

**CITY OF SENOIA
LAND DEVELOPMENT ORDINANCE**

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ARTICLE I
GENERAL

Sec. 101. Short Title

This ordinance shall be known and may be cited as the “Land Development Regulations of the City of Senoia, Georgia.”

Sec. 102. Purpose and Intent

This ordinance is enacted for the following purposes:

- a) To encourage economically sound and stable land development;
- b) To assure the provisions of required streets, utilities, and other facilities and services of land developments;
- c) To assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land development;
- d) To assure the provision of needed public areas and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes;
- e) To assure that land development conforms with the currently approved comprehensive land use plan for the City of Senoia;
- f) To assure that the aesthetically pleasing atmosphere presently existing in the City will be maintained in order to promote the health, safety and welfare of all citizens of Senoia; and to assure the preservation of the historic character of the City of Senoia.

ARTICLE II DEFINITIONS

Section 201 – Definitions

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined by Webster’s Dictionary Unabridged Latest Edition. The term “shall” is mandatory. When not inconsistent with the context, the words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future tense.

AS-BUILT DRAWINGS – Amended site plans specifying the locations, dimensions, elevations, capacities and operational capabilities of road and drainage structures and facilities as they have been constructed.

BASE FLOOD – The flood having a one- percent chance of being equaled or exceed in any given year.

BUFFER – An area to set aside and separate different use districts or to separate a special use from other property by diminishing sound transmission and interrupting vision by landscaping or fencing; not to be used for other structures.

CONSTRUCTION – Any alteration of land for the purposes of achieving its development or changes use, including particularly any preparation for, building of, or erection of a structure.

DEVELOPER – Any person who acts in his own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

DEVELOPMENT – Any action in preparation for construction activities which results in alteration of either land or vegetation.

DRAINAGE – A general term applied to the removal of surface or subsurface water from a given area by gravity or by pumping, commonly applied herein to surface water.

DRAINAGE PLAN – A plan using appropriate and commonly accepted engineering standards which specifies the means for alteration or development of a drainage system, as may be required by the City Engineer.

DRAINAGE SYSTEM – The surface and subsurface systems for the removal of water from the land, including both the natural elements of streams, marshes, swells and ponds, whether of an intermittent or continuous nature, and the man-made element, which includes culverts, ditches, channels, retention facilities and the storm sewer system.

EROSION – The general process whereby earth is moved by flowing surface or subsurface water, wind, or other naturally occurring forces.

FLOOD – A temporary rise in the level of rivers, streams and lakes which results in inundation of areas not ordinarily covered by water.

FLOOD HAZARD BONDARY MAP – A map issued by the Federal Emergency Management Agency in the report entitled the Flood Insurance Study for the City of Senoia and any revisions thereto where the boundaries of the area of special flood hazard have been defined as “Zone A”.

FLOOD INSURANCE RATE MAP “FIRM” – An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY – The official report provided by the Federal Emergency Management Agency, containing flood profiles, as well as the Flood Boundary Flood Map and the water surface elevation of the base flood (IRF), which cumulatively increasing the water surface elevation more than one foot.

INTERMEDIATE REGIONAL FLOOD (IRF) – A 100 year frequency flood as defined on the flood hazard map which has probability of occurring once every 100 years or having a one percent chance of occurring each year.

LOT – A tract, portion, or parcel of land separated from other tracts, portions, or parcels by description of a subdivision plat of record or survey map or described by metes and bounds, and intended to be used to facilitate transfer of ownership or for building development. For the purposes of this ordinance, the terms do not include any portion of a dedicated right-of-way.

OWNER – The person in whom is vested the fee ownership, dominion or title of property, by proprietor, this term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

PERSON – A human being, firm, partnership, association, corporation, governmental body or other legal entity.

RETENTION FACILITY – A facility which provided for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

RIGHT-OF-WAY – Right-of-way shall mean a strip of parcel of land occupied by or intended to be occupied by a street, crosswalk, utility system, water main, sanitary sewer or storm drain

sewer main, drainage ditches and water courses or any other valid public use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a record or final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such other lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or other use involving maintenance by a public agency, shall be dedicated or deeded to public use by the maker of the plat on which such right-of-way is established.

RUNOFF – The portion of precipitation on the land which reaches the drainage system.

RUNOFF COEFFICIENT – The ratio of runoff to rainfall.

SEDIMENTATION FACILITY – Natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREET – A way for vehicular traffic whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way, and for the purposes of this ordinance, streets are divided into the following categories:

ARTERIAL STREETS – These streets are intended to provide higher travel speeds between or within communities, or to and from collectors and expressways. Access is controlled so that only community significant land use may have direct access to these streets. Identified arterial streets: Stallings Rd., Standing Rock Rd., Ga. Hwy 16, Ga. Hwy. 85, Rockaway Rd., Luther Bailey Rd. and the intersection of Johnson St. and Seavy St. to Hwy. 85

COLLECTOR STREETS – Collector streets connect residential streets to the highway system’s major and higher arterials or provide access to nonresidential uses and arterials. Collectors form barriers between neighborhoods and are designed for higher speeds and traffic volumes than are residential streets. Collectors are classified as major collectors and minor collectors.

MAJOR COLLECTOR – The primary function is to carry traffic from most major intraurban trips over one mile, particularly during peak hours. These streets provide only limited access to adjacent land. This direct access is usually focused on major facilities, shopping centers or other significant traffic generators. Major collectors are usually designed with four travel lanes and may be either divided or undivided.

MINOR COLLECTOR – The primary function is to carry traffic for short to medium (1/2 to 1 mile) intraurban trips. These streets receive traffic from residential streets and transmit it to major collectors and arterials. Minor collectors, spaced to relieve excessive traffic volumes on local streets, are commonly designed with two travel lanes.

DIVIDED STREETS – Any street with a median greater than 100 feet in length separating the travel lanes. A divided street may be a major collector, minor collector, industrial, commercial or residential street.

PRIVATE STREET – Private street means any parcel of land set aside to provide access to a development and which will not be dedicated or deeded to the City. These streets shall be constructed to standards adopted by the City.

PUBLIC STREET – Public street shall mean any right-of-way dedicated or deeded to an accepted by the City for purposes of public travel. Public streets shall be constructed to standards adopted by the City of Senoia.

RESIDENTIAL STREET – Residential streets function primarily to provide access to residential areas. All residential streets are intended to accommodate relatively low traffic volumes to ensure safety in residential areas.

DRIVEWAY – A vehicular access corridor privately owned and maintained. Residential driveways shall not serve more than two single-family residential lots.

RESURFACING – Installing one or more courses of asphalt construction over existing pavement.

STRUCTURE – Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, tennis courts, fences, swimming pools and buildings.

SUBDIVIDER – Any person, persons, partnership, corporation or other entity or the estate of such entity, having a proprietary interest in the land to be divided.

SUBDIVISION – Subdivision included all divisions of a tract or parcel of land into two or more lots, building site, or other divisions for the purposes, whether immediate or future, of sale, gift, or building development and includes all division or development of land involving a new street or a change in an existing street. It shall also include resubdivision, the process of subdividing and the land or area subdivided; provided, however, division of land into parcels of five acres or more where no new street is involved are not included in this definition.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose 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 structure. The term does not, however, include either:

any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TREE – A woody plant which has a single or combined trunk with a caliper (diameter) of eight or more inches five feet above the ground, or any flowering ornamental woody plant having a caliper of two or more inches five feet above the ground.

VEGETATION – All plant growth especially trees, shrubs, vines, ferns, mosses and grasses.

WETLANDS – Areas that are inundated by surface or ground water at a frequency and duration to support a prevalence of vegetation typically adapted for life in saturated soil conditions, as determined by the Corp of Engineers.

ARTICLE III ADMINISTRATION

Sec. 301 Platting Authority

The City Council along with the Planning Commission and City Engineer shall be the official platting authorities of the City, and not plat of a subdivision shall be recorded in the Office of the Clerk of the Superior Court of Coweta County unless it shall have the approval of the City as delineated in section 503 inscribed thereon. The filing or recording of a plat of subdivision without prior approvals as required by this ordinance is hereby a misdemeanor.

The provisions of this ordinance may change from time to time. Only those portions of the ordinance in effect at the time a given plat/site plan is accepted by the City shall apply to development of the lots or site as depicted on the plat/site plan.

Sec. 302 Use of Plat

The transfer of title or sale of land by reference to a plat of a subdivision that has not been given final approval and recorded in the Office of the Clerk of the Superior Court of Coweta County is prohibited.

Sec. 303 Erection of Building

No building permit shall be issued and no building shall be erected on any subdivided lot in the City unless the final plat or final site plan has been approved in accordance with the terms of this ordinance.

Sec. 304 Review and Inspection

In order to protect the public health, safety and welfare of the citizens of Senoia, and in order to offset some of the cost for review and inspection of public improvements required, a fee shall be collected for the development of all land within the City, as set forth by a scheduled adopted by the Mayor and City Council.

- a. In phased developments, the fee shall be paid for each respective phase prior to the insurance of any development permit.
- b. Development fees shall not be collected for additions to existing building or subdivisions so long as no additional acreage is involved. If additional acreage is involved, development fees shall be paid for that additional acreage in the amounts set by the Mayor and City Council.
- c. No development fee shall be charged for any recreation land included in any development, which is to be dedicated to Senoia for public use.

This fee shall be collected for each review performed with the exception of reviews requested by City.

ARTICLE IV. PROCEDURE FOR PLAT APPROVALS, CONSTRUCTION AUTHORIZATION OF SUBDIVISIONS AND MULTI-FAMILY DEVELOPMENT

Sec. 400 General Requirements

If a proposed development includes land to be subdivided, the development shall be subject to all requirements for the Senoia Zoning Ordinance, these land development regulations, and all applicable codes, ordinances and regulations of the City. The proposed development shall be designed to conform to the goals and objectives of the City's Comprehensive Plan, including its Future Land Use element.

The following general principles for subdivision design shall be observed:

Lot Arrangement. Side lot lines shall be at right angles (90 degrees) to the public right-of-way on which the lot fronts, or project radially on curved rights-of-way. Each lot shall front upon a dedicated public right-of-way having a minimum width of not less than 50 feet.

Building Lines. Building lines shall conform to the Zoning Ordinance requirements.

Double-frontage Lots. Access (driveway curb cuts) to lots having frontage on two public streets shall be restricted to the interior street.

Sewer Service. Individual septic systems shall not be permitted where public sanitary sewer is accessible to the building lot. For purposes of this ordinance, where public sewer is available in a public right-of-way adjoining the property or in an easement touching upon the property at any point, or within 250 feet of either of the foregoing, access shall be deemed to exist. Where a public sewer connection can be extended through an easement across adjoining private property to an existing sewer line within 250' of the property boundary, it shall be the duty of the property

owner to seek such easement and cause a connection to be made and the owner, at its cost, shall exercise its best efforts to secure the necessary easement, to be dedicated to the City for future maintenance. Owners shall coordinate with the City their efforts to obtain easements and for approval of the design and installation of the sewer connection. All dwellings and structures intended for human occupancy of a least four (4) hours per day shall be connected to public sewer whenever such service is or becomes accessible, at the property owner's expense. When connecting to public sewer, septic tanks shall be removed or properly filled to prevent future usage or liability.

Sec. 401. Conceptual Plan Approval Procedure.

- a. *Conceptual Plat Acceptance.* All applicants proposing developments that require a subdivision of land shall submit fifteen (15) copies of a Conceptual Plat to the City Administrator. Plats must be submitted a minimum of thirty (30) calendar days prior to the Planning Commission meeting at which such plat shall be considered. All plats shall be presented on a scaled drawing having a minimum dimension of 17 inches by 22 inches and at a scale no larger than one (1) inch equals 100 feet. Plats shall depict all adjacent streets and proposed streets, public water and sewer services, all lots and the proposed use(s) and a general indication of the storm drainage system. Plats that do not comply with these informational requirements shall not be considered until resubmitted in compliance. The City Administrator shall inform the applicant of such noncompliance, in writing, within one (1) week of Conceptual Plat submittal.
- b. *Conceptual Plat Review.* Conceptual Plats shall be reviewed by the Public Works Director, City Engineer and City Planner. Plats shall be evaluated for conformance with City Zoning Ordinance, this Ordinance, and Comprehensive Plan. A report prepared by the City Engineer summarizing his findings and a report prepared by the City Planner summarizing the findings of City staff shall be presented to Planning Commission one (1) week prior to their regular meeting.
- c. *Conceptual Plat Approval.* Planning Commission shall consider Conceptual Plats, applying the purposes and intent of this Ordinance the goals and objectives of the Comprehensive plan and the City of Senoia Short Term Work Program and other public documents that indicate the timing and location of public improvements and services as relate to the proposed development. Planning Commission shall forward a written record to Mayor and Council recommending approval of the Conceptual Plat upon a finding that the Plat conforms to these parameters. The Commission shall forward a recommendation of denial upon a finding that the Plat fails to conform to these parameters, specifying the areas of nonconformance. The Commission may enable the applicant to generate information deemed by the Commission as essential to evaluating plat conformance.

