feet measured from grade to top of sign	Length: 20 LF Area: 100 SF  Maximum height: 5 feet measured from top of sign to bottom, 20 feet measured from grade to top of sign	
Primary Wall Sign	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 16 SF	20 LF 100 SF	20 LF 100 SF	Maximum height: 5 feet measured from top of sign to bottom.
Mansard Sign	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 16 SF	20 LF 100 SF	20 LF 100 SF	Maximum height: 5 feet measured from top of sign to bottom.
Hanging or Projects (Under-canopy or cantilevered)	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32	Length: 6 LF Area: 32	Minimum clearance from grade: 8 feet



<b>TYPES OF SIGNS</b>	<b>Agriculture AR-1 &amp; AR-2 Districts</b>	<b>Residential R-1, R-2, R-3, R4, &amp; R5 Districts</b>	<b>PUD, OC, B-1, &amp; B2 Districts</b>	<b>Industrial L-1 &amp; H-1 Districts</b>	<b>Additional Standards</b>
Marquee (Moveable letters)	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	
Awning or Canopy	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	
Banner	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	Length: 6 LF Area: 32 SF	
Other Temporary	Length: 6 LF Area: 16 SF  Maximum height: 5 feet measured from top of sign to bottom of sign	Length: 6 LF Area: 16 SF  Maximum height: 5 feet measured from top of sign to bottom of sign	Length: 6 LF Area: 16 SF  Maximum height: 5 feet measured from top of sign to bottom of sign	Length: 6 LF Area: 16 SF  Maximum height: 5 feet measured from top of sign to bottom of sign	
Billboard	20 LF 100 SF		20 LF 100 SF	20 LF 100 SF	

**Secs. 90-83—90-90. - Reserved.**



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**DEVELOPMENT  
REVIEW**



## DEVELOPMENT REVIEW

### **Sec 90.91 – Actions required by this chapter**

The following are applications that may be required depending on the construction and particular land use district for which it will take place. Each land development permit applicant shall be solely responsible for submitting complete documentation for official evaluation to the Planning and Development Department, the Soil and Water Conservation District and to all other City, County, State and Federal Regulatory Agencies possessing proper jurisdiction, and for obtaining all necessary approvals, authorizations and certifications from those agencies and entities for all proposals and plans required by this chapter.

(A) Conditional use. There are specific uses permitted in certain zoning districts only after a determination that the use is appropriate based on certain criteria. Any qualified applicant may file a petition to the Planning and Zoning Board for authorization to establish a conditional use, but only if such use complies with all the requirements of the UDO and with all other applicable City, County, State and Federal Requirements. Any action taken by the Planning and Zoning Board will serve as a recommendation to City Council, which shall make the final decision on the request.

(B) Administrative site plan. For land development activities other than single family and duplex structures, that are affecting more than 10% of the current square footage or by 5,000 square feet, whichever is less, an administrative site plan application may be submitted. The requirements for submittal shall be the same as required in Sec. 90-95.

(C) Site plan approval.

(1) All land development activities other than single family and duplex structures, regardless of the zoning district, must present a site plan of such development to the Planning and Development Department. The site plan shall include conceptual building and site layout including access, buffers, landscaping, parking, utilities and stormwater areas to be reviewed by the Planning and Zoning Board for a recommendation and to City Council for approval. Once the site plan is approved, the full development plans will be submitted and reviewed by the Director of Planning and Development, the Building Inspector, the City Engineer, the Fire Chief, and the Public Works Director. The Director of Planning and Development must grant approval prior to the issuance of any land development permits.

(2) Sketch Plan option: an applicant who seeks to solicit feedback from City Council prior to submitting a site plan for review may submit a sketch (conceptual) plan, This plan will be reviewed by City Council only and Council will provide recommendations rather than an approval or denial.

(D) Zoning variance. Where strict enforcement of the UDO regarding setbacks, lot size, acreage, lot width, or other dimensional requirements, or landscaping requirements may present an unnecessary hardship upon a lot or parcel of land, the owner may apply for a zoning variance. Such action requires a public meeting by the Planning and Zoning Board for a recommendation. The City Council will then hold a public hearing on the application. After the public hearing, the application will be scheduled for a determination at City Council. The Planning and Zoning Board is the decision-making board for single-family and duplex variances. Any appeals would be heard by the City Council.



(E) Administrative variance. Where strict enforcement of the UDO may present an unnecessary hardship upon a lot or parcel of land of no more than 10% of the required standard, the owner may apply for an administrative variance. Any appeals of Staff's decision would be heard by the Planning and Zoning Board.

(F) Amendment to the zoning map ( rezoning). An amendment to the zoning map is considered to be an amendment to the zoning ordinance. Such action requires a public meeting by the Planning and Zoning Board for a recommendation to City Council. The application can then be scheduled for a first reading and public hearing by the City Council. The Council will vote on the application for adoption or denial during the second reading of the application. Any qualified applicant may file a petition for amendment of the Official Zoning Map based on the following:

(1) Official evaluation and action required: Each Petition for map amendment shall be officially evaluated and acted upon by the Planning and Zoning Board and by all other official administrative officials and agencies in the manner further prescribed in the UDO;

(2) Official recommendation of approval or disapproval required: The Planning and Zoning Board shall forward every petition for a map amendment to the Mayor and Council accompanied by an official recommendation of approval or disapproval.

(G) Amendment to the text of this chapter. Any qualified applicant may file a petition for amendment of any text or table or list of standards or numerical standard requirement, and/or for amendment of the List of Uses in zoning districts of the UDO.

(1) Official evaluation and action required: Each Petition for ordinance amendment shall be officially evaluated and acted upon by the Planning and Zoning Board and by all other official administrative officials and agencies in the manner further prescribed in the UDO;

(2) Official recommendation of approval or disapproval required: The Planning and Zoning Board shall forward every petition for ordinance amendment to the Mayor and Council accompanied by an official recommendation of approval or disapproval which shall clearly state the effect the proposed amendment will have on all other requirements or elements of the UDO and on all other applicable City, County, State and Federal Laws, Rules, Regulations and Requirements.

(H) Permits required in conjunction with permits in this chapter. The following are permits required by other government entities that may be applicable to a development project in Rincon.

(I) Land-disturbing activity permit. Under the Georgia Soil Erosion and Sedimentation Act, any disturbance of land of over 1 1/10 of an acre requires a land disturbance permit from the Planning and Development Department.

(J) Construction in wetlands. In conjunction with Georgia Department of Natural Resources, 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 Federal Clean Water Act.



(K) 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. Deceleration lanes are required at all entrances on high traffic roadways within the city limits.

(L) Shallow wells for irrigation only. If a property owner decides to use a shallow well for the irrigation of his or her landscape, a shallow well permit must be obtained from the Planning and Development Department, and the pump installation and design must meet the plumbing codes set forth by International Building Code and the laws of the state.

(M) Special Use. There are specific uses permitted in certain zoning districts only after staff has determined that the use is appropriate based on certain criteria. These uses and the criteria are listed in Chapter 3.

(N) Administrative applications. The following are applications that are reviewed and approved by the City Manager or designee in accordance with the regulations of the UDO.

- (1) Administrative variance, as described in 90-100
- (2) Minor Plat, as described in 90-281 (C)
- (3) Major Subdivision Plats – Final, as described in Sec. 90-282(B)
- (4) Administrative Site Plan, as described in 90-95 (B)
- (5) Special Use applications, as described in 90-96 (B)
- (6) A recombination of land or a lot line, as described in Sec. 90-283 (D)

(O) Appeals from ordinance administration. Any qualified applicant or aggrieved person who alleges an official error in the administration of this chapter or who alleges loss of a real property right, or whose legal right in or to any real property has allegedly been invaded, or whose monetary interest has allegedly been otherwise adversely affected by any official order, requirement, interpretation, determination or decision by the City Manager or designee, may file an appeal to City Council.

(P) Development of Regional Impact. Whenever an official evaluation of any land development plan or subdivision plat indicates that the project size, type of development, traffic volumes generated, or other proposed features probably will have a significant effect on the region beyond the territorial limits of the City and meets the criteria in the Georgia State Statutes for a Development of Regional Impact (DRI), a DRI application shall be completed and submitted to all applicable agencies.

### **Sec. 90-92. – Planning and Zoning Board.**

(A) Responsibilities.

The Planning and Zoning Board (Board) shall be an administrative agency of the city which is appointed by the Mayor and City Council, and which shall have the following described duties and responsibilities:



- (1) Conducting research and analyses of existing and future probable economic, social and physical conditions bearing on the growth and development of the city;
- (2) Preparing and recommending to the Mayor and City Council public objectives, policies, procedures and plans for city growth management;
- (3) Evaluating each matter of public concern referred to the Board by the Mayor and City Council and development alternative recommendations for action;
- (4) Generally interpreting and administering this chapter, when such interpretation does not conflict with any opinion rendered by the City Attorney, and when such administration does not encroach upon the advisory, administrative or legislative jurisdiction or authority delegated and reserved by this chapter to the Mayor, City Council, or any other City, County, State or Federal Official or Agency possessing proper jurisdiction in any manner;
- (5) Evaluating and rendering recommendations of approval or disapproval on each Rezoning, Variance (except for administrative variances), UDO Text Amendment, Site Plan, Conditional Use Permits, and Preliminary Land Subdivision Plat presented to the Board;
- (6) Rendering formal recommendations of approval or disapproval on each petition or appeal presented to the Board; and
- (7) Conducting all public meetings required by this chapter or by any City, County, State or Federal Law or Regulation governing the proper transaction of official business and other public matters within the jurisdiction of the Commission.
- (8) Rendering a decision on a single-family residential or duplex variance application.
- (9) Providing a recommendation on all variance applications except single-family residential or duplex.

(B) Membership.

- (1) The Board shall comprise of seven Rincon residents; members to be appointed by City Council.
- (2) Board members shall serve at the pleasure of City Council for a whole-year term of three (3) years. Board members may be reappointed for one three-year term. Terms shall be staggered in time so as to provide continuity. Once members have served two (2) consecutive terms, they shall not be eligible to reapply to serve for a minimum of five (5) years.
- (3) Board terms as established by City Council begin January 1 and end December 31.
- (4) New members shall promptly be appointed to fill any membership vacancies that occur for any reason and each new member's term shall be for the remainder of the unexpired term of the vacating member.
- (5) A member of the City Council shall be appointed as an Ex-Officio member of the Board for a term not to exceed that member's remaining period of service on the City Council or the Council and Board shall meet together on a quarterly basis.



(C) Organization and procedural rules.

(1) The Board shall elect a Chairperson and a Vice Chairperson, by simple majority of the voting members at the first meeting in January of each year. The Board shall appoint a secretary who may be an employee of the City.

(2) The Board shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record.

(D) Disclosure of conflict of interest.

(1) Any member of the Board who has any property interest or financial interest, or who has a family member who holds such interest, in any real property which is the subject of any application, petition, appeal or other matter under official consideration by the Council or Board, shall immediately provide public disclosure of such interest to the Board, and shall recuse themselves from any vote on the matter;

(2) Any person who is an applicant or petitioner for any application, petition, appeal or other matter under official consideration by the Council or the Board, who has within the preceding two years made any political campaign contributions or gifts totaling more than \$100.01 to any member of the Council or Board, must immediately provide public disclosure of such contributions or gifts to the Council to be recorded in the minutes of the public meeting;

(3) All disclosures of any conflict of interest described in this chapter shall be a public record; and

(4) Any deliberate failure to disclose any conflict of interest described in the ordinance shall be a violation of this chapter and may be a violation of Georgia Law; violation of either provision is a misdemeanor and upon conviction for such public offense shall be punishable as provided by law.

(E) City services and support.

(1) It shall be the responsibility of the Mayor and Council to provide the Board with a meeting room of sufficient size to accommodate all public meetings which this chapter requires of the Board; and

(2) It shall be the responsibility of the Mayor and Council to provide the Board with clerical staff, office supplies and a cash expense allowance for the purchase of maps, document printing and related items.

(F) Deliberations.

The Board shall formally deliberate upon, evaluate, and make recommendations to City Council on the following specified appeals or petitions filed by any aggrieved person or any qualified applicant or petitioner:

(1) An appeal alleging an error, and a formal request for review of and decision on the substantive or procedural correctness of any official order, requirement, interpretation, determination or decision made by the City Manager or designee which was adverse to the petitioner;

(2) An appeal from an official interpretation and determination by the City Manager or designee that a proposed non-referenced use is not similar to others in the land use zoning district(s) in which it is proposed to be located and that such use should not be added as an "allowable use" to the List of Allowable or Prohibited Uses governing the district(s);



(G) Authority.

The Planning and Zoning Board has the authority to make recommendations on any appeal that may reverse or affirm or modify, in whole or in part, any official order, requirement, interpretation, determination or decision by the City Manager or designee that is the subject of the appeal. The decisions of the Planning and Zoning Board are solely for recommendations to City Council, except where stated in this Chapter.

(H) Interpretation of land use zoning district boundaries.

The Planning and Zoning Board shall be authorized to make recommendations to City Council to resolve any dispute regarding the location of any zoning district boundary and interpretations of any district boundary location upon an appeal by a qualified applicant or petitioner or aggrieved person, or by its own initiative, or by request from the City Manager or designee, or the Mayor and Council.

**Sec 90.93 – Fees required for specified city services**

The various evaluations and reviews of land development plans and land development permit applications, land subdivision plats, land development performance bonds, development inspection services, and other services required in this chapter are necessary to protect the public health, safety and welfare, but impose extra costs on the city government. For that reason, specified fees shall be required to be paid by the responsible Applicant prior to the beginning of, or completion of, specified City services, based on the approved Fee Schedule.

**Sec 90.94 – Qualifications of applicant**

Every person applying for a land development application shall be required to be a qualified applicant. Qualification shall be based on proof of ownership or control of all land referenced in the application.

(A) Qualification proof may include a showing of the applicant’s name as owner(s) of record, or land deed(s) or lease(s); or notarized letter(s) of authorization or agency from the owner(s) of record, principal lessor(s), trustee(s), or other authorized person(s) stating the applicant is authorized to submit the application.

**Sec 90-95- Site Development Process**

(A) Site plan approval

The site plan approval process is intended to provide the general public, Planning and Zoning Board and City Council with information pertinent to how a new development will affect the surrounding area and the city as a whole. The Site Development Procedures are described in section C below.

The Planning and Development Department, Planning and Zoning Board, and the City Council shall be authorized to request additional pertinent information from an applicant for any application needed for evaluation.

(B) Administrative site plan approval

For land development activities other than single family and duplex structures, that are affecting more that 10% of the current square footage or by 5,000 square feet, whichever is less, an administrative site plan application may be submitted.

(1) Process. The site plan is reviewed by the Department of Planning and Development then forwarded



# 6

to any other applicable city department. Once city staff have submitted comments to the Planning and Development Department and the applicant addresses all of staff's comments, the site plan can be approved by the Planning and Development Director.

(2) Zoning actions. Once a site plan has met the application and process requirements the land development, engineering, and building permit processes may begin.

## (C) Site Development Procedures

The following is the process for a site development application.

### **SITE PLAN SUBMITTAL**

Preliminary plan is submitted to Planning & Development. The Planning and Development Department will review the site plan for noticeable discrepancies and determine if there is a need to apply for other zoning actions for review. The application will then be scheduled for the next available Planning & Zoning Board meeting.

### **PLANNING AND ZONING BOARD**

Site plan reviewed by the Board and a recommendation is provided to City Council.

### **CITY COUNCIL**

City Council reviews the site plan.

### **CITY COUNCIL APPROVES SITE PLAN**

If City Council approves the site plan, the full development plans can be submitted for administrative review. If City Council does not approve the plan, the plans must be revised to meet the requirements within the UDO in order to be considered.

### **DEVELOPMENT PLAN REVIEW**

The full site plan and civil plans are submitted to the Department of Planning and Development for review by the Director of Planning & Development, the Building Inspector, the City Engineer, the Fire Chief, and the Public Works Director.

### **APPROVAL**

If all disciplines find the application meets the requirements of the UDO and all applicable standards, the Director of Planning and Development may approve the application.

### **SUBMIT LAND DEVELOPMENT PERMIT**

Each land development plan or land subdivision plat submitted for official evaluation shall be accompanied by all related information and exhibits, which shall depict all relevant existing conditions on the project development area and the locations of all improvements and features proposed to be constructed or established.