Upon receipt of a recommendation by the Planning Commission, Mayor and Council shall place the Conceptual Plat on the agenda of a regularly scheduled meeting of City Council. In evaluating the Plat, Mayor and Council shall consider the findings of the City Engineer and City Planner, as contained in a written report, the recommendations of Planning Commission and the parameters presented in Sec. 400, above. The Mayor and Council shall

approve the Conceptual Plat upon a finding that the Plat conforms to these parameters; alternately, the Council shall deny the Plat upon a finding that the Plat does not so conform, specifying in writing the nature of the nonconformance. Conceptual Plat approval shall expire within a period of six-months immediately following action by Council should the applicant fail to submit a Preliminary Plat conforming to the requirements of Sec. 404 and such approval shall have no force or effect.

Sec. 402. Preliminary Platting Process

- a. *Preliminary Plat Acceptance.* No Preliminary Plat shall be accepted prior to approval of the Conceptual Plat. Applicants for Preliminary Plat approval shall submit fifteen (15) copies of Preliminary Plat to the City Administrator. Plats must be submitted a minimum of forty-five (45) calendar days prior to the Planning Commission meeting at which such plat be considered. All plats shall be presented on a scaled drawing having a minimum dimension of 17 inches by 22 inches and at a scale no larger than one- (1) inch equals 100 feet. Plats shall address all requirements of Sec. 404., Preliminary Plat Specifications. No Plat shall be distributed for review prior to a finding by the City Administrator that such plat conforms to these requirements; acceptance of a plat represents only such compliance and in no way constitutes Plat approval. Applicants whose plat submittal fails to comply with these specifications shall be notified by the City Administrator, in writing, of the nature of such noncompliance within thirty (30) days of Preliminary Plat submittal.
- b. *Preliminary Plat Review.* Preliminary Plats shall be reviewed by the City Administrator, City Engineer and City Planner. Plats shall be evaluated for conformance with this Ordinance, the applicable standards of the Zoning Ordinance, and the Comprehensive Plan. A report prepared by the City Engineer summarizing his findings and a report prepared by the City Planner summarizing the findings of City staff be presented to Planning Commission prior to their regular meeting.
- c. *Preliminary Plat Approval.* Planning Commission shall review Preliminary Plats, applying the minimum requirements of this Ordinance, the Zoning Ordinance, and the goals and objectives of the Comprehensive Plan as well as other public documents that indicate the timing and location of public improvements and services as relate to the proposed development. Planning Commission shall forward a written record to Mayor and Council recommending approval of the Preliminary Plat upon a finding that the Plat conforms to these regulations, ordinances and plans. The Commission shall forward a recommendation of denial upon a finding that the Plat fails to so conform, specifying the areas of nonconformance. The Commission may table consideration of a Preliminary Plat for a maximum period of 45 days for the purpose of enabling the applicant to generate information deemed by the Commission as essential to evaluating plat conformance or to revise the Plat such that conformance with the City of Senoia regulations, ordinances and plans is achieved.

Planning Commission may recommend approval of a Preliminary Plat subject to minor revisions as a condition of approval. However, in no event shall a Plat be recommended

for approval by the Planning Commission prior to submittal of the written comments of the City Engineer and City Planner.

Upon receipt of a recommendation by the Planning Commission, Mayor and Council shall place the Preliminary Plat on the agenda of a regularly scheduled meeting of the City Council. In evaluating the Plat, Mayor and Council shall consider the findings of the City Engineer and City Planner, as contained in a written report, the recommendations of Planning Commission, purposed and intent of this Article, the Zoning Ordinance, and the goals and objectives of the Comprehensive Plan as well as other public documents that indicate the timing and location of public improvements and services. The Mayor and Council shall approve the Preliminary Plat upon a finding that the Plat conforms to applicable City regulations, ordinances and plans; City Council shall deny the Plat upon a finding that the Plat does not so conform, specifying in writing the nature of the nonconformance.

- d. *Preliminary Plat Approval Expiration.* Preliminary Plat approval shall expire within a period of one (1) year immediately following action by Council should the applicant fail to submit construction drawings acceptable to the City Engineer and consistent with acceptable engineering practices, and such approval shall have no force or effect. Plat approval shall also expire within a period of six (6) months of approval of construction drawings should the applicant fail to obtain a land disturbing permit.

Sec. 403. Construction Authorization

- a. *Approval by City Engineer.* Following approval of the Preliminary Plat and prior to the issuance of any permit for land disturbance or any removal of trees or other vegetation from the platted site, two (2) sets of construction drawings, together with evidence of an approved Soil Erosion and Sedimentation Control Plan in accordance with Chapter 7 of Title 12, O.C.G.A. (or evidence of the project's exemption therefrom), shall be submitted to the City Engineer for review and approval. Said plans must comply with all City design and environmental standards. The submission must include a grading plan, profile of streets, storm sewers and drainage facilities, water and sanitary sewer lines and facilities, required easements, and other supporting documents as may be required by the City Engineer, including but not limited to a hydrological study. All plans shall clearly delineate the limits of construction activity upon the site. The City Engineer shall have thirty (30) days in which to complete his review and comments. Any findings of noncompliance shall be given the applicant in writing, with a reasonable period in which to make corrections and respond.
- b. *Performance Bonding.* The completion of all required drainage and retention facilities, grading, water and sewer utilities, street base and curbing construction, and other public improvements shall be secured by a cash deposit, escrow account, commercial surety bond, irrevocable letter or credit (UCC form) or other legally binding instrument of financial security in an amount equal to one hundred and ten (110) percent of the projected costs of completion. The City Engineer shall determine the projected cost of completion of these improvements. Prior to issuance of any permits, financial security in

a form acceptable to the City shall be deposited with the City Administrator. Said financial security may be withdrawn by the City and refunded to the developer in direct proportion to the amount of site work completed as approved by the City Engineer, provided that sufficient security is retained to complete satisfactory installation of all remaining required improvements.

- c. *Permit Issuance.* Following approval of construction plans and specifications, in writing, by the City Engineer, the posting of financial security, and evidence of compliance with all other requirements of State law and City Ordinance, the City Administrator shall issue a land disturbance permit for the purposes of site clearance, grading and preparation for development. Upon satisfactory completion of the entire site preparatory work, including proper installation of all required erosion and sedimentation control measures, drainage facilities, and tree protection, based upon inspection by the City, the City Administrator shall issue the development permit.
- d. *Authority to Proceed.* Upon receipt of a development permit, the developer may proceed to construct the subdivision or development project.

Sec. 404. Preliminary Plat Specifications.

The Preliminary Plat shall be clearly drawn at a scale of not less than one hundred (100') feet to one (1') inch and shall contain the following:

- a. Proposed name of subdivision, proposed street names, and name and address of developer, including telephone numbers where developer may be contacted at all times.
- b. Name, address and telephone number of the property owner of record, if different from developer.
- c. Date of survey, north point and graphic scale, source of datum, date of plat drawing, and space for revision dates.
- d. Preliminary certificates and statements specified in Sec. 405 of this article.
- e. Vicinity map showing the location of the proposed subdivision in relation to surrounding development.
- f. Location of property by land lot and district, tax map block and tract reference, and acreage within each tract.
- g. The proposed layout, including the location of property lines, lot lines, existing and proposed easements, burial grounds, rights-of-way, utilities, watercourses, floodplains, wetlands, existing wooded areas, and location, width, and names of all existing, platted or proposed streets or other public rights-of-ways within or

immediately adjacent to the tract being developed, including widths. Lot and block numbers shall be assigned to facilitate identifying each parcel or sub-parcel.

- h. The approximate location and size of all parcels of land proposed to be set aside for recreation sue, open space or conservation lands, or other public use. If appropriate, common space within the development shall be designated on the preliminary plat.
- i. Location of sanitary sewage disposal areas, if applicable.
- j. The zoning affixed to the property to be developed.
- k. The location of areas to be landscaped;
- l. The name of any previously platted subdivision(s) within the boundaries of the land platted.
- m. Contour lines based on sea level datum shall be included and drawn at intervals no more than two (2) feet. Contour lines shall be based on field surveys or photogrammetric methods from aerial photography, and the basis for contour delineation shall be noted on the plat.
- n. Natural features within the proposed subdivision, including drainage channels, bodies of water, wetlands, floodplains, steep slopes, and other environmentally sensitive areas or features. Watershed protection buffer boundaries shall be designated as appropriate. Designation of 100-year flood hazard boundaries shall be based on independent study if FEMA flood study is unavailable. Statutory buffers of not less than 25' from the banks of all State waters shall be shown in which no land disturbing activity shall occur.
- o. Cultural features within and adjacent to the proposed subdivision should also be indicated.
- p. Phasing or staging of development, as proposed by the developer.
- q. Development schedule showing proposed completion dates.
- r. If applicable, soil delineation by professional approved by Coweta County Health Department.

Sec. 405. Preliminary Plat Certificates and Statements.

Each Preliminary Plat shall carry the following certificates printed or stamped on the face thereof:

- 1. Certificate of Design

I hereby certify that the design and layout of the proposed lots, blocks, streets and other planned features shown on this Preliminary Plat have been prepared by me or under my direct supervision in compliance with Georgia law and all requirements of the City of Senoia, Georgia.

Date: _____

By: _____

Name:

No.

This certificate must be signed and sealed by a professional engineer, architect, or landscape architect licensed in the State of Georgia.

2. Certificate of Preliminary Plat Approval

All requirements of the Senoia Land Development Ordinance relative to the preparation and submission of this Preliminary Plat having been fulfilled, approval of this plat is hereby granted by the Mayor and Council.

This ____ day of _____, 20__.

By: _____

Mayor

Reviewed and Approved by:

City Administrator

City Planner

City Engineer

Sec. 500. Final Plat

The Final Plat shall evidence that all improvements, including public improvements, required for marketing of individual building lots have been properly completed in accordance with approved construction drawings.

Sec 501. Application for Final Plat Approval

- a. Upon satisfying of the requirements of these regulations, the developer shall apply to the City Administrator for Final Plat approval and shall submit all documents required by section 502 of these regulations.
- b. After receipt of the application for Final Plat approval, the City Administrator shall determine whether all required documents have been filed with the application. A completed application is required before the application can be processed.
- c. Final plat approval shall not be given until all improvements shown on the approval Preliminary Plat and Construction Drawings have been completed and inspected, all requirements under other ordinances of Senoia have been properly met, and the City Administrator has received a legally binding commercial surety bond or other satisfactory instrument or assurance of financial security providing for the maintenance of all public improvements required by these rules and regulation for a period of five (5) years following the date of final acceptance of such improvements by the City. In limited circumstances, where warranted, the Final Plat may be approved prior to final completion of minor improvements, such as landscaping, cleaning of detention facilities, and top pavement course on streets, provided a performance bond remains in effect for not less than 110 percent of the estimated cost of completing the work, as determined by the City Engineer, and such remaining work is scheduled for completion within not more than six (6) months. Upon the expiration of the warranty period provided for herein, any funds remaining in said deposit or account shall be returned to the depositor.”
- d. The Mayor, City Administrator and City Engineer must sign the Final Plat. After approval of the Final Plat, the Final Plat shall be recorded by the City in the office of the Clerk of the Superior Court of Coweta County. All costs for this recording are the responsibility of the applicant. As-built drawings shall be submitted before the recording of the Final Plat. Upon recording, the applicant shall provide the City three (3) copies of the Final Plat (one on mylar drafting film), with all certificates required by this ordinance endorsed thereon. All Final Plat and as-built drawings shall also be submitted to the City in a digital format acceptable to the City

As Built Drawings

“As Built” Drawings shall be submitted prior to Final Plat approval and shall document the following information:

“As-built” plans of all streets indicating the actual location of all utility lines and street profiles, grades, vertical curve lengths, stations and intersections located on the profile. Whenever final grades vary more than twelve (12) inches from the approved construction drawings, spot elevations shall be provided every one-hundred (100) feet on street length.