### **ENGINEERING FEES**

All required engineering and land development plan fees shall be paid prior to issuance of a building permit.

### **BUILDING PERMIT**

The building permit can be applied for and may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by City Council.



## **Sec 90.96 – Conditional Use Applications**

### *(A) Conditional Use Process*

Land uses described in the use table of Chapter 3 that are permitted as conditional uses shall follow the procedure below:

(1) Review criteria. The Planning and Zoning Board shall hear and make recommendations upon such uses in a district that are permitted as conditional uses. The application to establish such use shall be approved by the City Council on a finding that:

(i) The proposed use will not be contrary to the purpose of the UDO,

(ii) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood or adversely affect the health and safety of residents and workers,

(iii) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement acquainted with the use, noise or fumes generated by or as a result of the use, or type of physical activity associated with the land use,

(iv) The proposed use will not be affected adversely by the existing uses of adjacent properties,

(v) The proposed use will be placed on a lot which is of sufficient size to satisfy the space requirements of said use,

(vi) The parking and all development standards set forth for each particular use for which a permit may be granted will be met, and

(vii) The action will not adversely impact adjacent or nearby properties in terms of 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.

(2) Additional mitigation requirements. The Planning and Zoning Board may suggest and the City Council may impose or require such additional restrictions and standards (e.g., increased setbacks, buffer strips, screening, etc.):

(i) As may be necessary to protect the health and safety of workers and residents in the community;

(ii) To protect the value and use of property in the general neighborhood; and

(iii) To provide continuity and consistency in the character, architectural design, and physical layout of an area.

(3) Adherence to requirements. Provided that wherever the City Council shall find in the case of any permit granted pursuant to the provisions of these regulations, noncompliance of any term, condition, or restrictions upon which such permit was granted, the City Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.



(4) Permit longevity. Conditional use permission granted by the City Council shall be valid for a period of 12 months from date the associated site plan is granted 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 City Council.

***(B) Conditional Use and Special Use Application Requirements***

All applications for uses permitted in a zoning district for conditional use or special use must include the following minimum information:

- (1) Name, address and signature of applicant. (All applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property, the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized form signed by the owner, authorizing said agent to file on his or her behalf).
- (2) A detailed description of the activities, number of units (if applicable), and hours of operation of the proposed conditional use.
- (3) Submit a Campaign Contribution Disclosure Form.
- (4) A preliminary site plan (1 digital and 1 – 11 X 17).

**Sec 90.97 – Variance Application Requirements**

(A) Applications for a zoning variance shall be submitted to the Planning and Development Department. All applications for a zoning variance must include the following minimum information:

- (1) Name, address and signature of applicant and property owner. (All applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property, the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized form signed by the owner, authorizing said agent to file on his behalf).
- (2) Site plan and/or architectural rendering of the proposed development depicting the exact location of lot restrictions (1 digital and 1 – 11X17).
- (3) Address and location of the subject property for which such land development activity shall take place,
- (4) Survey of the property signed and stamped by a State of Georgia Certified Land Surveyor (1 digital and 1 – 11X17).
- (5) Need for variance (to include unique physical circumstances/conditions of property and hardship).
- (6) A Campaign Contribution Disclosure Form.



(B) No application for a variance request, which has been previously denied, shall be accepted by the Planning and Development Department until the expiration of at least six months immediately following the defeat by the City Council of such request. However, if the request is for a lesser relaxation of the standards or for a different request, then an application and revised site plan may be submitted.

**Sec 90.98 – General Variances other than Single Family or Two-Family**

(A) Standards. After an application has been submitted to the Planning and Development Director, reviewed by the Planning and Zoning Board, and a public hearing has been held by the City Council, the City Council may grant a variance from the strict application of the dimensional requirements of the UDO, including setbacks, height, lot width, parking, and acreage, and landscape requirements only if at least two 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, 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.

(B) Permit longevity. After a variance has been granted by the City Council, the applicant shall have a period of 12 months from date of approval to apply for the subsequent permits for development. 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 City Council.

(C) Variances shall not be permitted for use or density.

**90-99. Single-Family or Two-Family Variance Standards**

(A) Standards. The Planning and Zoning Board may grant a variance from the strict application of the dimensional requirements of the UDO, including setbacks, height, lot width, parking, and acreage, and landscape requirements in the UDO if at least two 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, 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.



(B) Height variances. For residential height variances the petitioner shall be required to add two feet to each side yard setback for each one foot above 35 feet in height and have safeguards consisting of sprinkler systems, smoke detectors and any other fire protection equipment deemed necessary by the Planning and Development Director or designee. Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above the 35 feet height, and have safeguards consisting of sprinkler systems, smoke detectors, and any other fire protection deemed necessary by the Planning and Development Director or designee for approval.

(C) Permit longevity. After a variance has been granted by the Planning and Zoning Board, the applicant shall have a period of 12 months from date of approval to apply for the subsequent permits for development. 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 Planning and Zoning Board.

### **90- 100. Administrative Variances**

Where strict enforcement of the UDO may present an unnecessary hardship upon a lot or parcel of land of no more than 10% of the required standard, the owner may apply for a zoning variance. Any appeals of Staff's decision would be heard by the Planning and Zoning Board.

(A) Standards. Staff may approve an administrative variance if at least two 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, 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.

(B) Permit longevity. Administrative variances granted by the Director of Planning and Development shall be valid for a period of 12 months from date the associated site plan is granted 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 review by the Director of Planning and Development or designee to determine if additional actions or applications will be required.

### **Sec 90.101 – Zoning Text or Map Application Requirements**

(A) Application requirements for a zoning text or map amendment. Applications for amendment of these regulations may be in the form of proposals to amend the text of these regulations or proposals to amend the zoning map. Applications for amendment shall be submitted to the Planning and Development Department. No application for a zoning change requesting the same zoning district classification and affecting the same parcel of property or part thereof shall be accepted by the Planning and Development Department until the expiration of at least six months immediately following the defeat of the rezoning request by the City Council. However, if



the request is for a different land use classification than the previous request, an application will be accepted. All applications for zoning map or text amendments must include the following minimum information:

(1) Name, address and signature of applicant. (All applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property, the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized form signed by the owner, authorizing said agent to file on his behalf).

(2) Brief description of the need for a rezoning and a narrative addressing the criteria in (A)-(I) of Section 90-102.

(3) A Campaign Contribution Disclosure Form.

(B) Text amendment. In the case of a text amendment, the application shall also set forth the new text to be added and the existing text to be deleted.

(C) Map amendment. An application for a map amendment shall also include the following information:

(1) Address and location of the subject property for which such land development activity shall take place,

(2) A legal description of the land by lot, block, and subdivision designations, or if none, by metes and bounds,

(3) The present and proposed land uses of all adjoining properties if under the same ownership,

(4) A scaled map or plat, which shall show the property referred to in the application and all adjoining lots or parcels of land which are also under the same ownership (1 digital and 1 – 11 X 17).

### **Sec 90.102 - Standards for zoning map amendment**

In order to promote the public health, safety, and general welfare of the City of Rincon against the unrestricted use of property, the following standards and any other factors relevant to balancing the above stated public interest will be considered, when deemed appropriate, by the City Council in making any zoning map amendment decision:

(A) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?

(B) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?

(C) Could traffic created by the uses permissible under the proposed zoning traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards?



(D) Will this request place irreversible limitations on the area as it is or on future plans for it?

(E) Will the uses allowed by the proposed zoning substantially conflict with existing density patterns in the zone or neighborhood?

(F) Would the proposed rezoning precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

(G) 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.

(H) 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?

### **Sec 90.103 – Public Notice**

After a completed application has been filed, the next step in the approval process for a conditional use, variance, rezoning or text amendment that is not considered administrative by this chapter is to set a date for a public hearing on the matter and render proper notice to the public. Proper public hearing notice procedures are as follows:

(A) Legal notice. Notice of public meetings before the Planning and Zoning Board and public hearings before City Council as required by this section shall be published within a newspaper of general circulation within the city in which are carried the legal advertisements of the City and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district or proposed zoning action of said property. Such notice for the official public hearing before the City Council shall be published 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, a designated official of the city shall post a sign at least 15 days prior to the City Council Public Hearing, in a conspicuous place on the property for which an application for a proposed zoning action has been submitted. 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 meetings before the Planning and Zoning Board and the public hearing before City Council.

(C) Notification to adjacent property owners. At least 10 days prior, but not more than 45 days before the date of the public meeting a notice setting forth the date, time and place for such public meeting shall be sent by



mail by the applicant and all owners of property located within 300 feet from the property being proposed for rezoning. The notice shall also include the location of the property, its present zoning classification and the proposed zoning classification. The mailed notices to such properties shall be sent by the applicant and an affidavit confirming the notification shall be provided by the applicant to the City; provided, however, where a map amendment is initiated by the Planning and Zoning Board such names and addresses of owners of property located adjacent to or across a public right-of-way from property being proposed for rezoning shall be provided by the Planning and Development Department. Failure to send notices or failure of the property owner to receive notification shall not affect the validity of any zoning action initiated by the City of Rincon. This procedure exists as a supplement to the legally required notification procedures. The notice shall include both the Planning and Zoning Board meeting and the City Council hearing dates.

**Sec 90.104 – Public hearing requirements**

Whenever a zoning action that is not considered administrative by this Chapter takes place, a hearing must be held before the public. When an applicant requires more than one zoning action, a separate Public Hearing must be held for each procedure or action. A public meeting is held by the Planning and Zoning Board and a public hearing is held before City Council. The public hearing before the City Council is by record the official public hearing. The purpose of each public hearing is to discuss information pertinent to the particular action or procedure. During the hearing the following rules and actions shall be followed:

(A) General rules of conduct. Whenever a public hearing is required by this chapter or by state law prior to approving a zoning action, such public hearing shall be conducted in accordance with the following procedures:

- (1) The public hearing shall be called to order by the presiding officer.
- (2) The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
- (3) If the subject of the hearing is initiated by an applicant other than the City Council, the petitioner requesting such zoning decision, or the applicant’s agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor or in opposition of the proposed zoning decision.
- (4) If the request is initiated by the City Council, all members of the City Council shall be allowed to speak as they are recognized by the mayor or presiding officer, regardless of whether such City Council member speaks in favor of or in opposition to the proposed zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor or in opposition of the proposed zoning decision.
- (5) When any person wishes to speak at a public hearing, he shall raise his hand and, after being recognized by the presiding officer, shall stand and give his name, address, and make any comment appropriate to the proposed zoning decision. If within two years immediately preceding the filing of the applicant’s application for a zoning action, the speaker has made campaign contributions aggregating to more than \$100.01 to any member of the City Council or any member of the City Planning and Zoning Board, it shall be the duty of the speaker to disclose the following information five days prior to the official public hearing:



- (i) The name of the local government official to whom the campaign contribution or gift was made;
- (ii) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the map amendment and the date of each contribution; and
- (iii) An enumeration and description of each gift having a value of \$100.01 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning action.

(6) A time limit may be imposed upon any person speaking at a public hearing, but all speakers are urged to make their comments brief and avoid repeating other comments.

(7) The applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.

(8) Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed, and the City Council or the Planning and Zoning Board, as the case may be, shall immediately and openly discuss the proposed zoning decision and vote on action which they are authorized to take.

(B) Actions specific to the Planning and Zoning Board during a public meeting:

(1) All proposed zoning actions not considered administrative by this Chapter shall be reviewed by the Planning and Zoning Board in a public meeting in accordance with the procedures set in this chapter.

(2) The Planning and Zoning Board shall review and consider a recommendation to the City Council with respect to the application for a zoning action, except single-family and duplex variances whereby the Planning and Zoning Board has decision making authority. The Planning and Zoning Board may decide to make no recommendation or it may make any of the following recommendations with respect to an application for a zoning action: approval, denial, deferral, withdrawal without prejudice, reduction of the land area for which the application is made, change of the zoning district requested, or imposition of zoning conditions; and

(3) The Planning and Zoning Board shall submit its recommendation on a zoning action application to the City Council prior to the scheduled Public Hearing in which the City Council will consider the application for a zoning decision. If the Planning and Zoning Board fails to submit a recommendation prior to the public hearing, the Planning and Zoning Board's recommendation shall be deemed one of approval.

(C) Actions specific to the City Council during a public hearing.

(1) So that the purpose of this zoning ordinance will be served and so that health, public safety and general welfare will be secured, the City Council may in its legislative discretion:

- (i) Approve or deny the proposed zoning action as submitted;



- (ii) Reduce the land area for which the application is made;
- (iii) Change the zoning district to one other than that requested; or
- (iv) Add or delete zoning conditions as the City Council deems appropriate.

(2) An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred. The City Council may also approve a withdrawal of an application, and if so stipulated by the City Council in its decision to approve withdrawal, the 12-month limitation on re-filing of the application for the same property shall not apply.

(D) Public hearings records standards. The City Clerk or an agent of the City Clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the City Council for its records. 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.

#### **90-105 – 90-110 Reserved**

#### **Sec. 90-111 – Installation of culverts.**

(A) Permit required. No person shall install a culvert in a roadside ditch or drainage ditch until a permit has been issued in accordance with subsection (B) of this section by the city manager.

(B) Application for permit; drainage plan; inspection.

(1) Any person desiring to install a culvert in any drainage ditch or roadside ditch shall first make application for a permit to the city for permission to install the culvert. The application shall be accompanied by a drawing showing the location, grade, size of pipe, other drainage structures and the angle of the culvert to be installed. The maximum length of culvert to be installed in any drainage ditch or roadside ditch shall not exceed 400 feet.

(2) All drainage plans are to be prepared and certified by an engineer licensed to perform engineering work in the state. The engineer shall certify on the plans that the drainage structures shall have no adverse effect upon any property or any improvements lying upstream or downstream from the proposed culvert and drainage structures, and shall further certify that the drainage structures shall not cause flooding or ponding of water upon any property lying upstream or downstream from such proposed culvert and drainage structure.

(3) All drainage plans submitted by a licensed engineer must be approved by the city prior to any improvements being made. It is the responsibility of the applicant to include in the drainage plan sufficient information for the city to properly evaluate the plan and to inspect the work while being performed.



(4) Upon issuance of a permit, the person having the culvert installed must notify the city prior to covering the culvert and shall not cover the culvert until the work has been inspected by the city.

(5) Any person desiring to install a culvert in a driveway with a length equal to or less than 29 feet shall not be required to submit a plan as provided in subsection (B)(2) of this section. The driveway culvert shall be 15 inches in diameter, constructed of reinforced concrete, and inspected and approved by the Public Works Director.

(6) Property owners may request the city to install the driveway culvert. The cost for the installation shall be \$20.00 per linear foot determined by the City and paid in accordance with preapproved arrangements with the City, not to exceed 12 months.

Exception: There will be no installation charge for senior citizens age 65 and over, disabled American veterans, or handicapped people who are unable to work.

**Sec. 90-112 – Land Disturbing Activity Application/permit process.**

(A) General: The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority (LIA) shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

(B) Application requirements.

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Rincon without first obtaining a permit from the City of Rincon 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 Development Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Sec. 90-309(B) of Chapter 9 of the UDO. 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 Sec. 90-309(B) of Chapter 9 of the UDO will be met. Applications for a permit will not be accepted unless accompanied by three 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 O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant

to subsection (a) of O.C.G.A. § 12-7-8 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 jurisdiction.

(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 variances required by 90-91(4) has been obtained, all fees have been paid, and bonding, if required as Sec 90.113 have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

(5) If a permit applicant has had two or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

(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 Sec. 90-309(B) of Chapter 9 of the UDO, 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 stormwater 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 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 by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(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 variances required by 90-91(4) are obtained, bonding requirements, if necessary, as per section 90-113 met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority 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, then 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 LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

**Sec 90.113 – When land development guarantee or surety performance bond is required**

A one-year land development guarantee, irrevocable letter of credit, or surety performance bond shall be required to assure the completion of the construction and installation of all proposed improvements referenced in any land development permit, whenever the developer may be, or is, unable to satisfactory perform.

(A) A performance bond may also be required to assure the continued or long-term maintenance



of infrastructure;

(B) No proposed development guarantee, irrevocable letter of credit or surety performance bond shall be accepted by the Mayor and Council unless all terms and conditions of the proposal have been reviewed and approved by the City Manager or designee, City Attorney, and the Public Works Director.

(C) Must be issued by a State of Georgia approved bond company.

**Sec. 90.114 – Construction inspections requirement**

The “as-built” physical locations and dimensions of all improvements and features depicted on any approved land development permit or final land development plan or final land subdivision plat and on any related construction drawings submitted in conjunction with any such permit, plan or plat, shall be subject to interim and post-construction inspections by the Planning and Development Department, and City Engineer by request, and may be subject to such inspections conducted by Registered Engineers, Architects, Landscape Architects, Surveyors or any other person employed by any mortgagee or performance bond surety or guarantor who holds a financial interest in the developed property or subdivision referenced by the permit, plan or plat.

(A) All such referenced persons may enter upon the described premises during any working day, for the purpose of conducting construction inspections.

**Sec 90.115 Final “record drawings” and “as-built” certification required**

The “as-built”, surveyed, physical locations and dimensions of all roadways and streets, water and sewer system features, buildings and structures, grading features, stormwater drainage or soil erosion control structures, energy and communication utility system features, and all other improvements and features constructed and installed in any project development area which has been referenced in any land development permit, shall be depicted as “record drawings” prepared on reproducible copies of each related final land development plan or final land subdivision plat and each plan or construction drawing directly relating to the constructed or installed features of such plan or plat, and shall be submitted to the Planning and Development Director for acceptance, after all construction activities for the reference land development or land subdivision are completed.

(A) The “as-built” accuracy of each final land development plan or final land subdivision plat and all plans or construction drawings directly related to such plan or plat “record drawing” shall be certified by the applicable Engineer or Architect who was responsible for the construction and installation of each improvement or feature shown on each related plan or plat;

(B) All deviations from the original approved preliminary land development plan or preliminary land subdivision plat or from any related construction drawings or plans approved with that plan or plat, must be approved by the City and shall be described in a written narrative certified by the applicable Engineer or Architect who was responsible for the construction and installation of each improvement or feature shown on each related plan or plat, and shall accompany the “as-built” “record drawing;”

(C) Issuance of any occupancy permit for any building, structure or land, or for any other feature of any land development or land subdivision, before all final “record drawings” and “as-built” certifications are accepted by



the Planning and Development Department shall be strictly prohibited; and

(D) “Small Land Developments” and “Agricultural Uses” which have been granted a partial exemption from the full terms and conditions of this chapter, shall not be exempt from compliance with the “as-built record drawing” certification requirements of this section.

**Sec 90.116 – Statement required on plans and plats**

The following statements must be depicted on each applicable reproducible version of each Preliminary and Final Land Development Plan, or Preliminary or Final Subdivision Plat submitted for official evaluation:

*(A) Certificate of Survey Accuracy.*

- (1) I certify this (Preliminary (or) Final Land Development Plan/or Preliminary (or) Final Subdivision Plat) depicts an accurate and true land survey which meets all the requirements of this chapter and the State of Georgia.
- (2) This (Plan/Plat) was prepared from a land survey of the subject property which was made under my supervision.
- (3) All Survey Monuments shown on this (Plan/Plat) have been located where shown.
- (4) All Survey Monument which I have installed fully conform to all the “UDO” of Rincon, Georgia requirements.
- (5) Registered Land Surveyor’s/or/Registered Engineer’s Signature and Printed Name of.
- (6) Surveyor’s/or/Engineer’s Registration Number and Seal.
- (7) Date.

*(B) “Record Drawings” and “As-Built” certification.*

- (1) (I/or/We) certify that this (Final Development Plan/or/Final Land Subdivision Plat) and all plans and construction drawings accompanying this (Plan/or/Plat) represent “record drawings” which accurately depict the “as-built” locations and dimensions of all the public or private facilities, utilities services, buildings, roadways and all other improvements and features shown and that each improvement or feature has been constructed and/or installed in full compliance with all the conditions of official City approval for this project and with all provisions of the “UDO” of Rincon, Georgia.
- (2) Any and all deviations from the original design or construction features depicted on the Preliminary (Development Plan/or/Subdivision Plat) for this project, or shown on any construction plans submitted with that (Plan/or/Plat), are explained and certified in the written narrative(s) and on the “record drawing(s)” accompanying this (Final Development Plan/or/Final Land Subdivision Plat).
- (3) Owner(s)/or/Attorney(s)-as-Agent/or/Corporate Official(s) Signature, Printed Name of and Title.



- (4) Principal Registered Engineer’s Printed Name, Registration Number and Seal.
- (5) Notary Public’s Signature, Printed Name, Seal, and Expiration Date of Commission.
- (6) Date of Notary Public’s signing.

*(C) Certificate of ownership and dedication for public use.*

- (1) (I/or/We) certify that (I am/or/We are) the (Owner(s)/or/Authorized Agent(s) of the Owner(s)) of all land depicted on this (Final Development Plan/or/Final Land Subdivision Plat).
- (2) (I/or/We) hereby appropriate and dedicate for public use all roadways rights-of-way, easements and other land which have been designated for public use(s) on this (Final Development Plan/or/Final Land Subdivision Plat).
- (3) Owner(s)/or/Attorney(s)-as-Agent/or/Corporate Official(s) Signature, Printed Name of and Title.
- (4) Notary Public’s Signature, Printed Name, Seal, and Expiration Date of Commission.
- (5) Date of Notary Public’s signing.

*(D) Certificate of approval and authorization for recording major land subdivision completed by the applicant.*

*Staff Approval.*

- (1) All land which is depicted on this (Final Development Plan/or/Final #Major# Subdivision Plat) as dedicated for public use was accepted by Resolution of the City Council of Rincon, Georgia.
- (2) City Manager Signature and Printed Name.
- (3) Planning & Development Director Signature and Printed Name.
- (4) Date accepted by the City Council.

**Sec 90.117 – Expiration of permits**

- (A) If development referenced in any land development or disturbance permit is not initiated within 180 days from the date the permit was issued, the permit shall automatically expire.
- (B) If development referenced in any land development or disturbance permit is not completed within 730 days (two years) from the date the permit was issued, the permit must be renewed.
- (C) Upon revocation of the permit for failure to comply, the parcel of property shall not be developed for a period of 12 months regardless of ownership.



**Sec 90.118 – Approved and certified water supply and sanitary sewerage system required**

All development units located in all new land developments or land subdivisions shall be serviced by approved and certified public water supply, treatment and distribution systems including fire hydrants, and approved and certified public sanitary sewage collection, treatment and disposal systems, when such public services are immediately available to, and accessible from, the project development area of any land development or land subdivision:

(A) Whenever public water supply or sanitary sewerage and disposal services are not immediately available to, or accessible from, any land development or subdivision, equivalent approved and certified services shall be provided;

(B) Whenever a definite City-sponsored plan and construction schedule exists for provision of water supply and/or sewerage services to any land development or land subdivision, within 2 years from the expected date of completion of any phase of that development or subdivision, then all features of all “equivalent” private water supply and sewerage services for that development or subdivision must be designed and installed to accommodate future connection to the public systems when available;

(C) Whenever public water supply and/or sewerage services are not already installed at and connected to the location of any building referenced in any land development permit, an agreement for such services by and between the City and the responsible land developer referenced in the permit shall be approved and executed, or be pending, before such permit may be issued; and

(D) A land development guarantee, irrevocable letter of credit or surety performance bond which conforms to the requirements of this chapter, may also be required to assure the completion of the construction and installation of all proposed water supply and sewerage improvements referenced in any land development permit, whenever the developer may be, or is, unable to satisfactorily perform.

**Sec 90.119 – Approval and certification of water supply and sanitary sewerage systems**

Official approval of all engineering designs and construction plans for every proposed public or private water supply and distribution method or system, including fire hydrants, and every proposed sanitary sewage collection, treatment and disposal method or system shall be required before any such system is constructed or installed, and official operating certification shall be required before any water system or sewerage system is used.

(A) Design and construction drawings for each water supply system and sanitary sewerage system intended to serve more than one development unit must be approved and authorized by the Planning and Development Department, Public Works, the City Engineer, by all other City, County, State and Federal Regulatory Agencies possessing proper jurisdiction, prior to approval of, and issuance of any City land development permit for such method or system, or for any related land development; and

(B) Whenever any responsible City agency or official, except the City Engineer, is required to make any determination in substantive matters concerning public health which are addressed by this chapter, that agency or official shall request technical assistance from the Effingham County Health Department.



(C) All developments served by City of Rincon water and sewer shall install a system of purple pipe for the distribution of reclaimed water to be used for irrigation purposes as described in Rincon Code section 82-68.

**Sec 90.120 – Approval of stormwater drainage system plans**

Official approval of all engineering designs and construction plans for all proposed stormwater drainage methods or systems shall be required before any such system is constructed, installed or used.

(A) Acreage of each defined drainage area within the Project Development Area;

(B) Each system must be designed and constructed to accommodate stormwater runoff from the land area the system is intended to serve and shall consist of stormwater conduits such as lined channels and underground pipes;

- Approval can be granted for retention and detention ponds, swales, and open ditches for project development areas greater than two acres;
- All retention and detention ponds shall be landscaped with one tree located every 25 feet around the perimeter of the pond; and
- All swales and open ditches shall be landscaped with one tree or medium-sized shrubbery located every ten feet along the length of the diameter;

(C) Each stormwater drainage system intended to serve more than one development unit shall be approved and authorized prior to approval of and issuance of the land development permit for such method or system, or for any related land development;

(D) Written approval by the Ogeechee River Soil and Water Conservation District shall be mandatory for all plans and proposals for every stormwater drainage facility proposed to service any part of any land development or land subdivision referencing a project development area exceeding 1,000 square feet, or which proposes any non-residential use.

(E) All stormwater drainage systems must be maintained in accordance with Section 90-317. A.5

(F) Location and dimensions of all stormwater detention and retention ponds, integrated stormwater and erosion control structures, or other protective devices which exist or which will be installed or constructed to assure the “peak flow” runoff from the project development area will not overflow to adjacent properties or overload off-site receiving streams;

(G) Calculations certified by a Registered Engineer licensed in the State of Georgia, evaluating the total effects the proposed development will have on existing drainage facilities and watercourses. The calculations shall include discharge hydrograph or runoff calculations based on pre-development and post-development conditions;

(H) Calculations and plans demonstrating that “peak flow” runoff will not exceed the discharge hydrograph of conditions existing prior to development or redevelopment, calculated for a 25-year storm of 24-hour duration (equivalent to 8.0 inches of rainfall); and



(I) A written, certified statement by a Registered Engineer that any planned drainage from the property is controlled and will not adversely affect adjacent properties.

**Sec 90.121 – Approval of design and construction plans for roadways and related features**

Approved paved public or private paved roadways, roadway curb and gutter, roadway lighting and roadway name sign systems shall be provided for all new or modified residential or non-residential land developments and land subdivisions:

(A) All engineering design and construction plans for all roadway rights-of-way, paving, curb and gutter, roadway lighting, roadway name sign systems and all related features shall be submitted for official evaluation, and shall be approved and authorized by the Planning and Development Department, City Engineer, and by all applicable agencies possessing proper jurisdiction, prior to approval of and issuance of any City land development permit for such roadways and related features.

**Sec 90.122 – Approval of design and construction plans for energy and communications utility services**

Approved energy and communications utility services shall be provided for all new or modified residential or non-residential land developments and land subdivisions:

(A) Minimum required utility services include electric power supply and telephone communication service lines connecting to the systems of any regulated public or private utility company offering service accessible from the land development or land subdivision; and all electric power and utility distribution and service lines shall be placed underground, to assure protection from Storm damage and to assure more reliable service unless otherwise authorized by the City of Rincon;

(B) Minimum required utility services also include manufactured or natural gas supply lines connecting to the mains of any regulated public or private utility company offering product distribution to the land development or land subdivision, when such service is available at any boundary line of the project development area; and

(C) All proposed energy and communications utility service distribution plans and all related features shall be shown on each land development plan or land subdivision plat submitted for official evaluation, and shall be approved and authorized by the City Engineer, by the Director of Planning and Development, and by all City, County, State and Federal Regulatory Agencies possessing proper jurisdiction, prior to approval of, and issuance of, any City land development permit for such services and related features.

**Sec 90.123 – Special engineering requirements**

Whenever any of the following conditions or circumstances occur during the evaluation of any land development plan or land subdivision plat, the City Manager or designee may determine the need for, and may require, the engineering design and construction drawings for that plan or plat to incorporate design and construction standards, materials and methods which are not included in, or which erred, the referenced standards or other requirements of this chapter and this Code:

(A) Special or extraordinary design problems or project conditions are, or have been, encountered during the evaluation of the plan or plat; or

(B) New applicable standards have been published and released by nationally-recognized engineering or technical authorities; or



(C) The applicant or applicant's engineer propose to use non-standard, untested, or uncertified methods or materials in the development or construction of the project development area described by the subject plan or plat.

#### **Sec 90.124 – 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 that may be needed for any type of land development in the City of Rincon, Georgia.

(A) Building permit. A building permit issued by the Planning and Development Department is required in advance of the initiation of construction, erection, moving or alteration of any building or structure. All applications for building permits shall be accompanied by a plat or plan, 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, the number of dwelling units the design is to accommodate, and such other information as may be essential for determining whether the provisions of this chapter are being observed. A record of such application and plats or plans shall be kept by the Planning and Development Department. A building permit is also required for accessory structures on residential lots such as sheds, fences, in ground swimming pools, and shallow wells.

(B) Sign permit. Prior to the erection of an on premises or off premises sign, the Planning and Development Department must first issue a permit in accordance with the sign regulations set forth in the Chapter 5 Signs, in the UDO. Permits are required for both temporary signs as well as permanent signs, except where exempted.

(C) Demolition permit. Prior to destruction of a building, structure, or sign, a demolition permit is required. Such permit may be attained from the Planning and Development Department.

(D) Electrical permit. An electrical permit is needed before installing any electrical wiring or fixtures. This permit is not needed if a re-location permit or building permit has already been issued on the structure.

(E) Plumbing permit. A plumbing permit is needed whenever a plumber installs a new plumbing system in an existing structure. This permit is not needed if a re-location permit or building permit has already been issued on the structure.

(F) Mechanical permit. A mechanical permit is needed before a licensed installer may install any mechanical device such as a heating and/or cooling system for air or water. This permit is not needed if a re-location permit or building permit has already been issued on the structure.

(G) Subdivision of land. Whenever a lot, parcel, or tract of land is divided into five or more parts, the owner must submit a preliminary subdivision plat to the Planning and Development Department. The preliminary plat shall be reviewed per the requirements in Chapter 8, Subdivision Regulations.

#### **Sec 90-125 – Street names**

(A) Changes:

The Planning and Zoning Board may recommend to the Mayor and Council the change of any name of any roadway or street whenever:



- (1) Duplicate or confusing names are discovered; or
- (2) A change may simplify marking or identification of streets; or
- (3) Public safety and welfare will be served by the proposed change.

(B) Proposed:

Proposed street names shall be included in the site development or major subdivision application. After approval of the application by the City Council, the City Manager or designee shall submit the proposed street names to the City Planner or designee.

(C) Unofficial Street Names:

Any person who names or renames any street or roadway on any plat or in any deed or instrument of conveyance, or who names or renames any street or roadway by the placement of any sign or any marking, except in full compliance with the UDO, shall be guilty of a misdemeanor and upon conviction for such public offense shall be punished as provided by law, and the City Council shall promptly prosecute all known or suspected instances of street or roadway naming or renaming prohibited by the UDO.

**Sec 90-126 – Public reference copies of code available**

The Planning and Development Department shall provide at least one copy of the UDO and all attendant maps for reference by the general public and shall make such copies available for review at the Planning and Development Department during office hours, and all shall comply with all applicable Georgia laws.