“As-built” plans indicating the actual location of all water system improvements consisting of fire hydrants, line valves, tees, water main sizes and types of materials.

“As-built” horizontal and vertical alignment, including profiles and invert elevations, of all sanitary sewer and storm sewer systems. The sanitary sewer system as-built plans shall also indicate the location of all manholes, lines, services, line sizes and types of materials.

“As-built” plans shall be provided indicating plan, profile and ditch cross-sections every 50 feet. The volume and weir certification of all detention ponds must also be indicated.

Each lot and other parcel of land shall have the area, expressed to the nearest square foot, shown within the boundary of the same.

Sec. 502. Final Plat Specifications and application Requirements

The application for Final Plat approval shall consist of the following:

- a. Fifteen (15) print copies, including two mylar copies of the Final Plat, clearly and legibly drawn at a scale not less than one hundred (100) feet to one (1) inch (1 inch equals 100 feet) on a sheet which measures seventeen (17) inches by twenty-two (22) inches. Lettering size must meet the requirements of the Georgia Plat Act.
- b. The Final Plat shall conform to the Preliminary Plat and it may constitute only that portion of the approved Preliminary Plat which the sub-divider proposes to record and develop at any one time, provided that such portion conforms to the staging established in Preliminary Plat procedure and to other requirements of these rules and regulations.
- c. Subdivision lot numbering shall be as follows:

On single-phase projects, the lots shall be numbered consecutively beginning with “Lot 1”.

On multi-phase projects, the phases shall be numbered beginning with Phase A, Phase B, etc. Lot numbers within each phase shall be numbered consecutively with the phase number shown with each lot number, i.e. the first lot in Phase A would be Lot “A-1”, the third lot in Phase B would be “Lot B-3”.

- d. Location, dimensions, invert elevations of piped segments and control weirs, maximum water surface elevations of retention ponds; location of any easements, public service utility right-of-way lines, and an areas to be reserved, donated, or dedicated to public use; location of sites to be used for purposes other than residential with notes stating their purpose and limitations, and any areas to be reserved by deed covenant for the common use of all property owners shall be shown.
- e. Accurate location, material and description of monuments and markers shall be shown. Monuments to be placed after final street improvements shall be designated as “future”.
- f. Spaces for certificates and statements specified herein.
- g. All information required for the recording of maps, plats, etc., by the Clerk of Superior Court Act must be shown. All requirements specified by Georgia Plat Act shall apply.
- h. That approval has been provided for any required landscaping (Note: a performance bond may be posted for future plantings that have not been completed due to seasonal or other delays).
- i. When not to be developed on public sewer, the Final Plat shall contain a certification signed and dated by the Coweta County Environmental specialist assigned to the Coweta County Public Health Department that the property has been reviewed and approved for septic tank use. Any lots excepted from this certification shall be clearly marked on the plat.
- j. Two complete sets of “as-built” drawings on 24” x 36” sheets signed and sealed by a Registered Land Surveyor or Professional Engineer, licensed in the State of Georgia.

Sec. 503. Final Plat Certificates and Guarantees

Each Final Plat submitted for approval shall bear the following certificates printed or stamped thereon:

- 1. Surveyor’s Final Certificate. I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as “future” and their size, location, type and material are shown correctly. This plat conforms to all requirements of the Georgia Plat Act.

This ____ day of _____, 20 ____.

By: _____
Registered Land Surveyor
No. _____

2. Final Plat Approval. This plat complies with the zoning regulations, the Land Development Ordinance and all other regulations governing the land development for Senoia.

City Engineer: _____ Date: _____

Mayor: _____ Date: _____

City Administrator: _____ Date: _____

In addition thereto, the developer shall deliver to the City with the Maintenance Bond or other financial security, the following legal agreements:

3. **Maintenance Guarantee.** The undersigned, its successors and assigns, hereby warrants and guarantees to the Mayor and Council of the City of Senoia the full and complete maintenance of all public improvements for _____ Subdivision, as shown hereon. This warranty and guarantee is made in accordance with the provisions of the Senoia Land Development Ordinance. This guarantee includes not only paving of publicly-dedicated streets, but all other appurtenant structures and amenities lying within the rights-of-way of said streets, within designated easements, and in the common areas, including but not limited to all curbing, drainage pipes, culverts, catch basins, drainage facilities and structures, bike paths, cart paths, pedestrian paths and other public improvements. Unless formal dedication has been expressly accepted by the City or other public utility by delivery of proper legal instruments, maintenance responsibility shall remain with the developer, its successors or assigns. The term of this Agreement shall be for a period of five (5) years beginning on the date of written acceptance of said improvements by the City as evidenced by the Final Plat approval. The developer agrees to correct and repair or cause to be corrected and repaired all damages or defects to said improvements resulting from any cause whatsoever during this period; provided, written notice of said damages is given the Developer prior to the date the five (5) year period expires. In the event the developer fails to correct any damages or defects within thirty (30) days after written notice thereof, then said damages or defects may be corrected by the City by using any financial security or maintenance bond. In addition, the City may exercise any remedies available to it by law. After the termination of said five (5) year period the City shall be responsible to the citizens of Senoia only for the maintenance of those public improvements as are expressly dedicated to it, or for which it has maintenance responsibility by operation of law; provided, however, any damages which occurred prior to the end of said five (5) year period and

which remain unrepaired at the termination of said period shall remain the sole responsibility of the developer.

IN WITNESS WHEREOF, the developer has caused this Agreement to be executed by its duly authorized officers this _____ day of _____, 20____.

By: _____

Title: _____

4. Deed of Dedication. Developer, at its sole expense, shall have an attorney-at-law licensed in the State of Georgia prepare a Deed of Dedication, in form subject to recording in the land records of Coweta County, Georgia, together with an Attorney's Certificate of Title to the Mayor and Council certifying that all lands dedicated therein by said deed are conveyed free and clear of marketable encumbrances and obligations whatsoever. Said Deed and Title Certificate shall be reviewed and approved as to form by the City Attorney, prior to formal acceptance by resolution of the Mayor and Council. A copy of the deed, as recorded, shall be placed in the minutes of the Council meeting where accepted and approved.

Sec. 504. Replatting.

Re-platting shall follow the process as outlined in Sec. 402. The City Engineer shall determine whether the manifest purpose of the requested re-platting is to circumvent the terms and conditions of this ordinance. Upon such determination, the re-platting shall not be approved.

ARTICLE VI.

PROCEDURES FOR SITE PLAN APPROVAL AND CONSTRUCTION AND CONSTRUCTION AUTHORIZATION IN MR-MULTI-FAMILY, GC-GENERAL COMMERCIAL, OI-OFFICE INSTITUTION DISTRICT AND I-INDUSTRIAL

Sec. 601. General Requirements

If a proposed development includes land that is zoned for other than single family residential the development shall be subject to all the requirements set forth in the zoning ordinance and shall be subject to all the requirements of these land development regulations, other applicable City regulations, and shall conform to goals and objectives established in the City's land use plan. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in size and shape to the types of industrial development anticipated.

- b. Street rights-of-way and pavement shall be provided in accordance with City specifications.
- c. The City Engineer may, with the approval of the City council, impose additional requirements regarding design and construction of streets, curbs, gutters, cart paths and sidewalks.
- d. Every effort shall be made to protect adjacent residential areas from a potential nuisance created by a proposed commercial or industrial development including provision of extra depth in parcels backing up to existing or potential residential development and provisions for permanently landscaped screening when necessary.

All new commercial structures within the OVERLAY DISTRICT of Senoia must conform to the historic nature of the City.

Sec. 602. Site Plan Approval

- a. A developer shall submit to the City, at least fifteen (15) working days prior to a regularly scheduled planning commission meeting twelve (12) copies of the site plan, meeting the specifications set out in section 603 of these regulations.
- b. The City Staff will review this site plan. If the site plan does not meet the requirements of this section, the City staff will return the plan to the developer for corrections. If the plan meets the requirements of section 603, the City clerk shall place the site plan on the next scheduled planning commission agenda three (3) days prior to the meeting.
- c. The City clerk shall submit the results of the City staff's review in writing to the planning commission at their meeting.
- d. The planning commission will review the site plan, taking into consideration the requirements of section 603 of these regulations and the City staff report. During the meeting, the planning commission will discuss the results of their review with the developer and will, if necessary, make recommendations for improvements, modifications or changes.

The planning commission shall then vote to either approve or disapprove the site plan.

If the planning commission does not recommend approval of the site plan, the developer may resubmit with necessary changes, following the procedures set out in section 601 of these regulations.

Sec. 603. Site Plan Specifications

- A. Name of development and streets
- B. Name, address and telephone number of property owner and developer

C. Vicinity map showing the location of the proposal development in relation to surrounding Development.

D. Location of property by land lot and district, graphic scale, north arrow, approximate total acreage, and date.

E. Contour lines based on sea level datum shall be included and shall be drawn at intervals of not more than two (2) feet. Contour lines shall be based on field surveys or photogrammetric methods

Sec. 603. Site Plan Specifications

A. Name of development and streets

B. Name, address and telephone number of property owner and developer

C. Vicinity map showing the location of the proposal development in relation to surrounding development.

D. Location of property by land lot and district, graphic scales, north arrow, approximate total acreage, and date.

E. Contour lines based on sea level datum shall be included and shall be drawn at intervals of not more than two (2) feet. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs, and the basis for the topographic contour shown shall be specified.

F. The location and widths of streets.

G. The location and size of any parcels of land to be set aside for park and playground use or other public use, or for the exclusive use of property owners on said property.

H. The zoning of the property to be developed and adjacent property.

I. The location of greenbelts and other areas to be landscaped.

J. Setback lines.

K. Location and size of building.

L. Height of building.

M. Parking area and number of spaces required and obtained.

N. Distance between buildings

O. Use of building.

P. Location of sanitary sewage disposal if applicable

Sec. 604. Construction Authorization

1. Following approval of the final site plan, two (2) copies of the final site plan, soil sedimentation and erosion control plan, hydrological study shall be submitted to and approved by the State and the City Engineer prior to any defoliation or alteration of the site. Said plans shall be in compliance with all design standards and environment and land development regulations as adopted by Senoia, and shall include a grading plan and such other Engineering documents as maybe required by the City Engineer. The City Engineer shall have ten (10) working days to respond to requests for construction authorization.
2. Following approval of final engineering plans by the City and soil sedimentation and erosion control plans by the Soil and Water Conservation Service, a development permit will be issued by the City Building Department.

ARTICLE VII. GENERAL DESIGN REQUIREMENTS

Sec. 701. Suitability of Land

Land that is subject to flooding, improper drainage or erosion or that is for topographical or other reasons unsuitable for development use shall not be platted for any use that will continue or increase the danger to health or safety, unless the hazards are first corrected.

Sec. 702. Name of Subdivision

The name of the subdivision must be approved by the City Planning Commission and it shall not duplicate nor closely approximate the name of an existing subdivision.

Sec. 703. Access

Access to every subdivision shall be provided by way of a public street. A single entrance to a subdivision shall serve a maximum of 120 residential lots. Where individual circumstances related to lot configuration or existing street network prohibit or render such access impractical, the City Administrator, upon the recommendation of the City Engineer, may waive this requirement. Under no circumstances shall such access via a single entrance service more than 200 residential lots.

Sec. 704. Required Street Improvements

Any proposed development contiguous to an existing unpaved public City street will be required to bring that portion of the unpaved street adjacent to the development up to current City standards.