**Sec 90.127 – 90-141 Reserved**



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RINCON, GA



UNIFIED DEVELOPMENT  
ORDINANCE

**07**

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**LANDSCAPING**



# LANDSCAPING

## **Sec. 90-142. - Purpose.**

The purpose of this landscape ordinance is to:

Reduce air pollution and carbon dioxide levels in the air, and promote clean air quality by increasing dust filtration;

Prevent reductions in the drainage holding capacity of land;

Minimize increases in temperatures on lands by increasing natural planted tree cover;

Maintain moisture levels in the air of lands by increasing natural tree cover;

Emphasize the importance of trees and vegetation as a visual, sound, and physical buffer;

Minimize liability risks and improve safety for the public;

Increase native tree plantings to increase, defend, and enhance property values;

Protect and enhance the aesthetic qualities of the community to ensure that tree removal does not reduce property values;

Defend historical and social values;

Maintain and improve values and functions received from landscaping for quality of life;

Increase pockets of native plantings that create natural ecosystems and native plant ecosystem corridors that connect them.

## **Sec. 90-143. - Findings of fact.**

It is hereby found and determined that:

(A) Trees are proven producers of oxygen, a necessary element for survival of mankind;

(B) Trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;

(C) Trees play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, thereby precipitating dust and other particulate airborne pollutants from the air;

(D) Trees play an important role in neutralizing waste water which passes through the ground from the surface to ground water tables and lower aquifers;

(E) Trees, through their root systems, stabilize the soil and play an important and effective part in city-wide soil conservation, erosion control and flood control;



(F) Trees are an invaluable physical and psychological addition to the city, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare, and breaking the visual monotony of development on the land;

(G) Trees provide wildlife habitat and play other important ecological roles;

(H) The protection of trees within the City is not only desirable, but essential to the present and future health, safety, and welfare of all the citizens;

(I) The loss of trees contributes greatly to increased levels of carbon, dust, and other pollutants in the air; increased pollutants in river drainages, water tables, and aquifers; increased flooding and erosion; an increase in air temperatures; a decrease in wildlife and ecosystems; and a reduced quality of human life;

(J) Some trees are more beneficial than others as necessary contributors to the City's environment and it is not necessary to protect each and every tree in order to attain the public benefit of a tree protection ordinance;

(K) Trees have a useable life period and reach old age and die at various ages depending upon the severity of site stresses.

#### **90-144. Landscaping Requirements**

##### **(A) Tree & Shrub Requirements.**

(1) All medium and large trees planted must be at least 2 inch DBH, at least 8 feet in height, standard single trunk specimen, and shall be 75% native tree species. If container grown trees are used, they must be a minimum of 25-gallon size at the time of planting.

(2) All small trees planted must be at least 1.75 inch DBH, at least 6 feet in height, standard single trunk specimen, 75% native tree species, and a minimum 15-gallon container for container trees at the time of planting.

(3) Shrubs shall be spaced according to growth habit. A minimum of 70% of shrubs shall be plants native to the region and which thrive in the interior Coastal Plain of Georgia. A maximum of 30% of shrubs can be locally adapted species, to exclude invasive plants. A minimum of 30% of all of the above-mentioned shrubs shall be deciduous species.

(4) Ground cover other than grass shall be placed 18 inches on center. Minimally 50% of the number of areas containing ground covers should be of native species. Invasive species shall be prohibited.

(5) Ornamental grasses shall be a minimum of 12 inches tall at planting. Minimally 50% of ornamental grasses shall be native. Invasive species shall be prohibited.

(6) If the required number of trees cannot be planted on site, the caliper inch may be increased per tree to reduce the number of trees, but still achieve the same number of required caliper inches.

(7) All planting of new trees shall be done in accordance with ANSI A-300-1995 or most recent addition.



(B) Standards for commercial, industrial, mixed use, municipal sites and multi-family development.

Commercial, industrial, mixed use, municipal sites, and multi-family sites shall meet the following standards:

- (1) Reasonable efforts to preserve existing stands of mature native trees and the associated plant communities beneath wherever possible. Reasonable efforts include, but are not limited to, alteration of building design, alternative building locations, parking area, detention area, drainage system, or relocation of utilities.
- (2) Parking areas shall have landscaped islands and medians located between parking bays a minimum width of 20 feet, except where the island is an extension of a ten-foot-wide landscape median and then may be reduced to 16 feet, and:
  - (i) After every 15 parking spaces
  - (ii) 350 square feet of unpaved soil for native medium or canopy trees.
  - (iii) Light poles, power poles, utility boxes or utility vaults shall be located such that they do not interfere with protected trees and tree area or with the planting and growth of medium and large canopy trees in an around parking lots. This includes, but is not limited to, the restriction of said utility poles and vaults from being located within tree islands or within 20 feet of any such trees along the perimeter of parking areas. All proposed lighting must be shown on the Landscape Plan submitted for review in order to verify no such conflicts exist prior to the final acceptance of a development plan.
- (3) Buffer, as provided in Sec 90-158 when separating a dissimilar or more intense use.
- (4) Exclusions. The following shall not be counted towards the required minimum open space on site, but may be used for tree protection or tree planting purposes:
  - (i) Parking islands
  - (ii) Retention/detention and drainage areas
  - (iii) Buffers within multi-family development
  - (iv) Sidewalks, curbing, or other paved and proposed paving or impermeable surfaces within the greenspace area
- (5) Irrigation. All trees and landscape areas shall be provided with a means of delivery of water in a quantity that is sufficient to establish and maintain the viability of the plants. This source shall be within 100 feet of all proposed plantings. Trees within parking lot islands may use watering bags with a watering schedule for their establishment if desired. The watering schedule shall be included in the landscape plan. A water supply is not required for areas of established trees.



(C) Standards for new single-family, two-family, and manufactured housing residential subdivision development. Single-family, two-family, and manufactured housing residential subdivisions shall meet the following standards:

- (1) No grading, trenching, or sod cutting, filling, or tunneling shall occur within the following distances, except if the work is within the tree protection zone described in Sec. 90-147, if so that section shall apply:
  - (i) Five feet minimum for tree diameters of nine inches or less;
  - (ii) 10 feet minimum for tree diameters of 10 inches to 14 inches;
  - (iii) 12 feet minimum for tree diameters of 15 inches to 19 inches;
  - (iv) 15 feet minimum for tree diameters over 19 inches.
- (2) Buffers, as provided in Sec 90-158, when separating a use from a dissimilar or more intense use.
- (3) No building permit shall be issued for any lot or improvement within a subdivision until a landscape plan for all common areas is submitted to and approved by the City.
- (4) Exclusions. The following shall not be counted towards the required minimum open space throughout the development, but may be used for tree protection or tree planting purposes:
  - (i) Parking islands
  - (ii) Retention/detention and drainage areas
  - (iii) Sidewalks, curbing, or other paved and proposed paving or impermeable surfaces within the greenspace area
- (5) Irrigation. All trees and landscape areas, apart from residential lots, shall be provided with a means of delivery of water in a quantity that is sufficient to establish and maintain the viability of the plants. This source shall be within 100 feet of all proposed plantings. Trees within parking lot islands may use watering bags with a watering schedule for their establishment if desired. The watering schedule shall be included in the landscape plan. A water supply is not required for areas of established trees.

(D) Standards for landscaping of new single-family homes.

The landscape site plan, in addition to the requirements of this chapter, shall meet the following standards:

- (1) No grading, trenching, or sod cutting, filling, or tunneling shall occur within the following distances, except if the work is within the tree protection zone described in Sec. 90-147, if so that section shall apply:
  - (i) Five feet minimum for tree diameters of nine inches or less;
  - (ii) 10 feet minimum for tree diameters of 10 inches to 14 inches;
  - (iii) 12 feet minimum for tree diameters of 15 inches to 19 inches;
  - (iv) 15 feet minimum for tree diameters over 19 inches



**90-145. Payment in Lieu of Planting**

(A) No tree shall be removed, replaced, or disturbed without compliance with the regulations of this Chapter. In cases where it is impractical to plant the number of required trees on the property, a payment into the tree bank fund shall be made.

(B) Tree Bank Fund.

(1) The tree bank shall be a fund to receive:

- (i) Monetary contributions for the removal or damage to trees pursuant to Section 90.155;
- (ii) Charitable contribution given to the City for planting trees; and
- (iii) Civil Penalties received for the illegal cutting or damage of trees pursuant to Section 90.155.

(2) Use of funds. Tree bank funds shall be used solely for purchasing, installing, and replacing trees, or maintenance of trees during their first five years after planting, on public lands such as parks, public open spaces, at community and civic facilities, and within the public right-of-way.

(3) Procedure for contribution to tree bank fund.

- (i) An applicant shall submit a written request to use the tree bank for removal of trees and/or if the applicant cannot plant all required trees on the site.
- (ii) The Director of Planning & Development or designee shall determine the eligibility and extent of contributions during development review and shall forward the recommendation to the applicable review body for consideration as a part of development review consideration.
- (iii) The applicant shall provide the cash contribution payment in the form of a cashier's check payable to City of Rincon prior to the disturbance of any trees.
- (iv) Any amendments to an approved contribution shall be reviewed by the Director of Planning & Development or designee, and if such amendment to the development plan requires applicable review body consideration, then the amendment to the contribution shall be included in such consideration.

(4) Commercial and industrial hardship alternative. Based on the type of development proposed, the City Council may provide an option to the applicant to provide less than the required tree coverage. If the provision is granted, the applicant would be required to monetarily reimburse the City for the unused trees. For each unused tree, the reimbursement should equal 100 percent of the value of a healthy Live Oak with caliper of two inches. The City will in turn use the money to fund tree planting, maintenance and landscaping projects on City property.



**Sec. 90-146. - Protection of trees.**

(A) It shall be a violation of this chapter for any person, except in accordance with the provisions of this chapter or if eligible for exclusions as described in this chapter, to remove a tree or trees or cause a tree or trees to be removed in the City, in preparation for, in connection with, or in anticipation of the development or redevelopment of land for development without a permit issued in accordance with this chapter.

(B) If a tree removal permit is not required, a statement noting compliance with Sec. 90-150, the tree protection during development of land, shall be submitted prior to any site development requiring sketch plan review or site and development plan review by the Planning and Zoning Board and City Council or a building permit under the City's Building Code.

(C) Trees with a 24 inch DBH or greater shall be considered Champion Trees and shall be preserved to the greatest extent possible and shall not be removed without a tree permit. The City Manager or designee shall have discretion to determine if a Champion Tree should be removed. The Large Tree species described in Sec. 90-160 are Champion Trees when they have a 24 inch DBH or greater.

**Sec. 90-147. - Tree protection during development.**

Tree protection zones should be established and maintained for each tree preserved on a development site. The area within the tree protection zone must be open and shall not allow storage of equipment, materials, debris or fill to be placed in this area.

The protection zone is defined as a circle with a diameter of one foot per one inch DBH extending outwardly from the tree to be protected. The protective barrier must not be less than four feet in height, be prominent visually, and erected completely around the protection zone. The use of approved safety fencing is required. The barrier must remain in place until the developer has been given permission to take it down by the Building Inspector.

**Sec. 90-148. - Submission of landscape site plan for development.**

A landscape site plan for development or improvement of any tract of land is required for all property located in the City of Rincon with the exception of:

(A) Property zoned AR-1 or AR-2.

(B) A single-family home addition of 500 square feet or less and does not disturb any tree on the preferred list with an eight-inch DBH or larger.

A landscape site plan shall be submitted to the city along with the application for a site plan.

(A) A landscape site plan shall indicate the following items:

(1) A tree survey of all existing trees eight inches DBH or larger and on the preferred tree list.

(2) Trees to be removed shall be marked with an 'X'.

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- (3) Specifications for removal or protection of existing trees during the construction.
- (4) The trees to be preserved and any tree protection areas on the site plan.
- (5) Plans for replacing the trees that are removed, based upon the preferred list, designated type, size, and completion date for reasonable and timely planting of trees to maintain the minimum number of trees per acre as defined in the applicable sections.
- (6) A site plan, schedule for planting, and maintenance plan for the removed trees that will be replanted.
- (7) Developers of new construction sites shall be required to indicate an average of at least one street tree for every 40 feet, (or fraction thereof) of street frontage. This shall be included in the total trees per acre required.
- (8) Street trees shall be planted within the front setback , provided such tree does not conflict with any existing utility, public safety drainage or other easements.
- (9) Developers name and 24-hour contact phone number.
- (10) A replanting program based upon the preferred list of trees specifying size, type, and completion date for seasonal and timely planting of trees. Replacement of trees in lieu of preservation shall provide 3 trees for every one tree removed and not relocated on site.
- (11) The minimum allowable post-development tree cover for all development sites shall be provided as follows and may be placed throughout the subdivision or development site:
  - 15 each of two (2) inches DBH; or
  - 8 each of eight (8) inches DBH; or
  - 4 each of twelve (12) inches DBH; or
  - 2 each of twenty-four (24) inches DBH; or
  - 1 each of thirty-six (36) inches DBH;and larger, per acre of disturbed area (excluding wetlands).
- (12) Buffer including the following:
  - (i) Width
  - (ii) Materials
  - (iii) Number of shrubs and trees



(iv) Height of berm, if proposed

(v) Encroachments, if proposed.

(13) The landscape plan and any tree planting plans for sites over one acre shall be prepared by a registered landscape architect. Plans for sites of less than one acre may be prepared by other registered professionals with competency in landscape design.

**Sec. 90-149. - Required permits.**

(A) A tree removal permit will be issued after an approved landscape site plan has been approved, if applicable. No person or organization shall do any of the following acts to any trees, not exempted by Sec. 90-150 , without first obtaining the proper permit from the City:

- (1) Climb with spikes/hooks, break, damage, remove, kill, or cause to be killed.
- (2) Cut, disturb or interfere in any way with any woody roots within the drip line.
- (3) Apply any toxic chemical so as to kill or cause to be killed.
- (4) Attach or fasten any rope, wire, sign or other device.
- (5) Remove or damage any guard devices placed to protect tree(s).
- (6) Maintain a stationary fire or device which emits noxious fumes deleterious to tree health.
- (7) Pave with concrete, asphalt or other impervious material within the critical root zone, defined according to tree size at maturity.
- (8) Conduct razing, removal, or renovation of any structures if deemed by the Planning and Development Director or designee to be damaging to neighboring trees.
- (9) Trenching, tunneling, topping, hedging, sod cuts, or fills.

(B) A fee shall be assessed for each permit and shall be applicable to the particular job specified by the permit.

(C) Trees to be removed and not relocated or replaced shall be subject to the tree bank requirements in Section 90-145.

**Sec. 90-150. - Permit exemptions.**

The following are exempted from a tree removal permit:

(A) Property owners who are cutting down, killing, or otherwise destroying trees less than eight inches DBH and not on the preferred list on their own property without an active development permit.



(B) Cutting down, killing or otherwise destroying any tree which has become or threatens to become a danger to human life or property due to disease, pest infestation, accidental causes, neglect, abuse, or other threatening emergency.

(C) Cutting down, killing or otherwise destroying trees on property zoned AR-1 and AR-2. This exception shall not be interpreted to include lumber harvesting incidental to imminent (within 6 months) development of the land.

(D) Cutting down, killing or destroying trees by public service companies and natural gas companies performing normal construction and maintenance pursuant to applicable state or federal safety or construction laws and regulations. However, any underground utility installation that impacts City-owned trees due to underground conflicts with roots are specifically subject to the review and approval of the City prior to project commencement.

(E) Cutting down, killing or otherwise destroying trees by the City of Rincon pursuant to municipal property developed by the City and approved by the Planning and Development Director or designee.

**Sec. 90-151. - Transmitted disease and insect infestations.**

The City Council, shall have the authority to insist that all property owners treat or else allow the City to treat trees, at property owners expense, suffering from transmittable diseases or insect infestations which are on private property but are affecting the health and structure of public trees on public property. If infestation warrants drastic action to curb its spread to healthy and structurally sound public trees, at the direction of the City Manager or designee, the property owner shall remove and dispose of said trees or allow the city to do so.

**Sec. 90-152. - Emergencies.**

In case of emergencies such as windstorms, ice storms or other disasters, requirements may be waived by the City Manager or designee during the emergency period so that the ordinance would in no way hamper private or public work to restore order in the city.

**Sec. 90-153. - Enforcement jurisdiction.**

The Planning and Development Director or designee is authorized to assert violations of this chapter per section 90-157.

**Sec. 90-154. - Cooperation with other departments.**

There shall be close cooperation between the City Manager, Planning and Development Director or designee, the Public Works department and other appropriate departments when their work affects public tree(s).