Sec. 705. Parks, Playgrounds and Recreation Areas

- a. Recreation standards. The City encourages land be reserved for parks and playgrounds or other recreation purposes by the developer of each single-family subdivision or multifamily development at locations designated on the master plan or where such reservations would otherwise be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate street access for the particular purposes envisioned. Those areas shall be shown and marked on the final plat, "Reserved for park and/or recreation purposes". When recreation areas are provided the developer can dedicate all such recreation areas to the City.

Sec. 706. Greenspace Buffers

In residential subdivisions a greenspace buffer area shall be reserved between the right-of-way of arterial thoroughfares, major collect thoroughfares and minor collector thoroughfares as follows:

- (a) Along arterials and major collectors, the greenspace area shall be no less than sixty (60) feet between the street right-of-way and property line.
- (b) Along minor collectors, the greenspace area shall be no less than twenty-five (25) feet between the street right-of-way and property line.

The greenspace area will be designated on all plats as "City Greenspace Area" to be dedicate to the City.

- (c) The greenspace area shall be shown on the landscape plan

Sec. 707. Continuation of Existing Streets

Existing streets shall be continued at the same width, unless other width is approved by the City Council.

Sec. 708. Street Jogs

Street jogs shall have center line offsets no less than one hundred twenty-five (125) feet.

Sec. 709. Reserve Strips

Reserve strips controlling access to street and public grounds shall be permitted unless approved by the City Council.

Sec. 710. Easements

Easements, where required, shall have a minimum width of twenty (20) feet.

The City Engineer shall require sewer easements in subdivision not currently served by a sewer system if, in his opinion, the subdivision may some day be served by a sewer system.

Where a subdivision is traversed by a watercourse, drainage-way, channel or stream there shall be provided a storm water or drainage easement subject to approval by the City Engineer.

Sec. 711. Electrical Street Lighting

- (a). Electrical street lighting shall be installed in all subdivisions.
- (b). Adequate street lighting shall be determined and approved by the City during the approval of a preliminary plat. One copy of the approved street lighting plan shall be forwarded to the electrical utility company servicing the subdivision.
- (c). The developer shall provide adequate lighting at street intersections, and dead-end streets including cul-de-sacs, and at all at-gate pedestrian crossings.
- (d). Luminaries are to be mounted at least sixteen (16) feet above grade, and not more than twenty-eight (28) feet above grade. Adjustment in spacing and luminaries height may be made due to street curves, topography and natural foliage and type of equipment. A design within the range of the minimum and maximum shall be considered for approval that produces the effective horizontal illumination that meets the (0.2) foot-candle requirements.
- (e). Poles, fixtures and all related materials must be available standard stock items through the electric utility company servicing the subdivision or must be approved by the City.
- (f). The developer shall pay the cost of installing the streetlights before final plat approval.

Sec. 712. Cul-de-sacs

Cul-de-sacs should not be greater in length than one thousand two hundred (1,200) feet.

Sec. 713. Fire Protection

- (a) Single-family residential developments. Fire hydrants shall be installed in all single-family residential developments, which are served by the public water supply at locations shown on the preliminary plat as approved by the City Engineer. In no case shall the distance between fire hydrants exceed eight hundred (800) feet.

- (b) All other developments. Fire hydrants shall be installed in all other developments, which are served by a public water supply main. Accessibility for fire fighting equipment shall be maintained through all stages of construction. Fire hydrants and water service shall be installed to within three hundred (300) feet of all exterior points of buildings. If the units are of wood framing, the fire hydrants shall be installed before framing begins. The location and number of fire hydrants shall be approved by the City Engineer.

Sec. 714. Off-Street Automobile Parking

Off-street automobile parking shall be provided in accordance with all applicable provisions of this article and the Senoia zoning ordinance.

- (a) Plans required. A detailed parking plan for all uses other than single-family residential uses shall be submitted to the City as part of the final site plan.
- (b) Design standards. All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:
 - 1). Shall have all spaces marked with paint lines, curb stones or other similar designations.
 - 2). Each space shall have not less than one hundred seventy-one (171) square feet, and shall not be less than nine and a half (9½) feet wide and eighteen (18) feet deep, exclusive of passageways. There shall be adequate interior drives to connect each space with a public street; no part of any parking space to exceed five percent (5%) slope.
 - 3). Shall be drained so as to prevent damage to abutting properties or public streets;
 - 4). Design of the parking area including space and driveway arrangement shall conform to the geometric design standards of the Institute of Traffic Engineers:
 - 5). Adequate lighting as determined by the City Engineer and Police Department shall be provided if the facilities are to be used at night;
 - 6). The parking area shall be permanently maintained by the owners or the occupants;
 - 7). Parking lots in developments permitted by the City and used by the public shall be constructed of a minimum of six (6) inches of dense aggregate base and two (2) inches of Type "E" asphalt surfacing r six (6) inch concrete (minimum 3500 psi)
 - 8). Handicap parking shall be provided in accordance with all applicable state and federal standards.

Sec. 715. Utility Lines

All utility lines in Senoia shall be placed underground with the following exceptions:

- (1) Those lines which were in place above ground prior to the enactment of this ordinance;
- (2) Those lines, temporary in nature, which are intended to provide immediate service to an area for a period not to exceed one hundred eighty (180) days, subject to the approval of the Building Official; and
- (3) Major transmission lines which do not provide service to adjoining properties, but are intended to distribute service between substations, subject to the approval of the City Engineer.

Sec. 716. Sewage Disposal

Each development shall include an adequate sewage disposal system. Such system must meet all regulations of the City, which may be amended from time to time. The design of any system to be dedicated to the City must be approved by the City Council and the City Engineer prior to beginning any construction. Prior to the issuance of a building permit by the City, the applicant shall secure a permit from the Coweta County Health Department or the Georgia Environmental Protection Division for the installation of the sewage disposal system and such system shall be maintained and operated in accordance with the requirements established by the Coweta County Board of Health and the State of Georgia.

Individual on-site sewage disposal system (septic tank with drain field) shall not be installed on lots of less than one (1) acre.

If the sewage disposal system proposed for a single family development will serve more than one lot and utilize land application for effluent disposal, the disposal are shall either be deeded to a municipality or authority fee simple and such system shall be approved by the Georgia EPD. This system is only allowed where soil conditions on 80% of the lots meets the criteria for a conventional septic tank system. The developer shall also provide the owner with suitable ingress for effluent disposal that serve more than one single-family residential lot can not be contained as part of the lot.

In all developments with sewer service the following standards shall apply:

1. Sanitary sewers shall be laid in all streets, service connections installed to property lines, and connections made to trunk line sewers.
2. In all subdivisions with private disposal systems, lines shall be laid and temporarily plugged or capped at the points of service connections to the proposes trunk sewer line and individual lines.

3. The proposed subdivision sewer system shall be designed by a registered civil Engineer and the design shall be in accordance with the following:
 - a. Pipe shall be either concrete or PVC unless the use of ductile iron pipe is indicated; and the minimum size shall be eight inches for mains, four inch for force mains, and six inch for stub outs.
 - b. Ductile iron pipe shall be used as follows:
 1. At all points where the sewer crosses drainage structures or open streams.
 2. For the influent joint of pipe at all drop manholes.
 3. For any sewers at depths less than three (3) feet.
 4. For stub-outs at depths of less than five and one half (5 ½) feet.
 5. For all force mains (must be polyurethane lined)
 - c. The sewer shall be locate as near the center of the street as practical, and shall not be located less than four (4) feet from the curb. Outfall lines shall not be located less than four (4) feet from property lines.
 - d. Minimum depths for sewers located in streets shall normally be seven (7) feet for mains and five and one half (5 ½) feet for stub-outs
 - e. Manholes shall be located not further than four hundred (400) feet apart; however, manholes shall be constructed at all turns and at all points where a grade change occurs.
 - f. Minimum slope for sewer pipes shall be 0.40% and maximum grade shall be 10.0%.
 - g. A horizontal separation of at least 10' must be maintained between the water main and any sewer line. When sewer mains cross water mains, a minimum vertical separation of 18' must be provided (measured edge to edge)

Sec. 717. Water Supply

All development in Senoia shall be connected to the City's Water System and the developer shall bear the total expense for extending water mains to the area proposed for development.

1. All proposed water lines shall be designed by a Ga. Registered Civil Engineer. No underground work shall be covered or concealed until inspected and approved by a representative of the City of Senoia Water Department. Water service pipe shall not be installed less than 24 inches deep.
2. All materials for water mains in subdivisions will conform to specifications of the American Water Works Association and shall be polyvinyl chloride (PVC) pipe AWWA C900 or ductile iron pipe AWWA C151.

3. Water Valves will be installed in subdivisions to effect a minimum cutoff of mains in case of shutdowns.
4. Stub-out water services will be installed in subdivisions in case where necessary to avoid cutting of pavement and will be placed where specified.
5. Sizes of water mains in subdivisions will be determined to ensure adequate domestic supply and fire protection for the subdivision.
6. Any water line laid under pavement shall be encased in .250" wall steel casing (minimum) from back of curb to back of curb. This does not include service lines.
7. Bore and/or water tap on a State or State-aid road shall require a permit from the State DOT
8. All fittings under pressure to be blocked with concrete.
9. Valves and valve boxes (cast iron only) set to grade and level. All valve boxes outside of pavement shall have two-foot square pads 4" thick, including fire hydrant valve boxes.
10. Typical single water service to be less than ¾" Wye (Y) reducer at stubout. Tapping saddle to be double strap, lines to be copper tube.
11. Any open entrance of water and sewer lines will be closed to prevent foreign materials from entering when no work on that portion of lines is in progress.
12. Sufficient dry chlorine will be added to new water lines to cause sterilization when filled with water. The lines will then remain unused for a 24-hour period. The lines will be thoroughly flushed.
13. Disinfection of water lines and the disposal of heavily chlorinated water following disinfection must be accomplished in accordance with AWAA Standard C651 (latest revision) and the State of Georgia Water Protection Division. Furthermore, all types of installed pipe must be pressure tested and leakage tested in accordance with the latest edition of AWWA Standard C600.
14. At no time will water be turned on by anyone other than authorized City of Senoia personnel.
15. A horizontal separation of at least 10 feet must be maintained between the water main and the existing or proposed sewer except as otherwise approved. When water mains cross sewers, a minimum vertical separation of 12 inches must be provided between the two pipes (measured edge to edge). At crossings, one full length of ductile iron pipe must be located so that both joints are as far from the sewer as possible. At crossings, special sewer construction may also be required such as using a ductile iron sewer pipe or encasing the sewer line in concrete.

16. Any pipe, solder, flux, or joint compound used in the installation or repair of water lines must comply with US EPA AND GA EPD requirement regarding lead and copper content.
17. All plans and construction of water and sewer lines and appurtenances will be subject to review and inspection by the City of Senoia personnel. However, such review/inspection by the City or other personnel shall not relieve the Developer/Installer of proper surveys, design, engineering, and construction, and the City, its Engineer or personnel assume no liability in the performance of reviews, approvals and inspections.

Sec. 718. Sidewalks

Sidewalks shall be installed on commercial, industrial and multi-family sites to provide logical pedestrian movement. Where parking spaces directly face a building, a paved sidewalk shall be provided between the front of the building and the parking spaces. The sidewalks shall be a minimum of four (4) feet in width, exclusive of vehicle overhang or other obstructions. If a four-foot sidewalk is placed contiguous to the curb or pavement, concrete wheelstops shall be installed two (2) feet from the curb or edge of pavement to prevent vehicle overhang obstruction. If more than one building is constructed on one property, the building public entrances shall be connected with sidewalks that provide for logical pedestrian movement. Additional sidewalks shall be installed as needed to meet the requirements of the current Americans with Disabilities Act (ADA).

1. Any sidewalk constructed in the City shall be four (4) feet in width.

Sec. 719. Development Impact

All persons proposing a development or construction project, which either contains 50 or more acres of residential use, or 5 or more acres of non-residential use shall submit a study of the potential impacts of the developments. The study should contain as a minimum the following information:

1. A comprehensive description of the proposed development or construction.
2. A description of the probable impact (schools, traffic, environment, water quality, air, wildlife, roads, etc.)
3. A description of any adverse effects unavoidable if the project is implemented
4. A description of alternatives, including no action, to be considered
5. An analysis both of the short term and long term impact of the development or construction project
6. A description of any irreversible or irretrievable impacts if the development or construction goes forward.
7. A description of the proposed management practices to minimize the impacts of the proposed development including a fiscal analysis of necessary capital and O&M expenditures needed to implement these practices.

This study shall be submitted with the preliminary plat/site plan. The City Engineer may require the submission of a study on property not meeting the size thresholds if in his opinion the proposed development is located in an environmentally sensitive area or has the potential to create a significant environmental impact.

ARTICLE VIII.
REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

Sec. 801. Purposes

This article is enacted to provide standards and procedures for construction of streets in the City of Senoia.

Sec. 802. Plan Submission Requirements

Prior to receiving a development or building permit, any person proposing development or construction in the City shall submit the following documents and plans to the City Engineer for his approval:

- (a) Grading, erosion and sedimentation control and drainage plans, prepared by a professional engineer, or landscape architect currently registered and licensed in Georgia, which show compliance with this article.
- (b) Statement of projected work sequence for the proposed project.

Sec. 803. Design Standards

Unless otherwise specifically set forth herein, all of the materials, methods of construction and workmanship for street and drainage installation shall conform to or equal to standards published by the City.

If no City-published standard exists, the work shall conform to the latest specifications of the Georgia Department of Transportation.

- (a) Access.
 - (1) All entrances or exits of any public or private street or drive onto any state highway must be approved by the Georgia Department of Transportation and the City Council prior to the issuance of a City development permit.
 - (2) Curb cuts on all nonresidential streets shall be located no less than fifty (50) feet, measured from back to curb, from any intersection.
 - (3) In all non-residential zoning districts, curb cuts shall not be less than fifty (50) feet apart measured between back of curbs.

- (4) Curb cuts onto arterial and collector streets shall not be closer than twenty (20) feet, measured from back to curb, to any property line in all zoning districts.
- (5) All curb cuts onto arterial roads must be approved by the DOT and include a deceleration lane constructed to standards of the Georgia Department of Transportation
- (b) Minimum right-of-way widths.
 - (1) Divided street – 130 feet
 - (2) Major collector street – 80 feet
 - (3) Minor collector street – 60 feet
 - (4) Major industrial street – 80 feet
 - (5) Minor industrial street – 60 feet
 - (6) Commercial street – 60 feet
 - (7) Residential street – 50 feet
 - (8) Cul-de-sac right-of way radius shall be the back of curb radius plus ten (10) feet
 - (9) Design speed and grade
- (c) Design speed and grade

Street Type	Maximum Grade (per cent)	Minimum Design Speed	Minimum Grade (per cent)
Major collector street	6	45	1
Industrial/commercial street	6 (8)*	40	1
Minor collector street	8 (10)*	35	1
Residential street	10 (15)*	30	1

*Allowed only where site topography does not allow flatter grades and only with approval of the City Engineer.

(d) Street paving widths shall be as follows:

- (1) Divided street – 48 feet of pavement (four (4) lanes), minimum median width 24 feet
 - (2) Major collectors streets – 32 feet, if two (2) lanes, 48 feet if four (4) lanes; minimum median width for divided street 24 feet.
 - (3) Industrial street – 32 feet.
 - (4) Minor collector street – 28 feet.
 - (5) Commercial street – 28 feet
 - (6) Residential street – 22 feet.
 - (7) Residential cul-de-sacs:
 - (a) 40-foot radius without an island to back of curb.
 - (b) 50-foot radius with an island with a 20-foot minimum pavement width.
 - (8) Commercial cul-de-sacs:
 - (a) 50-foot radius without an island.
 - (b) 60-foot radius with an island with a 30-foot minimum pavement width.
 - (c) One-way cul-de-sacs 60-foot radius with an island with a 30-foot pavement width.
 - (9) Industrial cul-de-sacs; 60-foot radius with or without an island with a 30-foot minimum pavement width.
- (d) Street pavement section.

All streets shall be constructed as follows:

1. Residential street.
 - 6” compacted graded aggregate base.
 - 2” type “B” asphaltic concrete binder
 - 1” type “F” asphaltic concrete topping
2. Commercial/minor collector
 - 8” compacted graded aggregate base.
 - 3” type “B” asphaltic concrete binder
 - 1 ½” type “E” asphaltic concrete topping
3. Industrial/Major collector
 - 8” compacted graded aggregate base.
 - 3” asphaltic concrete base

2" type "B" asphaltic concrete binder
1 ½" type "E" asphaltic concrete topping

(e) Alignment

- (1) Vertical arterial road profile grades shall be connected by vertical curves of a minimum length in accordance with standards published by the American Association of State Highway and Transportation Officials. Further, in approaches to intersections, there shall be a maximum four-percent (4%) grade for a distance of not less than fifty (50) feet from the edge of pavement of an existing street.
- (2) Horizontal minimum radii or centerline curvature shall be:
 - (a) Major and minor collector streets – 400 feet.
 - (b) Industrial/commercial streets – 400 feet
 - (c) Residential streets – 250 feet
- (3) Visibility requirements. Minimum horizontal and vertical sight distances shall be as follows:
 - (a) Major collector streets – 350 feet
 - (b) Industrial/commercial streets – 350 feet.
 - (c) Minor collector streets – 275 feet
 - (d) Residential streets – 250 feet

Vertical distance measured between two (2) points shall be based on height of eye at 3.75 feet above pavement level and height of object at 0.5 feet.

(f) Other design requirements

- (1) Curb and gutter sections. All new public streets constructed within the City limits shall have 24-inch high back curbs and gutters constructed in accordance with standards adopted by the City.
- (2) Curb inlets. Curb opening inlets shall be spaced to intercept eighty-five (85) percent of the storm flows in the gutter section, based on the ten-year storm. Maximum inlet spacing should not exceed six hundred (600) feet unless drainage calculations by a professional engineer can show that gutter flow would be excessive for proper design performance. The designer shall provide for inlets to prevent a significant amount of storm flow from crossing an intersection.
- (3) Traffic control devices. If the traffic to be generated by a use within a nonresidential district will necessitate traffic devices to ensure public safety, the developer shall install such devices as are necessary to move the traffic generated by the development. This determination shall be made by the City

Engineer based upon standard traffic planning procedures of the Institute of Traffic Engineers, using traffic warrants of the federal Highway Administration and the State Department of Transportation.

(4) Drainage system

- (a) The street or road construction drainage system shall have adequate capacity to accommodate the flow from all upstream areas for a storm of twenty five-year design frequency based on the existing City land use plan.
- (b) An appropriate class of reinforced concrete; corrugated plastic pipe or gauge of corrugated metal or pipe arch will be used for drainage systems. All storm drains within the street pavement and curb and gutter shall be fully coated with asphalt (if CMP is used) or aluminized steel type 2 pipe or its equivalent.
- (c) All drains shall have headwalls or end selections installed as part of the overall system.
- (d) In residential outfall culverts shall extend a minimum of 25 feet to the rear of the proposed dwelling or structure
- (e) Continuous length of storm drains without an inlet, manhole or junction box access shall not exceed three hundred (300) feet.
- (f) Maintenance easements for all drainage systems at least twenty (20) feet wide shall be shown on the final plat and shall be dedicated to the City.
- (5) Street cuts. All street cuts shall be constructed in accordance with standards adopted by Senoia.
- (6) Private streets. Private streets shall be constructed in accordance with the public street specifications with exception of requirements of section 803 [(b)], Street right-of-way widths; [section 803(e)(2),] horizontal-minimum radii or center line curvature; and [section 803(e)(3)], visibility requirements, and shall be permitted in multi-family or commercial zoning districts only. However, horizontal and visibility requirements shall apply to private streets where such street intersects with a public street right-of-way. Private streets cannot become public streets until all requirements of section 803 have been met.
- (7) Every single-family residential subdivision containing 100 lots or more shall be served by at least two ways of ingress and egress.
- (8) Street signs. The City's standard street name signs shall have four-inch high reflective letters. Nameplates shall be mounted parallel or nearly parallel to

the street. The names shall be marked and visible from both sides. Street signs shall be installed at all street intersections.

ARTICLE IX DESIGN STANDARDS FOR BLOCKS AND LOTS

Sec. 901. Block Lengths and Widths

Block lengths and widths shall be determined by design considerations. It is suggested that blocks shall not be greater than one thousand eight hundred (1,800) feet, nor less than six hundred (600) feet in length.

Sec. 902. Lot Sizes

Lots shall meet the lot width and lot area requirements of the zoning ordinance

Where individual septic tanks are used, the county health officer shall prescribe the minimum lot sizes to conform to health standards, but in no case shall be less than one (1) acre.

Sec. 903. Multiple and Reverse Frontage Lots.

Multiple frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. Review section 707, special screening and section 1108, landscape plans approval, for possible requirements if multiple or reverse frontage lots are located in City greenspace areas.

ARTICLE X. ENVIRONMENTAL STANDARDS

Sec. 1001. Plan Submission Requirements

- (a) Policy. It is hereby declared to be public policy that all development submitted in accordance with applicable provisions of this article shall meet the requirements for their preparation and shall also provide information to enable a determination to be made by the City Engineer as to plan conformance with public policy statements of this section.
- (b) Standards. All persons proposing development or construction shall submit plans to the City Engineer illustrating the means by which conformance with

policy provisions may be achieved and illustrating compliance with applicable development standards before issuance of a development or building permit.

Electric, telephone and gas utilities shall submit plans and obtain a development permit only for major transmission installations located within tight-of-way or easements devoted exclusively to installations of utility facilities. Individual single-family lots within approved subdivisions shall be exempt from these requirements for new residential construction with the exception that individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots are located within the intermediate regional flood plain shall be submitted for review and approval in accordance with the other applicable code provisions.

Grading, erosion control, sedimentation control, and draining plans shall be prepared under the supervision of a currently Georgia registered professional engineer, landscape architect, or combination as may be appropriate for project planning and design. When the hydrologic engineering analysis includes applications of the principles of flood routing, super critical flow, high energy dissipation or conversion, backwater curves, flood plain studies or other advanced hydrologic engineering techniques, the analysis shall be made by a currently state registered professional engineer proficient in hydrology. Erosion control plans shall meet all standards as established by the Georgia Soil and Water Conversation Commission.

Plans and supporting documentation to show conformance with this ordinance shall be submitted and shall include:

- (1) Evidence of conformance with the requirements of this section for grading, vegetation alteration, erosion control, sedimentation control, flood control and drainage system alteration or development. Grading plans shall illustrate existing and proposed contours to the two-foot interval; golf courses and other open space areas shall be exempt from this requirement but general grading plans shall be submitted. Related plans shall show locations of structure, roads, surface drainage, existing and proposed drainage conduits and proposed alterations to the existing and proposed drainage conduits and proposed alterations to the existing site:
- (2) A hydrologic engineering analysis of storm runoff under existing and proposed development site conditions and a detailed evaluation of the projected effects on upstream and downstream properties within the affected drainage basin. This analysis shall include a determination of the culvert, flood plain and channel cross section area required to carry the affected stream at the intermediate regional flood stage level. The requirements for a complete hydrologic study may be waived by the City Engineer for any development where the plan submitted illustrates existing or proposed

improvements sufficient to ensure compliance with applicable provisions of this chapter;

- (3) Delineation of the boundaries and contour elevations of the intermediate regional flood plain for streams draining in excess of one hundred (100) acres shall be clearly designated on each site plan, subdivision plat and construction plan. The actual building site in relation to the intermediate regional flood plain boundaries shall be shown; once shown and accepted by the City the information shall be indicated by the seller to the purchaser of each property so affected. The elevation contours representing the intermediate regional flood plain conditions shall be shown when they are located outside established ditch banks. A benchmark suitable for determining IRF elevations shall be established;
- (4) The projected sequence of work represented by the grading, vegetation, erosion control, sedimentation control and drainage plans as related to other major items of construction; and
- (5) Upon development project completion, location, size and invert elevations of piped segments of the storm drainage system, of control weirs, and maximum water surface elevations in retention pools shall be shown on the final plat for a subdivision, and on final plat for other developments which shall be submitted to the City Engineer. The professional engineer or landscape architect reviewing the construction shall provide a certificate that the development is in substantial compliance with approved plans for the project.
- (6) When reviewing any application for a land-disturbing activity permit, the City shall consider the past record of the permit applicant in complying with previous land-disturbing activity permits and the ordinance. If the applicant has had two (2) or more violations of previous permits of this ordinance within three (3) years prior to the date of the filing of the application under consideration, the City may require the applicant to post a bond up to, but not exceeding three thousand dollars (\$3,000.00) per acre of the proposed land disturbing activity prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Sec. 1002. Grading

(a) Policy. It is hereby declared to the public policy to:

- (1) Encourage the design of residential grading plans to provide natural appearance of land contours and to provide ease of use in public areas;

- (2) Minimize the adverse effects of land clearance and grading upon existing vegetation.
- (3) Minimize the adverse effects of land clearance and grading upon the drainage system by strict erosion control and sedimentation control measures; and
- (4) Minimize erosions and shear failure potential by encouraging limited cutting and filling.