**Sec. 90-155. - Violation and penalty.**

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements hereof or who uses any land in violation of any detailed statement or plan submitted by them and approved under the provisions of this chapter shall be subject to punishment as provided by law. Each day upon which such violation continues shall constitute a separate offense. Any use of any land which is conducted, operated or maintained contrary to any of the provisions of this chapter shall be and the same is hereby declared to be unlawful.



Any person or firm failing to comply with any of the provisions of this chapter, shall be guilty, for each offense, of a misdemeanor and upon conviction thereof shall be ordered one or more of the following:

- (A) Fined a sum as determined by the City's adopted fee schedule.
- (B) Must replace the tree with size and species recommended by the Planning and Development Director or designee.
- (C) Be required to take any other action as directed by the court.
- (D) May not develop the parcel of property for 12 months regardless of ownership.
- (E) Shall pay into the tree bank as provided in Sec. 90-145.

**Sec. 90-156. - Street tree trimming guidelines.**

The following guidelines will outline accepted tree trimming and tree maintenance standards to be followed when such work is deemed necessary on street trees. A street tree means any tree on the street right-of-way. These guidelines apply to public utilities, contractors hired by public utilities and tree crews working for the City.

- (A) All trees designated for trimming shall be trimmed according [to guidelines] obtained from the American National Standards Institute (ANSI) standards for tree pruning, ANSI A300.
- (B) The persons trimming the trees are responsible for disposal of residual debris and the safety and control of the area while on site.

**Sec. 90-157. Hazardous tree removal.**

Trees that pose a hazard shall be removed by the property owner at their expense.

**Sec. 90-158- Protective buffer of adjacent property.**

(A) In order to provide adequate protective screening for residential districts near or abutting non-residential areas or more intensive residential uses, the following regulations shall apply to all new commercial, industrial, and multi-family residential development:

# 7



	<i>Single-family Residential</i>	<i>Multi-family Residential</i>	<i>Office</i>	<i>Commercial</i>	<i>Industrial</i>	<i>Agricultural</i>	<i>Manufactured Housing</i>
<i>Single-family Residential</i>	N/A	20 ft.	20 ft.	20 ft.	300 ft.	20 ft.	20 ft.
<i>Multi-family Residential</i>	20 ft.	N/A	20 ft.	20 ft.	200 ft.	20 ft.	20 ft.
<i>Office</i>	20 ft.	20 ft.	N/A	10 ft.	20 ft.	20 ft.	20 ft.
<i>Commercial</i>	20 ft.	20 ft.	10 ft.	N/A	20 ft.	20 ft.	20 ft.
<i>Industrial</i>	300 ft.	200 ft.	20 ft.	20 ft.	N/A	20 ft.	200 ft.
<i>Agricultural</i>	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	N/A	20 ft.
<i>Manufactured Housing</i>	20 ft.	20 ft.	20 ft.	20 ft.	200 ft.	20 ft.	N/A

(1) Where a commercial, industrial, or multi-family district abuts directly upon a residentially zoned district, arboreal landscaped buffer shall be provided and properly maintained by the property owner along its entire length of the commercial property.

(2) Such buffer shall be planted with deciduous trees, evergreens, flowering trees, ornamental trees, or any combination of the same not set further than ten feet apart at any given point along the buffer. At least 60% of shall be native plants. Shrubs and groundcover shall be planted to further enhance the buffer at 6 shrubs for every tree required. An approved privacy fence shall be required in the buffer area when nonresidential is adjacent to residential, in addition to the landscape buffer, unless waived by City Council.

(3) The area beneath and between the planted trees shall be free of foreign debris. All landscaping shall be maintained in a healthy growing condition.

(4) All planting plans shall be submitted during the site plan review process for approval of the planting materials and arrangement thereof in accordance with the provisions of this chapter.

(5) In no case shall a grease trap, garbage dumpsters, containers, or cans be placed within the buffer area abutting a residential land use.

(6) For properties other than industrial, if there is an existing, 20 foot landscaped buffer to the adjacent property and it meets or exceeds the existing regulations, an additional buffer is not required.

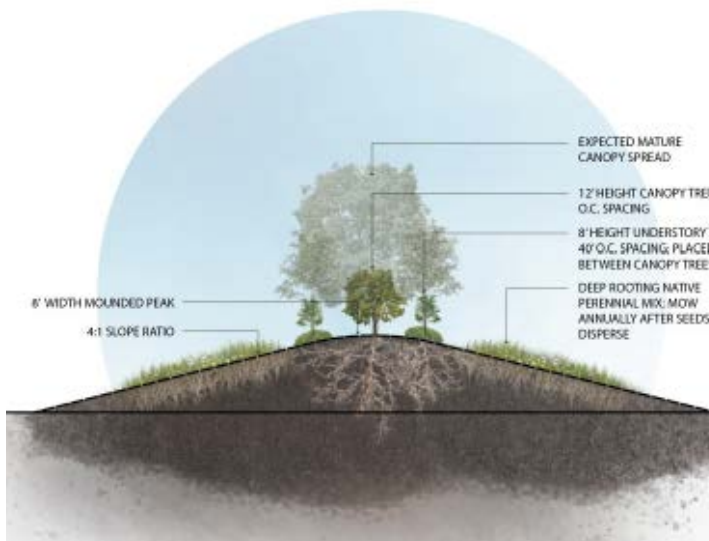
(B) Encroachment: Buffer areas should remain natural. The following are the only permitted encroachments:

- (1) Drainage ditches, utility and service lines provided that they are approximately perpendicular to the property line.
- (2) Sidewalks and pathways that connect multiple parcels.
- (3) Lighting fixtures.
- (4) Signs.
- (5) Flagpoles.
- (6) Structural elements: Privacy fences or walls located in a buffer shall provide a minimum of two feet from the element to the exterior property line to allow for plant material.
  - (i) Landscaping retaining wall if integrated into the buffer and subject to approval by the Planning and Development Director or designee.
  - (ii) Berms, subject to the following standards if encroaching within a buffer :

a. Maximum slope of 4:1 (see figure 7.1 below).

b. Maximum height of the berm shall be based on the width as provided below and shall be reduced by six feet for every one foot of berm height:

**Figure 7.1**



25 feet high; 150 foot wide berm. 300 foot buffer – 150 foot berm=150 feet wide total buffer (including berm)

16 feet high; 100 foot wide berm. 300 foot buffer – 100 foot berm=200 feet wide total buffer (including berm)

10 feet high; 60 foot wide berm. 300 foot buffer – 60 foot berm=240 foot wide total buffer (including berm)



**Sec. 90-159 Underground Utilities**

(A) Trenches. All trenches shall be as far outside the dripline of trees as possible to avoid serious or fatal root damage. All roots one inch or larger that have been damaged shall be clean cut or sawed off. All trenches shall be filled to original levels and tamped to original firmness. If trenching beyond the dripline is not possible, tunneling is required to lay sections of utilities near and/or between trees.

(B) Tunneling. Tunneling shall be a minimum depth of the following:

- (1) 2.5 feet for tree diameters of 9 inches or less;
- (2) 3 feet for tree diameters of 10 inches to 14 inches;
- (3) 3.5 feet for tree diameters of 15 inches to 19 inches; and
- (4) 4 feet for tree diameters over 19 inches.

**Sec. 90-160. - Official Tree of the City of Rincon, Georgia.**

The official tree of the City of Rincon is Cornus Florida-Dogwood.

**Sec. 90-161. - Preferred tree list.**

This list does not include all species but includes preferred trees per the University of Georgia. Native trees are encouraged.

<i>LARGE TREES</i>		<i>NATIVE</i>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	
Acer floridanum	Florida Maple	X
Acer rubrum	Red Maple	X
Carya tomentosa	Mockernut Hickory	X
Carya myristicaefirmis	Nutmeg Hickory	X
Celtis laevigata	Sugarberry	X
Fagus grandiflora	American Beech	X
Fraxinus pennsylvanica	Green Ash	X
Juniperus virginiana	Red Cedar	X
Lirodendrom tulipifera	Tulip Poplar	X
Magnolia grandiflora	Southern Magnolia	X
Nyssa sylvatica	Black Gum	X
Quercus acutissima	Sawtooth Oak	
Quercus alba	White Oak	X

<b>LARGE TREES</b>		<b>NATIVE</b>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	
Quercus falcata	Southern Red Oak	X
Quercus laurifolia	Laurel Oak	X
Quercus michauxii	Swamp Chestnut Oak	X
Quercus phellos	Willow Oak	X
Quercus shumardii	Shumard Oak	X
Quercus virginiana	Live Oak (State Tree)	X
Taxodium distichum	Bald Cypress	X
Ulmus parvifolia	Lacebark Chinese elm	
Juglans nigra	Black Walnut	X
Betula nigra	River Birch	X
Platanus occidentalis	American Sycamore	X
Tilia americana	American Linden	X
<b>MEDIUM TREES</b>		<b>NATIVE</b>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	
Amerlanchier arborea	Downy Serviceberry	X
Amerlanchier canadensis	Shadblow Serviceberry	X
Cercis canadensis	Eastern Redbud	X
Halesia silverbell	Carolina Silverbel	X
Ilex x attenuata 'Fosteri'	Foster Holly	
Ilex x attenuata 'East Palatka'	East Palatka Holly	
Ilex x attenuata 'Savannah'	Savannah Holly	
Ilex opaca	American Holly	X
Magnolia virginiana	Sweet Bay Magnolia	X
Osmanthus americanus	Devil Wood	X
Sassafras albidum	Sassafras	X
Diospyros virginiana	American Persimmon	X

<i>SMALL TREES</i>		<i>NATIVE</i>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	
Chionanthus virginicus	Fringetree	
Cornus florida	Flowering Dogwood	X
Hamamelis virginiana	Witch Hazel	
Ilex vomitoria	Yaupon Holly	X
Lagerstroemia indica x fauriei 'Tuscarora'	Tuscarora Crepe Myrtle	
Lagerstroemia indica x fauriei 'Cherokee'	Cherokee	
Lagerstroemia indica x fauriei 'Muskogee'	muskogee	
Lagerstroemia indica x fauriei 'Natchez'	natchez	
Magnolia x soulangeana	Saucer Magnolia	
Myrica cerifera	Wax Myrtle	X
Oxdendrum arboreum	Sourwood	X
Vaccinium arboreum	Sparkleberry	
Crataegus phaenopyrum	Washington Hawthorne	X
Halesia carolina	Silverbell	X
Prunus americana	Native American Plum	X

**Sec. 90-164 Preferred Shrub List.**

This list does not include all species but includes preferred shrubs per the University of Georgia. Native shrubs are encouraged.

<i>SHRUBS</i>		<i>NATIVE</i>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	
Abelia x 'Edward Goucher'	Edward Goucher Abelia	
Abelia x grandiflora 'Sherwoodii'	Sherwood Dwarf Abelia	
Aucuba japonica 'Nana'	Dwarf Aucuba	
Abelia x grandiflora	Glossy Abelia	
Aesculus parviflora	Bottlebrush Buckeye	X
Agarista populifolia	Florida Leucothoe	X

<i>SHRUBS</i>		<i>NATIVE</i>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	
Aucuba japonica	Japanese Aucuba	
Berberis julianae	Wintergreen Barberry	
Buddleia davidii	Butterfly Bush	
Buxus microphylla var. japonica	Japanese Boxwood	
Buxus Microphylla var. koreana	Korean Boxwood	
Buxus sempervirens 'Suffruticosa'	True Dwarf Boxwood	
Callistemon citrinus	Crimson Bottlebrush	
Calycanthus floridus	Sweet Shrub	X
Chaenomeles speciosa	Flowering Quince	
Clethra Alnifolia 'Hummingbird'	Hummingbird Summersweet	X
Daphne odora	Winter Daphne	
Fothergilla Gardenii 'Mt. Airy'	Mt. Airy Fothergilla	X
Forsythia x intermedia	Border Forsythia	
Gardenia jasminoides	Cape Jasmine	
Gardenia augusta 'Radicans'	Creeping Gardenia	
Hamamelis virginiana	Common Witch Hazel	X
Hydrangea macrophylla	French Hydrangea	
Hydrangea macrophylla 'Pia'	Pia French Hydrangea	
Hydrangea quercifolia	Oakleaf Hydrangea	X
Ilex cassine	Dahoon Holly	X
Ilex Glabra 'Nigra'	Nigra Inkberry	X
Ilex Vomitoria Bordeaux™	Bordeaux Dwarf Yaupon	X
Ilex Vomitoria 'Nana'	Dwarf Yaupon Holly	X
Ilex Vomitoria 'Schillings'	Schillings Dwarf Yaupon	X

<i>SHRUBS</i>		<i>NATIVE</i>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	
Illicium Parviflorum	Small Anise-Tree	X
Illicium Floridanum	Florida Anise	X
Itea Virginica 'Henry's Garnet'	Henry's Garnet Sweetspire	X
Jasminum Floridum	Showy Jasmine	
Jasminum Nudiflorum	Winter Jasmine	
Juniperus Chinensis 'Pfitzeriana'	Pfitzer Juniper	
Leucothoe Axillaris	Coastal Leucothoe	X
Leucothoe Fontanesiana	Drooping Leucothoe	X
Myrica Cerifera 'Fairfax'	Fairfax Waxmyrtle	X
Myrica cerifera	Southern Waxmyrtle	
Nerium oleander	Oleander	
Osmanthus americanus	Devilwood Osmanthus	X
Rhododendron austrinum	Florida Azalea	X
Rhododendron canescens	Piedmont Azalea	X
Rhododendron prunifolium	Plumleaf Azalea	X
Rhododendron spp.	Glen Dale Hybrid Azaleas Gumpo Azaleas Kurume Azaleas Girard Hybrid Azaleas	
Ruscus aculeatus	Butcher's Broom	
Yucca aloifolia	Spanish Dagger	X
Yucca gloriosa	Mound-Lily Yucca	X

**Sec. 90-163. - Storm damaged tree management.**

The following activities are exempt from the standards in this chapter and the requirements for a tree permit as determined by the Planning and Development Director or designee:

- (A) Removal of severely damaged trees that have an imminent likelihood of failure or pose an immediate risk to person or property following a natural disaster such as a hurricane, tornado, ice or windstorm, flood, wildfire or any other such act of nature.



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RINCON, GA



UNIFIED DEVELOPMENT  
ORDINANCE

**08**

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**SUBDIVISION  
REGULATIONS**



# SUBDIVISION REGULATIONS

## **Sec. 90-281. –General**

### (A) Purpose.

The stated purposes of this Chapter shall be declared public policies intended to accomplish beneficial objectives that include, but are not limited to, the following descriptions:

(1) Assure all necessary roads and streets, water and sanitary sewerage facilities and other necessary features and services will be provided, or guaranteed to be installed, before land in any new subdivision is sold to the public.

### (B) Conveyance by land deed not exempted from subdivision regulations.

No land deed or other legal instrument shall be used to subdivide any tract of land or land lot, nor shall any existing legally recorded land subdivision be recombined or re-subdivided, nor shall any tract of land or land lot be represented as subdivided, whether for immediate or future sale, lease, rent or other public or private purpose, nor shall any tract or lot be otherwise conveyed by any land deed or other instrument, unless such deed or instrument is:

(1) Accompanied by, and directly referenced to, a land subdivision plat which fully complies with all the terms, condition and requirements of this chapter.

### (C) Technical standards for new major or minor land subdivisions, re-subdivision and re-combination.

All new major or minor land subdivisions, and all re-subdivisions or re-combinations of recorded subdivisions, shall fully conform to all technical design, engineering, official evaluation and approval requirements provided in the UDO, before becoming eligible for recording in the public land records of Effingham County.

### (D) Naming of streets without official authorization

(1) Any person who names or renames any street or roadway on any plat or in any deed or instrument of conveyance, or who names or renames any street or roadway by the placement of any sign or any marking, except in full compliance with this chapter, shall be guilty of a misdemeanor and upon conviction for such public offense shall be punished as provided by law; and

(2) The City Council shall promptly prosecute all known or suspected instances of street or roadway naming or renaming prohibited by this chapter.

## **Sec. 90-282. - Subdivision Plats.**

### (A) Standards

(1) A subdivision plat shall be required to be submitted for official evaluation whenever:

a) Any land parcel is intended or proposed to be subdivided in two or more lots; or

b) A preliminary land subdivision plat is submitted which depicts only a part of a larger undivided land parcel; or



c) A preliminary land subdivision plat is submitted which shows a new street or other features representing a major subdivision.