(b) Standards.

- (1) All grading operations shall be conducted in compliance with the approved plans.
- (2) Before beginning construction activity on property located in intermediate regional flood plain, the intermediate regional flood plain elevation contours shall be identified on the property by staking or other identifying mechanisms no less than every one hundred (100) feet, and shall be identifiable throughout project development.

Sec. 1003. Watershed Protection/Erosion Control

(a) Policies. It is hereby declared to be public policy to;

- (1) Minimize the removal of vegetation during the development process;
- (2) Minimize the exposure of bare earth to precipitation by encouraging the scheduling of land development in increments of workable size which can be completed within a single construction season or within a time period compatible with the type and size of the project;
- (3) Provide the re-establishment of vegetation within (10) ten working days following completion of final grading and utility installation;
- (4) Give priority to the paving of streets, parking lots, and other areas within a reasonable time following completion of final grading; and
- (5) Require the use of erosion control and sedimentation techniques found in “Manual for Erosion and Sedimentation Control in Georgia” as published by the State Soil and Water Conservation Committee.
- (6) Insure that the impact on water quality is minimized by use of best management practices.

(b) Standards

- (1) Sedimentation facilities (debris basins, sedimentation traps) and other control measures such as hay bales, berms, interceptor ditches and terraces, shall be installed in conjunction with the initial grading operations and be maintained throughout the development and construction process to remove sediment from runoff waters draining land under development. These shall be maintained by the developer to assure functional operation during all phases of construction by periodic maintenance activities.
- (2) Land which has been cleared for development, and upon which construction has not commenced within sixty (60) days of this initial clearing shall be protected from erosion and consequent sedimentation by appropriate vegetation and land covering techniques such as seeding, sodding, ground cover installation or other vegetative or earth covering techniques.
- (3) Construction activity on individual single-family lots or a group of lots being developed simultaneously by one developer shall be conducted only if sedimentation facilities are installed and maintained throughout the construction period to prevent soil from any lot or group of lots from being carried off site during all phases of project construction. Substantial completion of final grading and initial ground covering shall be completed prior to the issuance of an occupancy permit through seeding, sodding, ground covering installation or other vegetative or earth covering techniques.
- (4) No grading, cutting, or filling shall be accomplished on any site under development such that unprotected land surfaces will be in contact with surface water or will encroach upon natural waterways on their flood plains, unless erosion control or sedimentation control devices can be installed where determined by the City Engineer between the grading area and water surface during development and construction, and vegetation can be restored upon project completion. The provisions of this section shall not apply to grading necessitated by drainage or other utility improvements required or authorized by the City.
- (5) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion.
- (6) Cut-fill operations must be kept to a minimum.
- (7) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
- (8) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- (9) The disturbed area and the duration of exposure to erosive elements shall be kept to a practical minimum.

- (10) Disturbed soil shall be stabilized as quickly as practicable.
- (11) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- (12) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
- (13) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized.
- (14) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- (15) Cuts and fills may not endanger adjoining property.
- (16) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
- (17) Grading equipment must cross-flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any such case, that such crossings are kept to a minimum.
- (18) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for control or treatment of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent streams beyond the levels specified in paragraph (21) of this section.
- (19) Land-disturbing activities shall not be conducted within the one hundred (100) year flood plain unless compliance with section 1005.
- (20) An undisturbed natural vegetative buffer of twenty-five (25) feet measured from the stream banks shall normally be retained adjacent to the state water except where otherwise required by the "Metropolitan River Protection Act", O.C.G.A 12-5-440 et. Seq., or by the department pursuant to O.C.G.A 12-2-8, or when the interest of public health, safety and welfare, or the contour of the land require a different buffer subject to the City's approval, or where a drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and such buffer may be dedicated to the City as a City-owned greenspace.
- (21) Discharges of storm water runoff from disturbed areas shall be controlled to the extent that turbidity of the storm water runoff shall not exceed fifty (50) nephelometric turbidity units higher than the turbidity level of the receiving

stream immediately upstream from the stormwater runoff discharge at the time of such discharge, except where a roadway drainage structure must be constructed, the turbidity of the receiving stream downstream of the construction site shall not exceed sixty (60) nephelometric turbidity units higher than the turbidity level of the receiving stream immediately upstream from the construction site. Downstream turbidity measurements shall be taken at points where the entering discharge is fully mixed with the receiving stream flow.

- (22) All development contiguous to or within two hundred (200) feet of water supply reservoir or streams having a drainage basin in excess of one (1) square mile shall have a 100 foot undisturbed natural vegetative buffer and additional 50' non impervious buffer measures from the stream bank or normal pool elevation.
- (23) All perennial streams within a water supply watershed and within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir shall be protected by a 100 foot undisturbed natural vegetative buffer and an additional 50 foot non impervious buffer measured from the stream bank or normal pool elevation. No septic tank or septic tank drainfield shall be located within this buffer.
- (24) All perennial streams within a water supply watershed and outside a seven mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir shall be protected with a 50 foot undisturbed natural vegetative buffer and an additional 25 foot non impervious buffer measured from the stream bank. No septic tank or septic tank drainfield shall be located within this buffer.
- (25) All developments shall be designed to minimize the impact on water quality. This shall be accomplished by utilizing best management practices for construction and where feasible by the installation of water quality enhancements. These enhancements can consist of constructed wetlands to improve water quality.

Sec. 1004. Drainage

- (a) Policies. It is hereby declared to be public policy to:
 - (1) Recognize the necessity of joint action where feasible by the City and the development industry in resolution of existing drainage problems and prevention of their worsening or recurrence;
 - (2) Work in cooperative relationship with the development industry to accomplish the above-state objective by encouraging through this chapter and other public actions the development of fewer but larger major retention facilities and the incremental resolution of existing drainage problems on a priority basis in concert with private development activities;

- (3) Maintain where feasible, the natural environment of City streams through reduction of flow quantities resulting from new development, and where feasible, restore the flood plain to its natural functional purpose to resolve existing flooding problems, but recognize the necessity of using urban streams for storm water runoff in those situations where maintenance of the natural stream environment would result in continuation or worsening of flooding conditions;
- (4) Incrementally assume maintenance responsibility for the public drainage system on lands accepted by the City;
- (5) Require of the development industry the responsibility to maintain the functioning of the storm drainage system during the development process;
- (6) Encourage the construction of joint retention ponds serving several residential properties, which can be accepted for maintenance by the City upon completion of project development. The City encourages (where engineering judgment so warrants) the location of these retention facilities off the site of the property under development and may participate where it is in the general public's best interest in the construction of major retention facilities which would serve not only the needs of the property under development, but would assist in resolving existing flooding problems;
- (7) Encourage innovative design solutions to the effective retention of runoff;
- (8) Encourage accommodating runoff from residential properties or between individual single-family lots through underground piping rather than open surface drainage swells and minimize cross drains from streets to natural drainage ways by longitudinal piping or by retaining within the streets, for as long as reach as commonly accepted standards or engineering judgment permit, runoff to a point of discharge not directly individual single-family lots.

(b) Standards

- (1) All engineering design items for storm drainage and erosion control and sedimentation control and delineation of the intermediate regional flood plains shall meet the applicable minimum requirements of published design standards of the City, available from the City Engineer. Rainfall intensities used in hydrologic computations shall not be less than shown by applicable rainfall curves published by the natural weather service for the affected area.
- (2) A combination of storage and controlled release of storm water runoff shall be required for all development and construction which will increase the peak rate of runoff from the site by more than one (1) cubic foot per second for a

ten-year frequency storm and shall not apply to individual single-family lots of less than two (2) acres which are not a part of a platted subdivision.

- (3) The release rate of storm water from all developments where retention is required shall not exceed 90% of the peak storm water runoff rate from the area in its existing state for all intensities up to and including the one hundred-year frequency for all duration's of rainfall.
- (4) The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a storm of one hundred-year design frequency based on the existing land use plan.
- (5) The live retention storage to be provided shall be calculated on the basis of the one hundred-year frequency rainfall as published by the national weather service for the affected areas. The retention system required shall be that necessary to handle the runoff of a one hundred-year rainfall, for any and all duration's from the proposed development, with a release rte that does not exceed the approved release rate during the same duration storm. Retention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.
- (6) When the developer requests and the City Engineer agrees that development and construction of non-residential projects are too small, or that engineering and economic factors make combines retention or other drainage facilities more practical, the City may authorize the joint construction of these facilities to serve two (2) or more properties by two (2) or more developers. Where joint retention facilities service two (2) or more properties are approved for construction, no use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the retention facility, and the owner(s) of the joint retention facility have submitted a written agreement to the City showing who is responsible for the maintenance of that facility.
- (7) The following requirements shall apply to the installation, development and maintenance of all retention and sedimentation control facilities designed for temporary storage of storm water runoff:
 - (a) These facilities shall be located on tracts of land, designated for this use on the recorded plat, with sufficient area around the perimeter to provide access for maintenance purposes and shall be immediately adjacent to or be provided with an access easement to a public street. The access easement shall provide at least twenty (20) feet of width outside of aboveground obstructions including trees, headwalls, weirs, settling basins or other drainage structures.

- (b) Perforated standpipes or a french drain, or other methods which will achieve equal performance to prevent standing of water and inadequate shall be installed within all these facilities.
 - (c) Except as provided in (8)(d), the property owner shall be responsible for the maintenance of the retention facilities during grading, construction, and following final approval or the completed project. This maintenance shall be binding on future owners, successors and assigns of the property.
 - (d) In the case of platted residential subdivisions, the City shall assume maintenance responsibility after the release of the maintenance agreement for subdivision streets. Upon completion of developer maintenance all retention ponds shall have a positive slope to the outlet in order to facilitate complete drainage.
- (8) Special drainage system maintenance requirements.
- a. No impoundment of water which retains in excess of one-half (0.5) acre of runoff shall be altered without first obtaining a development permit, which shall only be issued after competent engineering studies provided by the developer show that this removal will not adversely affect downstream properties.
 - b. Trash, garbage, construction materials, construction by-products or other debris shall not be deposited in any part of the drainage system.
 - c. No restrictions or barriers, including fences, may be placed in the drainage systems without first obtaining a development permit.
- (9) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 1005. Flood Control

(a) Policies. It is hereby declared to be public policy to:

1. Minimize public and private losses due to flood conditions.
2. Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
3. Control filling, grading, dredging and other development which may increase flood damage.
4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(a) Standards

(1) In all areas of special flood hazard the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (e) 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;
- (f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (g) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance

(2) Land uses within the intermediate regional flood plain shall not diminish or restrict the capacity of the channels or flood plains of the stream, its tributaries, drainage ditches or any other drainage facilities or systems and shall not increase the IRF elevation or velocity or concentration of flow in downstream areas. If the required hydrologic studies reveal that a request for filling or grading within the intermediate flood plain would overload the capacity of the channel downstream or increase flood stages upstream, the development permit shall be denied unless equivalent flow and storage capacity is replaced and maintained by the owner within the intermediate regional flood plain. Altered sections of the intermediate regional flood plain shall have a positive slope so as to provide positive drainage back to the stream flow line and this section must be maintained by the owners in perpetuity so as to prevent or remove silt build-up.

(3) In residential districts, not less than seventy (70) percent of the minimum lot area, as established by applicable zoning district development standards, shall be above the intermediate regional flood elevation contours.

- (4) All new buildings permitted after the effective date of this ordinance and located on property contiguous to the intermediate regional flood plain shall be constructed so that all portions of the structure, including the basement floor or crawl areas, shall be not less than three (3) feet above the intermediate regional flood elevations. No new development will be allowed in the intermediate regional flood plain. Any substantial improvement to an existing structure shall have the lowest floor, including basement, elevated not less than six (6) inches above the intermediate regional flood elevation.
- (5) The profile elevation of the centerline of all public streets shall be constructed a minimum of one (1) foot above the intermediate regional flood elevation contours. Exceptions to this provision may be granted by the City Engineer in cases where the construction of the street elevation below the intermediate regional flood elevation contours would improve drainage or reduce the effects of flooding.
- (6) When on or off-site debris has accumulated within an immediate regional flood plain in such a manner as to interfere with the flow of water so as to increase the risk of hazardous inundation of upstream properties adjacent to the intermediate regional flood plain, the City shall require the owner of the property where this debris was generated, if its source can be identified, to clear and remove the debris so as to permit the free flow of water.
- (7) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water system located and constructed to minimize flood damage.
- (8) Flood ways. Located within areas of special flood hazard are areas designated as flood ways. Since the flood way is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:
 - (a) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification with supporting technical data by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
 - (b) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions (see (1) above).
- (9) "As-built" elevation certifications must be obtained for all future developments if land is to be removed from the hazard area. A

certification from a registered professional engineer or land surveyor certifying as to the actual elevations of the development or structures must be obtained after the changes occur.

(10) Any relocation or realignment of river and stream channels shall be prohibited if it would reduce the capacity with respect to the base flood elevation or less, significantly alter water flow characteristics or create a flood hazard. Provisions must be incorporated in the proposal to ensure that adequate maintenance will be provided for the altered watercourse. Adjacent communities and the Georgia Department of Natural Resources must be notified prior to any alteration or relocation of a watercourse if it is determined that an adjacent community could be affected, and evidence of such notification submitted to the Federal Emergency Management Agency.

(11) When base flood elevation data or flood way data have been provided by the flood hazard boundary map, then the City Engineer shall obtain, review and reasonably utilize any base flood elevation and flood way data available from a federal, state or other source, in order to administer the provisions of this section.

(12) All wastewater treatment plants shall be located a minimum of three (3) feet vertically and two hundred (200) feet horizontally from the boundary of the intermediate regional flood elevation.

ARTICLE XI VEGETATION PROTECTION AND LANDSCAPE REQUIREMENTS

Sec. 1101. Purpose

Intent of article and declaration of public policy. The guiding presumption behind this article is the belief that the natural environment has significant value in and of itself, and that all reasonable measures available should be used in the preservation of that environment, consistent with the continued development of a viable Senoia.

The City Council of Senoia, therefore, declares it to be public policy to:

- (a). Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aiding in noise, glare, and heat abatement;
- (b). Assist in providing adequate light and air by preventing overcrowding of land;
- (c). Provide visual buffering and enhance beautification of the City;

- (d). Safeguard and attempt to enhance property values and, in so doing, protect private and public investment;
- (e). Preserve, protect and further the unique identity and environment of Senoia, and, thereby, preserve the economic base attracted to the City by such factors;
- (f). Recognize that the protection and enhancement of the natural beauty, environment, and greenspace within Senoia contributes to the economy, as well as provides a truly necessary aesthetic balance to the development of an urban setting;
- (g). Conserve an ever-dwindling supply of energy, by the preservation and enhancement of the natural environment;
- (h). Protect the atmosphere, lands, and water from pollution, impairment or unnecessary destruction;
- (i). Protect natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation. This article shall serve to dissuade the unnecessary clearing of land and its disturbance, so as to preserve, insofar as possible, the natural and existing growth of vegetation, and to replace whenever possible the removed foliage with new vegetation;
- (j). Protect vegetation within the intermediate regional flood plain and for a minimum ten (10) feet from the banks and those streams not having defined intermediate regional flood plain elevation contour, so as to assist in the retention of storm water runoff and the control of erosion, including particularly the protection of stream bank stability by vegetation protection or restoration;
- (k). Preserve protected and “specimen” trees or strands of trees which are exceptional representatives of their species either in terms of size, age or unusual botanical quality, and encourage the good care of same through properly applied forestry practices; and
- (l). Protect and supplement existing vegetation within greenbelts, open space, recreation areas and protected area where feasible.

Sec, 1102. Definitions

- A. Dripline. A collective name for all vertical lines from the earth to the outermost tips of the crown of the tree. These lines will completely encircle the tree and thereby define its outermost reaches.
- B. Dripline area. The total area underneath a tree which would encompass all driplines.
- C. Ground cover. Natural plant materials such as vines shrubs, or grasses which would not normally attain a height of more than two (2) feet.

- D. Landscaping. Any addition to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding lawns, tree and shrubs, etc., to the natural environment.
- E. Natural vegetation. Natural vegetation shall connote a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses and trees.
- F. Natural vegetation area. That area within the boundaries of a given lot which is devoted to natural vegetation.
- G. Protected Areas. Those areas having unique biological communities including wildlife or exceptional vegetation possessing outstanding botanical qualities.
- H. Scenic roads. Those roads designated by the City council as deserving special protection from land development because of their scenic beauty, extent of vegetation, or geological formations.
- I. Shrub. A woody plant of bush of relatively low height two (2) to six (6) feet, distinguished from a tree by having several stems rather than a single trunk.
- J. Tree. A self supporting woody plant having one (1) or more well-defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten (10) feet and a trunk diameter of at least two (2) inches measured at a point four (4) feet above the ground.
- K. Tree canopy. Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover. Examples include oaks, red and silver maples, hickory, beech, pecan, Sycamore, sweetgum, poplar, ash, river birch, long leaf pine, loblolly pine and Virginia pine.
- L. Tree, protected.
 - 1. Any deciduous canopy trees fifteen- (15) inches in diameter four (4) feet above ground.
 - 2. Any evergreen canopy trees eighteen (18) inches in diameter four (4) feet above ground.
 - 3. Any understory tree four (4) inches in diameter at four (4) feet above ground.
- M. Tree removal. Means cutting, uprooting, or severing the main trunk of the tree, or any other act which causes or may reasonably be expected to cause the death of a tree.

- N. Tree, "specimen." Any tree reaching the upper range of the mature diameter and the height for that species of tree.
- O. Tree, understory. Any tree, which is of relatively lesser height and spread than surrounding canopy trees, but still provides shade and a degree of protection to the earth and vegetation beneath it. Examples include dogwood, cherry, red bud, sassafras, crabapple, pear, American holly, red cedar, and magnolia.

Sec. 1103. Preservation of Protected and Specimen trees.

It shall be unlawful for any person or corporation to remove or cause the removal of any protected or specimen tree without having first received approval either through the process of site plan review, in the case of new development, or in the form of a tree-removal permit.

(a). Approval through site plan review. When site plan review by the planning commission is required for any development, the actual or schematic locations of all protected or specimen trees shall be shown on all site plans by location, species and size. The site plans shall be submitted to the Zoning Administrator for evaluation and recommendation before submission to the planning commission. All site plans shall also include those requirements listed under tree removal application requirements (1103(b)). Final approval of the site plan shall constitute approval of the site plan shall constitute approval for removal of any protected or specimen trees impacted by development on the site plan.

(b). Application for permit to remove protected or specimen trees. The application for a tree removal permit shall be on a form provided by the City for this purpose. An application for the removal of any protected or specimen trees on public or private property shall include the following:

- (1) The approximate location of the tree(s);
- (2) The diameter of the trunk of each tree, as measured four (4) feet above natural grade level;
- (3) The approximate crown size of each tree (measured dripline to dripline) and any distinguishing characteristics of the tree(s);
- (4) The species and common name of the tree(s);
- (5) The reason for the proposed removal; and
- (6) Such other information as may reasonably be required by the City planner. This could include, but is not limited to, a professional arborist's appraisal of the tree's viability and projected life span.

Sec. 1004. Action on Application

The Zoning Administrator shall approve an application for the removal of a protected or specimen tree provided at least one (1) of the following conditions is met:

- (a) The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes;
- (b) The location of the tree prevents the construction of utility lines or drainage facilities, which may not feasibly be relocated;
- (c) The location of the tree prevents reasonable access to the property, if no alternate access exists;
- (d) Allowing the tree to remain would impose an economic burden upon the owner of the property entirely out of proportion with the benefit gained by retaining the tree;
- (e) The tree is diseased, dead or dying to the point that repair or restoration is not practical or the disease may be transmitted to other trees; and
- (f) There is reasonable assurance that if the tree is saved with proper construction precautions, it will continue to live as an asset to the site.

Sec. 1105. Application Not Required (when).

Approval for removing a protected or specimen tree is not required when at least one (1) of the following conditions is met:

- (a) When removal of a protected or specimen tree is specifically approved by site plan review;
- (b) When any protected or specimen tree sustains unrepairable damage and, therefore, constitutes a hazard to human life or property;
- (c) When trees on commercial horticultural properties are to be removed as a direct part of the business conducted on those properties; or
- (d) When public service companies perform normal construction maintenance.
- (e) When trees are harvested as a part of agricultural and forestry operations

Sec. 1106. Standards for Review

The Zoning Administrator shall approve any request for removal of a protected or specimen tree when a completed application has been received and justification is made in accordance with the provisions of section 1104.

In making any determination concerning an application for any protected or specimen tree removal, the Zoning Administrator shall consider the following:

- (a) Desirability, of preserving any tree by reason of its size; age or some other outstanding quality, such as uniqueness, rarity or species or status as a landmark;
- (b) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the tree or trees;
- (c) The heightened desirability of preserving tree cover in densely developed or densely populated areas;
- (d) The need for visual screening or buffering in area of differing zoning or usage, or relief from glare or commercial or industrial ugliness or other affront to the visual sense;
- (e) The affect that the change in natural grade will have on the trees to be preserved;
- (f) Good forestry practice – i.e. the number of healthy trees or species of trees which the site or any portion thereof can support; and
- (g) Such other circumstances as may relate to a particular application.

Sec. 1107. Treatment and Removal of Infected and Infested Trees

- (a). If any tree on public property is infested with insects or infected with a disease detrimental to surrounding vegetation, the City may remove the tree and otherwise control such infection and infestation.
- (b). Private property. It shall be the responsibility of any person having trees on his property to treat and/or remove any infected or infested tree. However, before removing said trees, the property owner must apply for a Tree Removal Permit.

Sec 1108. Enforcement

Each protected or specimen tree removed without approval, as provide herein, shall be considered a separate offense, which is subject to a penalty as determined by the judge of the municipal court.

For evaluation purposes, the criteria of one hundred dollars (\$100.00) per caliper inch of trunk should be used. This dollar evaluation of the damaged tree may be required to be invested on the site of commensurate replacement plantings.

It could also be considered permissible to replace a removed tree with a number of smaller trees of the same species, provided the combination caliper measurements of the smaller trees is at least equal to the measurement of the protected or specimen tree which was removed.

Sec. 1109. Landscape Plan Requirements

A landscape plan is required for any development in Senoia other than the development of individual lots for single-family residential purposes:

- (1) A landscape plan shall be prepared by a landscape architect registered in the State of Georgia.
- (2) All areas not devoted to structures, site development features, and natural vegetation shall be landscaped.
- (3) A landscape plan shall include one (1) canopy tree with a minimum trunk caliper of two and one-half (2 ½) inches (at four (4) inches from the ground) for every one thousand (1,000) square feet of permanently disturbed area on the site. An area is considered permanently disturbed if it is covered with a building, structure, or other impervious surfaces like walks, drives and patios.
- (4) A landscape plan shall include one (1) understory tree with a minimum trunk caliper of one of one (1) inch (at four (4) inches from the ground) for every one thousand (1,000) square feet of permanently disturbed area on the site.
- (5) All required landscaping shall be maintained in a horticulturally healthy aesthetically pleasing manner.
- (6) It is recommended that no new planting should be more than one hundred (100) feet from a watering source; however, it is required that assurances, acceptable to the Zoning Administrator, will be provided that water will be available and appropriate watering will take place.
- (7) All landscape areas within parking lots shall be one hundred (100) percent landscaped with deciduous trees, shrubs, ground cover (not requiring mowing), and/or flowers in mulched beds.
- (8) Landscaped areas within and around parking lots must be large enough to provide for health and continued growth of the vegetation.
- (9) Landscaping shall not obstruct the view between twenty-four (24) inches high and sixty (60) inches high on access drives, streets or parking aisles.