(B) Major Subdivision Plats – Preliminary.

A preliminary major subdivision plat shall be required to be submitted, along with the application and fee, for official evaluation whenever any land parcel is proposed to be subdivided into five or more smaller parts or lots. A Site plan including all lots, access, and open space is required to be presented to the Planning and Zoning Board for review and recommendation and the City Council for review and approval, if appropriate.

- (1) The primary purpose of a preliminary major subdivision plat shall be to describe the proposed new boundary and lot line features of the subject land parcel and to describe proposed development and construction features.
- (2) A preliminary major subdivision plat shall NOT be eligible for recording in the lands records of Effingham County; and
- (3) A preliminary major subdivision plat does not authorize any sale of any new lots described on the plat.

(C) Major Subdivision Plats – Final.

A final major subdivision plat shall be required to be submitted, along with the application and fee, for official evaluation whenever any land parcel is proposed to be subdivided into five or more smaller parts or lots and whenever an antecedent preliminary major subdivision plat for a land parcel has been submitted and approved.

- (1) A final major subdivision plat must show substantial conformance to the proposed features depicted on any required antecedent preliminary major subdivision plat.
- (2) A final major subdivision plat which complies with all requirements of this chapter, and which has received the preliminary major plat review from the Planning and Zoning Board and an approval of the City Council, shall be eligible for recording in the land records of Effingham County; and
- (3) A fully approved final major subdivision plat authorizes the sale of all new lots described on the plat. The following is required to be submitted to the Department of Planning and Development for review and approval, if appropriate, from the City Manager and/or designee(s) after conceptual review of the plat by the Council.
  - (i) Site plan including all lots and wetlands.
  - (ii) Full civil and construction plans, including all streets, landscaping utilities, and infrastructure.
  - (iii) Tree survey.
  - (iv) Environmental impact study.
  - (v) Traffic counts, traffic flow and impact statement.
  - (vi) Type of development. If a new subdivision will be accessed through an existing subdivision or if an existing subdivision will be accessed through a new subdivision, the type of development (house size, lot size, etc.) must be comparable to or better than the existing subdivision.



(vii) A certified land survey of all revised subdivision boundaries and lot lines, bearings and dimensions and revised topography of the subject land parcel and shall describe all installed development and construction features shown on the construction drawings used to obtain any land development permit for the project.

(5) The subdivision plans must include a statement that a 24" x 30" sign will be installed at each entrance to the subdivision stating, "No Street Parking Violators Will Be Towed CO 99-66".

(D) Minor Subdivision Plats.

The subdivision of a land parcel into four or less smaller parts or individual and separate lots which is not referenced to any application for a land development permit or which does not require a new street or right-of-way dedication, does not require the extension of water or sewer lines, does not include the addition of a drainage structure or pump station, and has not been previously subdivided during the past three years may be authorized as a minor subdivision.

(1) A land subdivision may be exempted from some requirements of this article and this chapter upon a determination by the City Manager or designee that such subdivision qualifies for exemption as a bona fide minor subdivision.

(2) A minor subdivision shall only require submission, evaluation, approval and recording as a final land subdivision plat, under the special official evaluation and approval provision of this article.

(3) A defined minor subdivision described on a final land subdivision plat must comply with all property description requirements and must meet all minimum lot area and lot dimension requirements, have adequate drainage, have required frontage, and have water and sewer available but shall be exempt from the requirements for a major subdivision or land development plan since no land development is contemplated concurrent with the land subdivision.

(4) A minor subdivision plat that meets the requirements of this section may be reviewed administratively by the City Manager or designee.

**Sec. 90-283. - Resubdivision and recombination rules.**

No tract of land or land lot that has been referenced on any recorded subdivision plat or land survey map, may be resubdivided, recombined, or have lot lines adjusted unless such action fully complies with all the standards, requirements, terms and conditions of this chapter.

(A) A final land subdivision plat shall be submitted for official evaluation and approval for any tract of land or land lot proposed to be resubdivided or recombined, and that plat shall depict all proposed resubdivision features superimposed on an outline of all significant features of the antecedent plat;

(B) During evaluation of a preliminary major subdivision plat, the Planning and Zoning Board may recommend to the Mayor and Council, where appropriate, waiver of specific requirements of this chapter which affect any resubdivision of land depicted on any final plat; and



(C) Any final plat depicting the resubdivision of any land tract or land lot must not show an increased total number of lots or a new roadway or street, but may show revised or additional easements, public or private land reservations and dedication of land for public purposes.

(D) A recombination of land or a lot line adjustment that does not include any increase in total number lots or a new roadway or street may be reviewed administratively by the City Manager or designee.

**Sec. 90-284. - Violations and penalties.**

(A) Recording of unapproved land development plan, land subdivision masterplan or plat  
 The filing or recording of any unapproved land development plan or subdivision plat shall be a misdemeanor and, upon conviction for such public offense, shall be punishable as provided by law.  
 The Mayor and Council shall formally request the Clerk of the Superior Court for Effingham County not to accept, nor file or record any land development plan, minor subdivision plat, or preliminary or final major subdivision plat which references land within the territorial limits of the City, but which does not bear the approvals of the City of Rincon.

(B) Penalty

Any owner or agent of the owner of any land who conveys, or agrees to convey, or negotiates to convey such land by reference to or by exhibition of, or by other use of, any unapproved minor subdivision plat or preliminary or final major subdivision plat shall be guilty of a misdemeanor and, upon conviction for such public offense, shall be punished as provided by law.

(1) The description of an unapproved subdivision lot by metes and bounds in a land deed or other instrument of conveyance shall not exempt the transaction from prosecution as a criminal or civil public offense; and

(2) The Mayor and Council shall promptly prosecute all known conveyances of land prohibited by this chapter and may, with the advice and counsel of the City Attorney, institute proceedings to enjoin the transfer of lots in any unapproved land subdivision.

(C) Development permits prohibited for structures in unapproved subdivisions.  
 No land development permit, or equivalent building permit, shall be issued for land development or for construction of any building or structure in any unapproved subdivision.

**Sec. 90-285 Maintenance**

(A) Minimum required improvements for all developments and land subdivision.

All land developments and land subdivisions established after the effective date of this chapter shall be designed and constructed to provide the following specified minimum improvements and features:

- (1) Approved and certified public or private water supply and distribution system;
  - a. Individual well systems are prohibited within the City of Rincon.



- (2) Approved and certified public or private sanitary sewage collection and disposal system;
  - a. Individual sewer systems are prohibited within the City of Rincon.
- (3) Approved public or private paved roadway, curb and gutter, on-site and street lighting and roadway name signs systems;
- (4) Approved stormwater drainage system;
- (5) Approved energy and communications utility services; and
- (6) Meet all City of Rincon and other applicable agencies construction standards.

(B) Continued maintenance of plan or plat features:

The proper and continuing maintenance of all privately-owned features shown on each land development plan or land subdivision plat officially evaluated and approved under the terms and provisions of this chapter, including but not limited to all, open spaces and stormwater drainage systems, shall be a permanent responsibility that shall run with title to all land referenced on such plan or plat.

**Sec. 90-286. – Drainage**

(A) Easements

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way, which shall conform substantially with the lines of such watercourse, drainage, channel or stream or shall be of such addition width or construction, or both, as will be adequate for the purpose.

(B) Maintenance easements for drainage canals.

Where a drainage canal is of such size that it requires mechanical means for cleaning, such as a drag-line, there shall be a 12-foot access easement on either side of such canal for access purposes.

**Secs. 90-287—90-307. - Reserved.**





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**09**

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**MAINTENANCE &  
ENFORCEMENT**

# 9

## MAINTENANCE & ENFORCEMENT

### **Sec. 90-308– Noise**

#### **(A) Excessive noise prohibited.**

(1) No person shall make, continue or cause to be made or continued any loud unnecessary or excessive noise which unreasonably interferes with the comfort and repose of others within the jurisdiction of the city.

(2) It shall be unlawful for any person knowingly or willfully or through his culpable negligence to make or create excessive noise within the city as heard by persons and measured in the manner hereinafter set forth.

#### **(B) Restricted uses and activities in residential districts.**

(1) Any noise making devices, to include any noise generated from radios, personal or commercial vehicles, and any electrical or mechanical devices shall not be operated in a public place, public right-of-way, or across a real property boundary in such a manner as to be plainly audible at a distance of 300 feet or greater in any direction from the operator between the hours of 7:00 a.m. and 8:00 p.m. Between the hours of 8:01 p.m. and 6:59 a.m., such equipment shall not be operated in such a manner that it is plainly audible at a distance of 50 feet or greater in any direction.

(2) It shall be unlawful for any person to yell, shout or produce any other vocal noise plainly audible at a distance of 300 feet in any direction across a residential real property boundary or on a public right-of-way or public property, between the hours of 8:00 p.m. and 7:00 a.m., or any noise resulting from activities of greater than a temporary duration, so as to intentionally annoy or disturb the quiet, comfort or repose of persons in any residence, dwelling, or other type of residence.

(3) Tools and power tools and/or landscaping and yard maintenance equipment that are audible across a real property boundary, shall only be operated between the hours of 7:00 a.m. and 8:00 p.m.

#### **(C) Restricted uses and activities in commercial districts.**

(1) Any noise making devices, to include any noise generated from radios, personal or commercial vehicles, and any electrical or mechanical devices shall not be operated in a public place, public right-of-way, or across a real property boundary in such a manner as to be plainly audible at a distance of 1,000 feet or greater in any direction from the operator between the hours of 7:00 a.m. and 10:00 p.m. Between the hours of 10:01 p.m. and 6:59 a.m., such equipment shall not be operated in such a manner that it is plainly audible at a distance of 100 feet or greater in any direction.

(2) It shall be unlawful for any person to yell, shout or produce any other vocal noise plainly audible at a distance of 1,000 feet in any direction across a residential real property boundary or on a public right-of-way or public property, between the hours of 10:01 p.m. and 6:59 a.m., or any noise resulting from activities of greater than a temporary duration, so as to intentionally annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, commercial area, or other type of residence.

(3) Tools and power tools and/or landscaping and yard maintenance equipment that are audible across a real property boundary, shall only be operated between the hours of 7:00 a.m. and 10:00 p.m. If the property is adjacent to a residential property, such tools shall only be operated between the hours of 7:00 a.m. and 8:00 p.m.

**(D) Schools; courts; churches; medical facility.**

The creation of any excessive noise adjacent to any school, institution of learning, church, official government meeting, or court while they are in session or adjacent to any medical facility, and which unreasonably interferes with the work of such institution, or which disturbs or unduly annoys patients in the medical facility, provided that conspicuous signs are displayed about such institutions indicating the presence of such institutions, shall be a violation of this section.

**(E) Screeching of tires.**

The operation of any motor vehicle in such a way as to cause the tires thereof to screech except where the same is necessarily caused in an emergency in an attempt by the operator to avoid an accident or the causing of damage or injury shall be deemed a violation.

**(F) Horns, signal devices.**

No person shall sound any horn or audible signal device of any motor vehicle, boat, machine or stationary boiler of any kind in excess in order to disturb the peace, except as required by law, or as a danger warning, nor shall it be sounded for any unnecessary or unreasonable period of time.

**(G) Vehicles out of repair, exhaust.**

It shall be unlawful to operate any automobile, motorcycle, motor scooter, go-cart, or any other vehicle, or so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise, including excessive noise coming through the exhaust thereof to include modification or removal of the muffler.

**(H) Special use permits and variances for special events.**

(1) The use of any loudspeaker, electronic system, sound amplifier or other similar device at any location intended for a special event which is within 500 feet of the property boundary of a residential area or noise sensitive area as defined in this section is prohibited unless a special use permit has been obtained from the City of Rincon for the operation of such loudspeaker, electronic system, sound amplifier or other similar device. Such special use permits shall be granted on a case by case basis. Those desiring to obtain such a special use permit shall make application to the Planning and Development Department. The Planning and Development Department shall review the application and shall transmit it to the City Manager or designee with a recommendation. In reviewing the application, the Planning and Development Department and the City Manager shall consider the following:

- (i) The ability of noise from the device to be heard in the residential or noise sensitive areas.
- (ii) The nature and zoning of the applicant's property.
- (iii) The time of day or night proposed for use of the device.

(iv) The number of requests per year.

(2) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance was granted.

**(I) Persons responsible.**

Any person operating or responsible for the operation of a device or machine creating noise prohibited by this section, including the owner, operator, lessee and custodian of the device or machine, as well as the owner and lessee of the real property on which the device or machine is located, shall be guilty of a violation of this section.

**(J) Exemptions.**

- (1) The emission of sound for the purpose of alerting persons to the existence of an actual emergency.
- (2) Noises from sirens or other emergency equipment resulting from any authorized emergency personnel.
- (3) Train/rail, air transportation and public mass transportation vehicles.
- (4) Noises from bells and chimes while being used in conjunction with religious services.
- (5) Noises from machinery permitted for construction activity are exempt during the hours of 7:00 a.m. and 8:00 p.m.
- (6) Noise that results from sporting activities located in city parks between the hours of 8:00 a.m. and 11:30 p.m.
- (7) Fire alarms and burglar alarms from commercial, industrial, and residential structures.
- (8) Noise from any automobile alarm, provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent.
- (9) Noise resulting from any practice, performance, or activity sponsored by or associated with schools, city functions, and/or the educational process administered by a recognized institution of learning, including, but not limited to band, choir, sporting activity, festival, and orchestral performances between the hours of 7:00 a.m. and 11:00 p.m.
- (10) Emergency work required for public safety or repairs necessary for utility services.
- (11) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special events permit.



(12) Noise generated by properly maintained machinery operating within designated industrial areas.

**(K) Enforcement procedures.**

(1) The city may prosecute noise related violations by issuance of a city ordinance citation. If an ordinance violation citation is issued to the owner and it is determined by the municipal court that this section has been violated, the person may be punished by a fine as set forth in the City's fee schedule. Subsequent violations of the same provisions of the code sections by the same owner or agent shall be in the determination of the court.

(2) In addition to issuing a fine as provided, the Municipal Court Judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.

(3) No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefore, of any person for injury or damage arising from any violation of this section or from other law.

(4) The city police department shall have the responsibility for the enforcement of this section.

**Sec. 90-310 Animals**

**(A) Nuisance Animals.**

- (1) The keeping of any animal which by causing frequent, intermittent, or long continued noise that reasonably disturbs the quiet, comfort or repose of any person in the vicinity to such an extent that extends beyond a real property line, shall constitute a nuisance.
- (2) The keeping of roosters is prohibited within the City limits.

**(B) Nuisance Animals; enforcement procedures.**

- (1) Whenever any city resident shall complain to the police department that a dog which habitually barks, howls or yelps, or a cat/other animal which habitually cries or howls, is being kept by any person in the city, a city law enforcement officer, prior to the issuance of a citation, shall notify the owner of such dog or animal that a complaint has been received. If the notice given to the owner alleged to be keeping a dog or an animal in violation of this section is not in effect, then the police shall issue a formal warning to the owner of such dog or animal that the owner shall take whatever steps necessary to alleviate the barking, howling, yelping or crying. If there has been a warning given to the owner within the past 90 days, a citation shall be issued to the owner of the dog or animal. If, no owner is located the police officer shall notify the appropriate authority with the county's animal control department.
- (2) The civil and criminal provisions of this section shall be enforced by those persons or agencies designated by the city. The animal control officer shall have the power to conduct such investigations as may be deemed reasonably necessary to carry out the duties as referred to in this section, and for this purpose to enter at any reasonable time upon any property, public or private, for the purpose of investigating suspected violations of this section. It shall be unlawful for any person to interfere with an identified animal control officer in the performance of his duties. For purposes of this section, an animal control officer employed by the county shall be deemed an animal control officer of the city.
- (3) Whenever by this section any act is prohibited or is made or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision of this section shall, upon conviction, be punishable by fine or imprisonment as provided by section 1-11. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of this section.

**(C) Nuisance animals; abatement**

- (1) Upon a finding by the municipal court that any animal constitutes a public nuisance within the definition of this section, the municipal court may order the owner or custodian to abate the nuisance by permanently removing the animal from the limits of the city, or by whatever other means the court deems reasonably likely to abate the nuisance. If the owner or custodian fails to abide by such order, the court, after hearing, may order that the animal be destroyed by the animal control officer. For purposes of this section, a finding by the county magistrate court shall be deemed the finding of the municipal court.