- (10) The perimeter of all parking areas shall be landscaped. Parking areas designed to accommodate no more than twenty (20) automobiles are not required to install interior landscaped areas like islands, peninsulas, and medians. Parking areas designed to accommodate more than twenty (20) automobiles must install interior landscaped areas so that no more than twelve (12) adjacent parking spaces exist without a landscaped separation of at least five (5) feet in width. If significant tree-save areas or natural areas exist within a parking area, the City may make an exception to this requirement, as appropriate.
- (11) Screening shall be used as a buffer between incompatible uses, and to reduce the effects of headlight glare, noise and other objectionable activities. The following minimum requirements shall apply to screening:
 - (a) All vegetation used for screening shall be at least six (6) feet in height at time of installation. Plants shall be placed as to provide for effective visual screening within three (3)-growing seasons. Planting beds required for screening shall be a minimum of six (6) feet in width;
 - (b) Screening may consist of a fence, a wall, or vegetation and/or a mix of any or all of the foregoing. The outer or public side of fences and walls shall be landscaped enough to soften the structure with a tree or shrub at least fifty (50) feet, subject to approval of the Zoning Administrator.
 - (c) Screening shall be installed on all lot lines where commercial, industrial, and institutional uses abut residential zoning districts except for entrances or exits;
 - (d) No screening shall be removed without the written permission of the Zoning Administrator.
 - (e) Screening vegetation and fencing shall be maintained in a healthy and attractive manner;
 - (f) The Zoning Administrator may require screening in conjunction with the issuance of a building permit not requiring plat or site plan approval.
- (12) The Zoning Administrator upon site inspection and landscape plan review may require an applicant to naturalize areas, which visually impair public rights-of-way. The intent of this requirement is to supplement tree requirements with small caliper material (one-gallon maximum) in areas where screening or landscape visual continuity is required.
- (13) If significant trees are saved on a development site, then up to a fifty (50) percent credit can be issued by the City. This will only be issued if the tree-

save areas are considered to be aesthetically or environmentally significant by the Zoning Administrator.

- (14) If there are significant landscape problems on site (for example, areas totally void of trees), the Zoning Administrator may not allow tree credit, even though trees may be saved.
- (15) If a development involves an addition or modification to the side or rear of an existing building or structure which is already properly landscaped, the Zoning Administrator may allow up to a fifty (50) percent reduction in the canopy and understory tree requirements.

Sec. 1110. Landscape Plan

Any landscape plan required by these regulations shall contain the following information:

- (1) Title of project, address of site;
- (2) Site location map, north point, and scale of drawings.
- (3) Name, address and telephone number of owner/developer.
- (4) Name and seal of landscape architect who prepared the plan.
- (5) Planting key; botanical and common name of all plant materials proposed; quantity of each species; size of plant material (caliper, height, width); condition (i.e. balled and burlapped, container grown, care root, collected, etc); and special remarks (number of stems, color or bloom, etc.)
- (6) Estimated cost of landscape improvements.
- (7) Name and location of existing trees to be saved and protected during construction. Indicate all Protected and Specimen trees to be saved or removed.
- (8) Retention areas, drainage inlets and structures. Floodplain limits shall be shown whenever subject property is within such areas.
- (9) Show names of adjacent property owners, and adjacent land uses. Indicate all required Greenspace and Screened areas.
- (10) Provide that sight distance at intersections are not obscured by planting. Keep planting below twenty-four (24) inches and tree limbs above sixty (60) inches.

- (11) Submit three (3) copies of prints for review. One (1) will be returned with review comments.
- (12) This note shall appear on all approved landscape plans;

APPROVED BY PLANNING COMMISSION

DATE: _____

BY: _____

- (13) Show all pertinent site features; buildings, walks, drives, signs, lighting drains, meter boxes, underground utility lines, curbs, and the available water source for plant maintenance.
- (14) Show calculations on the plan for: total area permanently disturbed and landscaped area (in acres and square feet). Indicate numbers of canopy and understory trees required by ordinance.

Sec. 1111. Landscape Plan Approval Procedures

For any landscape plan required by these regulations, the following procedures shall be followed;

- (1) A developer shall submit to the Zoning Administrator three (3) copies of a landscape plan, which meets the requirements of these regulations.
- (2) The landscape plan shall be submitted along with the required site plan and the required grading plan.
- (3) For consideration at a planning commission meeting, the landscape plan must be submitted to and accepted by the Zoning Administrator at least fifteen (15) days prior to the planning commission meeting.
- (4) The landscape plan will be reviewed by the Zoning Administrator if the landscape plan does not meet the requirements of these regulations; the Zoning Administrator will return the plan to the developer with comments and suggestions for correction. If the plan meets the requirements, the Zoning Administrator shall place the landscape plan on the next planning commission agenda.
- (5) The Zoning Administrator shall submit the results of their review in writing to the planning commission.
- (6) The planning commission will review the landscape plan, taking into consideration the requirements of these regulations, the Zoning

Administrator's report and approve; disapprove; or approve with modifications.

- (7) If the Planning Commission approves the landscape plan, a copy will be returned to the developer with the approval inscribed thereon, along with a notation of any appropriate conditions or review comments.
- (8) If the Planning Commission does not approve the landscape plan, the developer may resubmit, with necessary changes, following the same procedures as if it were an original application.
- (9) An approved landscape plan must be implemented prior to the issuance of a certificate of occupancy; or the developer may choose to provide the City clerk with a performance bond or other acceptable security in an amount equal to one hundred-fifty (15) percent of the City's estimated cost of the required improvements which have not been installed or are not installed in a satisfactory manner.
- (10) Upon posting this bond or security, the developer shall have a one-year period in which to complete the required improvements in a satisfactory manner, or the bond or other security shall be forfeited and revoked, and the City shall then take whatever action is necessary to have the developer complete the required improvements as soon as possible thereafter.
- (11) When a developer has installed the required landscaping improvements, he shall request that the Zoning Administrator schedule an inspection. If the Zoning Administrator approves the installation, he shall submit a written report to the City clerk, and the project will be released for a certificate of occupancy. If the Zoning Administrator does not approve the plan, he shall submit a report stating his reasons for disapproval so the developer can make the necessary corrections. A fee of one hundred (100) dollars (\$100.00) each shall be charged for any required re-inspections, and the fee shall be payable in advance for the re-inspection.
- (12) The developer shall guarantee all plant materials and provide adequate maintenance of the above improvements for a minimum of one (1) year from implementation. The City shall inspect said improvements during that period to ensure that the approved plan has been fully implemented and maintained. IF the improvements have deteriorated within that one-year period, such landscaping shall be replaced by the developer.

ARTICLE XII
APPEALS AND VARIANCE

Sec. 1201. Appeals

These land development regulations shall be administered by the Zoning Administrator and other staff members, along with the planning commission and City council. However, should an issue concerning these regulations remain unresolved by the City staff and planning commission, or if a written request for appeal should be filed with the Zoning Administrator or by any interested party within five (5) working days of any action, a hearing shall be held by the City council for final resolution of the dispute. Sufficient information shall be provided by the applicant, affected City staff members, and the planning commission to ensure a timely decision by the City council. For purposes of this section, an interested party shall be an applicant or a City resident who lives within three hundred (300) feet of the proposed subdivision or development at issue on appeal.

Sec. 1202. Variance

The purpose of this section is to authorize variance from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Only the owner of the property of which a variance is desired, or his agent may submit an application for a variance.

- A. Variance application shall be filled with the Zoning Administrator on forms provided by the Zoning Administrator.
- B. Any communication relative to a variance request will be guarded as information only until a proper application is made in the form required.
- C. An application of fifty (50) dollars must accompany each variance application.
- D. Upon receiving an application, the Zoning Administrator shall schedule a public hearing on the request before the City council within forty-five (45) days after receipt.
- E. A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the hearing date.
- F. A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation, which serves as the legal organ for the City. The newspaper notice shall appear at least fifteen (15) days prior to the date of the hearing date.
- G. At the public hearing before the City council, the applicant may appear in person or be represented by an agent of attorney.
- H. Variance from the provisions of this ordinance may be approved by the City council if it is determined that they will not cause substantial detriment to other parties or impair the purpose of intent of this ordinance; provided, however that no variance can be granted for a

use that is specifically prohibited by this ordinance within the zoning in which the property is located.

- I. In making a determination on a variance request, the City council shall consider the following factors:
 1. Whether or not the special circumstances contributing to the request are peculiar to the property involved;
 2. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
 3. Whether or not the request is due to an intentional action of the applicant to violate the requirement of this ordinance.

ARTICLE XIII ENFORCEMENT

Sec. 1301. Enforcement. The City Engineer and other City staff shall enforce the provisions of this article.

Sec. 1302. Inspection and Right of Entry. Upon presentation of identification to the developer, contractor, owner, owner's agent, operator or occupants, employees of the City may enter during all reasonable hours any property under proposed or existing development and construction. These employees may take inspections of the facilities for the purpose of determining plan requirements or compliance with ordinance provisions. These designees may inspect any drainage system within or outside of an existing drainage easement. All drainage facilities located on private property, whether dedicated to the City or not, shall be accessible at all times for City inspection. Where drainage facilities are accepted by the City for maintenance, public access easements shall be provided. Reasonable access shall be provided to all drainage easements for inspection and maintenance functions. Where an easement does not exist for the drainage system, the permission of the owner shall be obtained before entrance; however, in the event of emergency maintenance requirements, permission of the owner shall not be mandatory.

Sec. 1303 . Emergency Maintenance. The City may conduct emergency maintenance operations on private land and on drainage systems where emergency conditions exist. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of the City Engineer create a condition potentially injurious to life, property, or the public road system.

Emergency maintenance conducted on nay drainage system shall not be constructed as constituting a continuing maintenance obligation on the part of the City.

Sec. 1304. Notice of Violation. Whenever the City Engineer/staff determines that activity on a property does not comply with the approved development and construction plan, he may issue a

notice of violation. Wherever he determines that the drainage system has been unlawfully altered, causing inadequate drainage, he may issue a notice of violation. The notice of violation of the provisions of this chapter or of any rule or regulation adopted pursuant thereto, shall be to the owner of the property or his agent and shall:

- (1) Be in writing;
- (2) Include a description of the property sufficient for identification of where the violation has occurred;
- (3) List the specific provisions of this chapter which have been violated; and
- (4) State that if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector shall be issued for the owner to appear in recorder's court. Each day the violation continues shall constitute a new and separate violation.

However, in the judgment of the City Engineer, where the violation is willful, in wanton disregard of the provisions of this chapter or constitutes a public health and safety hazard, he may obtain a court summons in lieu of a notice of violation.

Sec. 1305. Penalties. Any person violating this ordinance shall be punished as provided in section 1-1-5 code of ordinances City of Senoia for each offense. Each day such violation continues shall constitute a separate offense.

ARTICLE XIV FEE SCHEDULE

A schedule of rates, fees and charges for permits, inspections, and other services provided by this Ordinance is hereby adopted. Such rates, fees, and charges shall be determined from time to time by the Mayor and council and set forth in a written schedule on file in the office of the City Clerk.

Section 5. Except as modified herein, the Land Use Ordinance of the City of Senoia, Georgia, is hereby restated and reaffirmed in its entirety.

Section 6. All ordinances or parts thereof in conflict with the foregoing are hereby repealed: provided, however, that nothing herein shall be construed as repealing or modifying the conditions or requirements for site development or uses approved under the Zoning Ordinance as now or as heretofore existing. This amendment of the Land Development Ordinance is not intended nor shall have the effect of modifying any plan of development previously approved or for which approval has heretofore been granted, unless the validity of such approval was conditioned upon an expiration period.

Section 7. Effective Date. This Ordinance shall become effective at 12:01 a.m. on its date of adoption on second and final reading.

Public Hearing: June 17, 2002 First Reading: June 17, 2002

Second Reading: July 1, 2002 Effective Date: July 2, 2002

Ordained this 1st day of July, 2002 by the Mayor and Council of the City of Senoia, Georgia.