#### **(D) Vicious Animals and Guard Dogs**

(1) Muzzling or caging. It shall be unlawful for any person to take or keep any vicious animal outside a building or secure enclosure, unless such animal is securely muzzled or caged.

(2) *Posting of notice.* It shall be the duty of each owner, tenant or custodian of property upon which or within which a vicious dog is located to conspicuously and permanently post a notice on the outside of the property stating: "Warning Bad Dog." The letters shall be one inch or larger. In the case of a building, notice shall be conspicuously posted on or about each and every entrance and exit. In the case of a general enclosure in which a guard dog is located, the notices shall be conspicuously posted at every entrance and exit throughout the enclosure.

#### **(E) Keeping of Dogs and Cats**

(1) No person shall raise or keep, or permit to be raised or kept, on premises that he owns or controls inside the city any dog or cat, unless:

- (i) Cages or other shelters for such animals are kept clean and at least 10 feet from any property line.
- (ii) Pens and other enclosures are well drained.

(2) It shall be unlawful for any person to keep any unrestrained dog, other than a hunting dog, as provided in this section.

#### **(F) Keeping Horses, Livestock, and Other Animals**

(1) Keeping of horses, mules, asses, cows, sheep, goats, hogs, dogs, rabbits, guinea pigs, hamsters, chickens, swine, turkeys, geese, ducks, pigeons, or similar fowl or animals shall be prohibited except under the following conditions:

- (i) Any housing or enclosure used by such animals or fowl shall be well drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the health officer.
- (ii) Horse stables (not enclosures or fences) shall be a minimum of 200 feet from any occupied building except the dwelling unit of the owner, unless the owner of the adjacent building and the health officer give permission for a lesser distance.
- (iii) Swine shall only be permitted on properties 5 acres or greater located in the AR-1 zoning district.
- (iv) Such animals or fowl shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner:

<b>ANIMALS</b>	<b>DISTANCE (IN FEET)</b>
Horses, mules, cattle, sheep, goats, or similar animals	200
Dogs (four or more)	300
Rabbits, guinea pigs, hamsters, and similar animals (five or more)	200
Chickens, turkeys, geese, ducks, pigeons, and similar fowl (five or more)	200

(v) Animals and fowl not specifically mentioned in this section shall be kept at minimum distances deemed reasonable and necessary by the health officer or animal control officer.

(vi) All animals or fowl, and dogs subject to confinement under the rabies control regulations, shall be kept in adequate enclosures or tethered. This section shall only apply to dogs and cats that are subject to quarantine.

(2) Diseased animals or fowl which might infect healthy animals or cause a menace to the public health shall be isolated or destroyed as the health officer deems necessary.

(3) In the case of bona fide licensed pet shops, veterinary hospitals, stockyards, poultry houses and similar commercial establishments, the health officer may modify the requirements of this section where undue hardship would result from their strict enforcement.

### **(G) General Care and Feeding**

(1) No owner shall fail to provide his animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(2) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, or other combat between animals or between animals and humans.

(3) No owner of an animal shall abandon the animal.

### **(H) Animal Waste**

The owner of every animal shall be responsible for the removal of any excreta deposited by his animals on public walks, recreation areas or private or public property and buildings of the city.

### **(I) Care of Injured Animals**

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report the death or injury to the animal owner or to the animal control department.



**(J) Euthanasia**

When any animal, whose owner is unknown or incapable of being located, is impounded subject to the provisions of this article, and such animal is injured or otherwise in a state of suffering, it shall thereupon be the duty of the animal control officer to obtain the opinion of a licensed practicing veterinarian as to the extent of such suffering or injury to such animal. When such opinion is that euthanasia should be performed, it shall then become the duty of the animal control officer to authorize such euthanasia. If the owner is located, it shall be done at the owner's expense.

**(K) Hunting Dogs**

Deer dogs are allowed to run in wooded areas, where permitted by the owner of the property, during deer hunting season, as established by federal and/or state laws and regulations. All hunting dogs shall bear tags containing the owner's name, address and phone number, and shall be vaccinated in accordance with state rabies shot regulations. All hunting dogs used in hunting game shall be properly supervised.

**(L) Animals in Recreational Areas**

It shall be unlawful for any person to bring any pet, animal, dog or cat, of any age, whether or not such animal is on a leash, into any designated recreational area or park. There shall be excepted from this provision all Seeing Eye dogs or animals.

**(M) Annual Inoculation**

All dogs and cats housed, kept or boarded within the city shall be inoculated annually against rabies.

**(N) Vaccinations; qualifications to provide**

(1) No person shall be allowed to vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine in the state.

(2) A veterinarian or any person having vaccinated dogs or cats against rabies with inferior vaccine or any drug, chemical or biological material, which is not specified in this article or that has not been approved by the health department, or who violates any provision of this article, in whole or in part, shall not be permitted to vaccinate dogs or cats against rabies.

**(O) Impoundment, Quarantine and Disposal of Animals Generally**

Any dog found within the city not vaccinated as required by this article within the previous 12 months shall likewise be impounded, quarantined or otherwise disposed of as required by this article.

**(P) Deadline for Payment of License Taxes and Fees After Impoundment; Adoption or Euthanasia**

Any dog or cat impounded under this article whose owner, possessor, or representative shall not come forward within three working days after the impoundment and pay the license tax and the fees specified in this article shall be put up for adoption or euthanasia in some humane way.

**(Q) Quarantine**

- (1) Where rabies has been found to exist in any warmblooded animal, or where its existence is suspected, the health department may designate an area within which quarantine shall be maintained as provided by the terms of this article. Every such animal shall thereupon be immediately confined to the premises designated by the health department, whether or not the animal has been vaccinated against rabies.
- (2) No animal shall be removed from or brought into a quarantined area without written permission of the health department. The application for such permission shall be in writing, filed with the health department, stating the reason for movement and the location at which the animal will be confined after movement.
- (3) When quarantine is ordered by the health department, it shall be maintained for a period of 90 days, with the right of the health department, by its duly authorized authority, to increase or diminish the period as, in its uncontrolled discretion, the public safety and health may require.
- (4) Where an animal has been suspected of having rabies or has rabies symptoms, the area or premises where such animals are kept shall be posted by the health department with signs to read as follows: "Rabies Suspected" or "Rabies, Keep From Animals." Such signs shall be conspicuously displayed on the premises, printed with type that is easily legible and shall remain on the premises for the duration of the quarantine.
- (5) Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this article shall be given written notice of the quarantine, the animals subject thereto, and an order to confine their animals so subject to the premises of the owner, together with any other information the health department deems advisable. Such notice shall be signed by a duly authorized agent of the health department.
- (6) The violation by any person of any quarantine order issued by the health officer shall be a violation of this article, and the person so violating shall be subject to all the penalties prescribed by law for a violation.

**(R) Examination of Heads**

The heads of all domestic animals and of all wild animals suspected of having rabies before their death or having rabies at the time of death shall be submitted to the state laboratory for examination.

**(S) Dogs, Cats, or Livestock Running at Large**

- (1) It shall be unlawful for the owner or keeper of any dog, other than a hunting dog during hunting season, or cat to permit them to run at large in the city, or to stray from the premises of the owner or keeper or go upon the premises of any other person.
- (2) If any properly tagged hunting dog is taken into custody by the animal control unit, such dog shall be boarded for a minimum of five days by the animal control unit at the boarding cost provided in this article. No penalties shall be charged. If an owner does not repossess his dog within five days of the dog's having been taken into the custody of the animal control unit, such dog shall be treated as abandoned.

(3) It shall be unlawful for the owner of any animal to allow such animal to feed or to be loose on any part of the right-of-way of any public road of the city.

(4) Any dog found within the city not wearing or displaying a valid, current vaccination tag, and not confined within a fence on the premises of the owner with all gates and openings closed, shall be immediately impounded, quarantined, or otherwise disposed of as required by this article.

#### **(T) Confinement of Animals**

Unrestrained dogs, nuisance animals and animals found running at large shall be taken by the animal control officer and impounded in the shelter and confined in a humane manner.

#### **(U) Period of Impoundment for Dogs and Cats**

Impounded dogs and cats shall be kept for not less than three working days depending upon the physical condition of the animal, except where such dog or cat is found to be a nuisance, in which event such dog or cat shall be disposed of as required by the judge of the municipal court or the county magistrate judge.

#### **(V) Fees and Charges**

Any owner of or person adopting an impounded animal shall pay such fees and charges as may be required by the schedule of fees and charges on file in the office of the city clerk.

### **Sec. 90-311 Lights**

(1) All luminaries, except street lighting, shall be located, designed, fitted, aimed, shielded, installed, and maintained to limit illumination only to the target and to minimize light trespass. Spillover of light onto adjacent property shall be prohibited.

### **Sec. 90-312 Road Conditions**

(1) All private roads and easements used to access residential and commercial areas shall be maintained in a passable condition and free of potholes, so as to ensure safe vehicular access.

### **Sec. 90-313 Vegetation**

(1) All trees, greenery, and shrubbery shall be trimmed and properly maintained on the property, as to not create a property nuisance; grass and weeds shall be at a height no greater than 12 inches. No vegetation within three feet of the home shall block, obstruct, or cover the windows or doors of the structure, nor shall any vegetation block any property entranceway, walkway, driveway, or access to the property.

(2) Any dead or diseased tree or part of a tree is a nuisance when, by reason of such condition, natural forces may, more readily than if such tree or part thereof were live or not diseased, fell or blow such tree or part thereof onto public ways or public property, off of the property of the owner of such tree, and thereby imperil life or property or impede traffic.



## **Sec. 90.314 Drainage Ditches**

### **(A) Open air burning; burning of leaves; burning in ditches.**

No person shall cause, suffer, allow or permit open burning of refuse, or conduct a salvage operation by open burning, except that persons may burn leaves collected within the boundaries of the lot upon which the leaves are being burned. No leaves shall be collected or burned in drainage ditches.

### **(B) Permitting oil or similar material to flow into street or drainage ditch.**

(1) It shall be unlawful for any person to cause or permit petroleum products, coal oil or any other oil or lubricating fluid to fall or flow on, over or into any street or drainage ditch within the corporate limits of the city.

(2) Any person using, handling or otherwise dealing in petroleum products, coal oil or any other oil or lubricating fluid shall provide adequate traps to catch and eliminate such products before disposing of any such waste.

### **(C) Obstruction.**

It shall be unlawful for any person to obstruct, block, divert or otherwise interfere with the flow of water within the drainage ditches and roadside ditches in the corporate limits of the city.

### **(D) Drainage easements.**

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way, which shall conform substantially with the lines of such watercourse, drainage, channel or stream or shall be of such addition width or construction, or both, as will be adequate for the purpose.

### **(E) Maintenance easements for drainage canals.**

Where a drainage canal is of such size that it requires mechanical means for cleaning, such as a dragline, there shall be a 12-foot access easement on either side of such canal for access purposes.

## **Sec. 90-315 Vehicles**

### **(A) Derelict vehicles.**

(1) It shall be unlawful for a derelict vehicle, which is in an inoperative or junk condition, to be parked or allowed to stand on any residentially zoned property for longer than 30 days unless it is in an enclosed building on the premises of a business enterprise operated in a lawful manner; or on property occupied and used for repair, reconditioning or remodeling of vehicles.

### **(B) Parking of vehicles.**

(1) It shall be unlawful to park any vehicle, including but not limited to trailers and boats, on any unpaved surface such as grass, pine straw, or mulch at any spot on a non-residential property, unless approved through a special event permit or the site plan approval process.

(2) Parking of a vehicle on the front yard or in the front of the principal building within a residential district is prohibited, except on a paved driveway or other hardened surface made of concrete, asphalt, tar and gravel mix, or the like, or in a carport or garage.

(3) Parking of a vehicle on sidewalks is prohibited.

### **(C) Vehicle repair.**

(1) No person shall perform a major automotive repair that includes engine, body, or repainting of more than one (1) vehicle at any one (1) time unless the person performing the overhaul is the occupant of the premises, the person performing the overhaul is the owner of the vehicle, and the work is done inside a garage or enclosed structure.

(2) Painting of vehicles is prohibited unless conducted inside an approved spray booth.

## **Sec. 90-316 Trash**

### **(A) Sweeping, etc., trash on streets and sidewalks.**

(1) It shall be unlawful for any person or entity, his agent, employee, or his representative, or for any other person, to sweep, throw, place, scatter, or cause to be swept, thrown, placed, or scattered, any paper, paper wrappings, cardboard boxes, sweepings, rubbish, garbage, rotten fruit or vegetables, dead animals, leaves, trash, grass or yard clippings, can, cup, box, bottle or other vessel, or debris, such as is commonly and generally collected and hauled away by the city disposal service to the dump grounds, into, in, on, or upon the streets, sidewalks, storm drains, public alleys, public parks, public property, or any property owned by the city, unless such enumerated matters and things are placed in adequate containers, conveniently located, for the city personnel to reach and collect for the purpose of disposing of same in regular routine operations of the city disposal service.

(2) It shall be unlawful for any person or entity to sweep, throw, place or cause to be placed, located, or put in a position or place any of the enumerated matters or things listed above in section Sec. 90-314(A) and Sec. 90-314(B), which naturally can be blown, scattered, or carried by ordinary and usual winds and rains into, in, or upon any of the streets, sidewalks, storm drains, parks, public alleys, public property, or any property owned by the city, or upon the private property of others as scattered, untidy, unsightly, or unsanitary litter, rubbish, or debris.

### **(B) Throwing waste matter into unauthorized containers, streams and sewers.**

(1) No person shall dispose of waste matter in a private or commercial container unless authorized, except in emergency situations declared by the mayor. Waste matter is defined as follows:

(i) Animal waste;

(ii) Petroleum products (oil, grease, diesel);

- (iii) Plastic bags and styrofoam containers;
- (iv) Tires, batteries;
- (v) Bio-hazards (medical supplies, needles);
- (vi) Diapers or other related products.

(2) No garbage, refuse, cooking oil, motor oil, dead animals, hazardous substances, or tires shall be thrown into any stream or sewer in the city.

**(C) Unauthorized use of commercial-type bulk containers.**

(1) It shall be unlawful for any person or entity to deposit any refuse or otherwise interfere with the use of any commercial-type bulk refuse container which has not been rented by such person or entity. The individuals or entities paying for container refuse collection service are the only authorized users of such containers. Unauthorized use of such containers is prohibited.

**(D) Refuse collection.**

(1) Garbage and recycling carts are to be placed by the right-of-way but not in the street no earlier than 24 hours before the scheduled pickup time and removed no later than 24 hours after the scheduled pickup time, unless the scheduled pickup is interrupted.

(i) Property owners, tenants, and property managers (if applicable) may be cited for violations.

(ii) Commercial trash, bulk, and/or recycle containers shall be properly maintained. These storage bins must be stored within an approved dumpster enclosure.

**Sec. 90-317– Other Nuisances**

**(A) Maintenance of proper sanitary conditions on premises by owners, etc.**

(1) Every person or entity, whether owner, tenant, agent or employee or management company owning, holding, managing or occupying property in the city, shall, at all times, maintain such property, whether a vacant lot or otherwise, a residence, an accessory structure, a swimming pool, a fence, or residential or nonresidential building, in a clean and sanitary condition to prevent a public health hazard.

(2) The accumulation of waste paper, trash, mattresses, furniture, dead trees, fallen trees, discarded tires, used oil, engines, mechanical parts, dismantled or discarded vehicles, and household debris is prohibited. This includes maintaining the property to inhibit the presence of roaches, snakes, rodents, and other vermin.

(3) The 911 address shall remain visible from the right-of-way.

(4) Lots that have been previously cleared, and where utilities have been installed, shall be properly maintained and shall comply with this Code section. Grass and weeds shall be at a height no greater than 12 inches.

(5) Retention/Detention ponds shall be properly maintained by the property owner. They are not to be filled with dirt, vegetation, or debris. Nor shall they be driven in by motorized and non-motorized vehicles.

(i) Altering the grade of the pond is prohibited without a permit or plan approved by the city.

#### **(B) Creation of nuisance.**

(1) Any person who permits or allows any refuse, waste matter, pet feces, or other substance commonly classified as garbage and collected and disposed of by the city (or a private contractor), to remain at or upon any premises in the city in such a condition as to provide a breeding place for flies and mosquitos, a feeding place for rats, or a source of foul and obnoxious odors, or otherwise unsanitary conditions, shall be deemed to have created a nuisance.

#### **Sec. 90-318 Penalty and Enforcement.**

Any person violating any provision of this Chapter may be deemed guilty of an offense and upon conviction in municipal court shall be punished as provided in subsections D-H below. Each day that a violation exists shall be a separate offense.

#### **(D) Notice to abate; hearing; failure; penalty.**

(1) It shall be the duty of the City Manager or their designee to cause any person who has created or caused to be created a nuisance, as described in this Chapter to be given at least ten day notice to show cause before the council why such nuisance should not be abated.

(2) If, upon such hearing it is deemed that such person ordered to show cause has created a nuisance as described in such section, he shall be given ten days from the date of the hearing to abate such nuisance. Upon failure to do so, any person guilty of a violation of this section shall be punished as provided in this Code. Each day that such nuisance goes unabated shall constitute a continuing offense.

#### **(E) Procedure upon failure of owner, etc., to abate.**

It shall be the duty of planning and development staff or other designated official to first give verbal warning of violation. Should the violation not resolve, a ten days' notice of violation shall be issued. Any person violating this Chapter to appear before the mayor and council to show cause why the provisions of this Chapter have not been complied with. After a hearing, if it is deemed by the mayor and council that this Chapter has not been complied with, such person shall be given ten days to comply with the provisions of this Chapter, and if he/she fails and refuses to do so, the city clerk or other designated official shall thereupon cause such work to be done.



**(F) Notice of assessment; time limit for payment; service of notice.**

A written statement shall be furnished by planning and development staff or other designated official to the owner, agent, or other party in charge of the property subject to the assessment provided for in this section showing the amount of the assessment. It shall be the duty of the owner, agent, or other party in charge of the property subject to such assessment to pay the clerk within 30 days after the receipt of such statement the entire amount of the assessment against such property and such owner, tenant, agent, or other party in charge of such property. Notice of such assessment shall be served personally upon each owner, tenant, agent, or other party owning, holding, occupying or in control of such property who resides in the city. Where such person is a nonresident of this city, such notice shall be mailed to the last known post office address of such person. If such owner, tenant, agent, or other party in control of the property is not known, it will be sufficient to serve such notice by posting the same before the front door of the city hall and at two other public places in the city. When the city has caused weeds to be cut from any premises, or waste paper, trash, or other rubbish removed, an ordinance shall be passed assessing the cost of the cutting of such weeds, and cleaning and rendering sanitary such vacant lot or other property against the owner, tenant, agent, or employee owning, occupying, or controlling such property. Such assessing ordinance shall thereupon assert a lien upon the property so cleaned and rendered sanitary and a lien against the owner, tenant, agent or other party in charge of such property. Such lien shall date from the completion of the work on the property, and such lien shall be declared at the time the assessing ordinance is passed.

**(G) Failure to pay assessment; issuance and effect of execution.**

Any such owner, tenant, agent, or other party in control of such property subject to assessment as provided in section (F) above who fails or refuses to pay to the clerk the amount of such assessment at the expiration of 30 days after the service of the notice of statement provided in section (F) above, the clerk shall issue an execution bearing date of its issuance in the name of the mayor of the city and specifying the purpose for which it is issued against the owner, tenant, agent, or other party in control of the property subject to the assessment and also against the property of such owner, tenant, agent or other party in control of the property upon which the work in question is performed. Such execution shall assert and be a lien against the property from the day of the completion of the performance of the work hereinbefore described and shall bear interest at the rate of seven percent per annum from the date on which it is issued.

**(H) Delivery of execution; levy and sale of property; applicable law.**

The execution issued under the provisions of section G above be delivered to the city manager who shall execute the same by levying upon and selling the property described therein or so much thereof as may be necessary for the amount due the city from the doing of such work, together with all costs that may accrue thereon. The law applicable to the sales under other executions issued by this city shall apply to the levy, notice, advertisement, and sale made under such execution, and the city manager shall have authority to execute a deed to the purchaser when the property is sold and shall deliver the possession thereof to the purchaser within the time required by law as under tax execution.

# GEORGIA RAILROAD

EXW 10-5 H 14-2

EW 9-4 H 14-6

IL 40-6

IW 9-2

IH 10-0

CU FT 3713

XM

RINCON, GA



UNIFIED DEVELOPMENT  
ORDINANCE

10

FLOOD

**Sec. 90-321. - 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 mayor and council of Rincon, Georgia, does ordain as follows.

**Sec.90-322-. - Findings of fact.**

(A) The flood hazard areas of Rincon, Georgia 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.

(B) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

**Sec.90-323. - Statement of purpose.**

It is the purpose of this Chapter 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;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

**Sec.90-324. - Objectives.**

The objectives of this Chapter 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.

**Sec. 90-325. - Lands to which this Chapter applies.**

This Chapter shall apply to all areas within the jurisdiction of Rincon, Georgia.

**Sec. 90-326-. - Basis for area of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated March 16, 2015, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Chapter.

**Sec. 90-327. - Establishment of development permit.**

A development permit shall be required in conformance with the provisions of UDO prior to the commencement of any development activities. See the land development permit section of the UDO.

**Sec. 90-328 - Compliance.**

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of the UDO and other applicable regulations.

**Sec. 90-329. - Abrogation and greater restrictions.**

This Chapter 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.

**Sec. 90-330. - 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.

**Sec. 90-331. - Warning and disclaimer of liability.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Chapter 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 Chapter shall not create liability on the part of Rincon, Georgia, or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

**Sec. 90-332. - 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 be subject to the penalties as outlined in section 1-11 of the City of Rincon Code of Ordinances. Violators 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 of Rincon from taking such other lawful actions as is necessary to prevent or remedy any violation.

**Sec. 90-333. - Permit procedures.**

Application for a development permit in a floodplain shall be made to the City Manager or designee 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, and dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

**(A) Application stage:**

- (1) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (2) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- (3) Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of Sec. 90-336(2); and,
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

**(B) Construction stage:** For all new construction and substantial improvements, the permit holder shall provide to the City Manager or designee an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The City Manager or designee 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.

**Sec. 90-334. - Criteria for review.**

The City Manager or designee is responsible for the following:

- (A) Review proposed development to assure that the permit requirements of this Chapter have been satisfied.
- (B) 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.
- (C) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (D) When base flood elevation data or floodway data have not been provided in accordance with Sec. 90-326, then the City Manager or designee 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 division 4.
- (E) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Sec. 90-333(2).
- (F) 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 Sec. 90-333.
- (G) When floodproofing is utilized for a structure, the City Manager or designee shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Sec. 90-333 and Section 336(2) or (4).
- (H) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (I) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (J) For any altered or relocated watercourse, submit engineering data/analysis within six months to the 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.
- (K) 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 City Manager or designee shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
- (L) All records pertaining to the provisions of this Chapter shall be maintained in the Planning and Development Department and shall be open for public inspection.

**Sec. 90-335. - General standards.**

In all areas of special flood hazard the following provisions are required:

- (A) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (B) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (C) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (D) 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.
- (1) 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 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (ii) The bottom of all openings shall be no higher than one 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 direction.
  - (2) So as not to violate the lowest floor criteria of this Chapter, 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
  - (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (E) 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;
- (F) 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;
- (G) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(H) 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;

(I) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

(J) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this Chapter, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

**Sec. 90-336. - Specific standards.**

In all areas of special flood hazard the following provisions are required:

(A) New construction and/or substantial improvements —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 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Sec. 90-335(D), elevated buildings.

(1) 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 foot above the base flood elevation.

(B) 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 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 Sec. 90-334(F).

(C) Standards for manufactured homes and recreational vehicles —Where base flood elevation data are available:

(1) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) 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 foot above the base flood elevation.

(2) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

- a. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
- b. 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.

(3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. Sec. 90-335(F) above.)

(4) 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 Sec. 90-336(3)(a)—(c), above.

(D) Floodway —Located within areas of special flood hazard established in Sec. 90-326, 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:

(1) 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.

(2) Only if Sec. 90-336(D)(1). above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this Chapter.

**Sec. 90-337. - Building standards for streams without established base flood elevations and/or floodway (A-zones).**

Located within the areas of special flood hazard established in Sec. 90-326, 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:

(A) When base flood elevation data or floodway data have not been provided in accordance with Sec. 90-326, then the City Manager or designee 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 pro-

visions of this Chapter. Only if data are not available from these sources, then the following provisions (a. and b.) shall apply:

(1) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 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 a one foot increase in flood levels during the occurrence of the base flood discharge.

(2) 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 feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed.) Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Sec. 90-335(D), elevated buildings.

(i) 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 feet above the highest adjacent grade at the building site.

The City Manager or designee shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

**Sec. 90-338. - Standards for areas of special flood hazard (AE zones) with established base flood elevations without designated floodways.**

Located within the areas of special flood hazard established in Sec. 90-326, where streams with base flood elevations are provided but no floodways have been designated, (zones AE) the following provisions apply:

(A) 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 foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Sec. 90-336.

**Sec. 90-339. - Standards for areas of shallow flooding (AO zones).**

Areas of special flood hazard established in Sec. 90-326, may include designated AO shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

(A) 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 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Sec. 90-335(D), elevated buildings.

The City Manager or designee shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(B) New construction or the substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot, above 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 Sec. 90-333(A)(3) and (B).

(C) Drainage paths shall be provided to guide floodwater around and away from any proposed structure. Sec. 90-340. - Standards for subdivisions and/or development proposals.

(1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage, and shall be reasonably safe from flooding;

(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, as of December 17, 2010, greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivisions and all other proposed developments, 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.

**Sec. 90-3411. - Standards for critical facilities.**

(A) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

(B) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

**Sec. 90-342. – Floodplain Variances.**

(A) The Planning and Zoning Board as established by the City of Rincon shall hear and make recommendations, to Mayor and City Council, for variances from the requirements of this Chapter.

(B) The Planning and Zoning Board shall hear and make recommendations, to Mayor and City council, for appeals when it is alleged an error in any requirement, decision, or determination is made by the City Manager or designee in the enforcement or administration of this Chapter.

(C) Any person aggrieved by the decision of the mayor and city council may appeal such decision to the Superior Court of Effingham County as provided in O.C.G.A § 5-4-1.

(D) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Chapter are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(F) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(G) In reviewing such requests, the Planning and Zoning Board, and Mayor and City Council, shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of the UDO.

(H) Conditions for variances.

(1) A variance shall be issued only when there is:

i. A finding of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship; and

iii. 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 Chapter 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 a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any 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 City Manager or designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(i) Upon consideration of the factors listed above and the purposes of this Chapter, the Mayor and City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of the UDO.

**Sec. 90-343. - Open air burning; burning of leaves; burning in ditches.**

No person shall cause, suffer, allow or permit open burning of refuse, or conduct a salvage operation by open burning, except that persons may burn leaves collected within the boundaries of the lot upon which the leaves are being burned. No leaves shall be collected or burned in drainage ditches.

**Sec. 90-344. - Permitting oil or similar material to flow into street or drainage ditch.**

(A) It shall be unlawful for any person to cause or permit petroleum products, coal oil or any other oil or lubricating fluid to fall or flow on, over or into any street or drainage ditch within the corporate limits of the city.

(B) Any person using, handling or otherwise dealing in petroleum products, coal oil or any other oil or lubricating fluid shall provide adequate traps to catch and eliminate such products before disposing of any such waste.

**Sec. 90-345. - Obstruction.**

It shall be unlawful for any person to obstruct, block, divert or otherwise interfere with the flow of water within the drainage ditches and roadside ditches in the corporate limits of the city.



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## SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

**Sec. 90-350. - Title.**

This ordinance will be known as the City of Rincon's Soil Erosion, Sedimentation and Pollution Control Ordinance.

**Sec. 90-351. – Definitions.**

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

**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 EnviroCert, Inc., 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 EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

**DIRECTOR:** The Director of the Environmental Protection Division or an authorized representative.

**DISTRICT:** The Ogeechee River 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 IV.C. of this ordinance.

**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% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and 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 III, Paragraph 5.

**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 subsection (a) O.C.G.A. 12-7-8.

**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 colloiddally 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: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with 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 ordinance.

**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 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 subsection (f) of Code Section 12-5-30.

**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.epd.georgia.gov](http://www.epd.georgia.gov). 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:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- b. Temporary seeding, producing short-term vegetative cover; or
- c. 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.

### **Sec. 90-352. – Exemptions.**

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

(1) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".

(2) Granite quarrying and land clearing for such quarrying;

(3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

(4) The construction of single-family residences, when such 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 variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of 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;

(5) Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to 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;

(6) 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 paragraphs (15) and (16) of Section IV C. of this ordinance, 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;

(7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

(8) 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, and 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 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

(9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one 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 Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- (10) 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
- (11) Any public water system reservoir.

**Sec. 90-353. – Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices.**

(1) *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 ordinance 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 Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

(2) *Minimum Requirements/ BMPS.*

(i.) Best management practices as set forth in Section IV B. & C. of this ordinance 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 paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, 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 subsection (b).

(ii.) 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 subsection (f) of O.C.G.A. 12-5-30, 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 twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (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.

(iii.) 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 subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

(iv.) 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.

(v.) The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).

(3) 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:

(i.) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

(ii.) Cut-fill operations must be kept to a minimum;

(iii.) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

(iv.) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(v.) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

(vi.) Disturbed soil shall be stabilized as quickly as practicable;

(vii.) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(viii.) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

(ix.) 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.;

(x.) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(xi.) Cuts and fills may not endanger adjoining property;

(xii.) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(xiii.) 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;

(xiv.) 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 IV B. 2. of this ordinance; (xv.) 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 variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the 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 variance 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 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; and

(xvi.) 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; and

(xvii.) 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.

(xviii.) Open air burning shall not be permitted as an action to clear a site or dispose of waste. Debris and organic matter on site can only be disposed of through grinder or chipping machines and/or air curtain destructor machinery.

4. 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 Section IV B. & C. of this ordinance.
5. 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 ordinance or the terms of the permit.

**Sec. 90-354. – Application/Permit Process.**

(1) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

(2) *Application Requirements.*

(i.) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Rincon without first obtaining a permit from the City of Rincon to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

(ii.) The application for a permit shall be submitted to the City of Rincon and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. 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 Section IV B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by 3 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.

(iii.) In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 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 jurisdiction.

(iv.) Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

(v.) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.

(vi.) 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.

### ***(3) Plan Requirements.***

(i.) Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance, 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 ordinance. 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.

(ii.) Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

(4) Permits.

(i.) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(ii.) 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 ordinance, any variances required by Section IV C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(iii.) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, 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.

(iv.) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(v.) 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 ordinance. 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.

(vi.) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

#### **Sec. 90-355. – Inspection and Enforcement.**

(1) The City of Rincon 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 ordinance, 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 shall be deemed in violation of this ordinance.

(2) The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

(3) The City of Rincon shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, 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.

(4) 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.

(5) 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.

(6) The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 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.

#### **Sec. 90-356. – Penalties and Incentives.**

(1) *Failure To Obtain a Permit for Land-Disturbing Activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said 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.

#### (2) *Stop-Work Orders.*

(i.) For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the

violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

(ii.) For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;

(iii.) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

(iv.) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(3) **Bond Forfeiture.** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 6. 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.

1. **Monetary Penalties.** Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, 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 ordinance under county ordinances approved under this ordinance 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.

**Sec. 90-357. – Education and Certification.**

(1) 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.

(2) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit. (3) 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 ordinance.

(4) 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.

**Sec. 90-358. – Administrative Appeal Judicial Review.**

(1) *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 15 days after receipt by the Local Issuing Authority of written notice of appeal.

(2) *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 Superior Court of Effingham County.

**Sec. 90-359. – Effectivity, Validity and Liability.**

(1) Effectivity. This ordinance shall become effective on the 10th day of November 2025.

(2) Validity. If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.



**(3) Liability.**

(i.) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance 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.

(ii.) 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 ordinance or the terms of the permit.

(iii.) No provision of this ordinance 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.