



## TOWN OF BRASELTON

### DEVELOPMENT CODE

**ORIGINAL ADOPTION DATE – APRIL 8, 2024**

**\*AS AMENDED THROUGH AUGUST 2024**

\*See page 206 for list of amendments and amendment dates



BRASELTON  
PLANNING & DEVELOPMENT



BRASELTON  
PUBLIC WORKS

# DEVELOPMENT CODE TOWN OF BRASELTON

## TABLE OF CONTENTS

<b>ARTICLE 1 ADMINISTRATION .....</b>	<b>6</b>
1.1 Title .....	6
1.2 Purpose.....	6
1.3 Required Conformity .....	6
1.4 Relationship to Comprehensive Plan .....	7
1.5 Application .....	7
1.6 Enforcement .....	8
1.7 Violations and Penalties .....	8
1.8 Transitional Provisions.....	8
1.9 Applicability Thresholds .....	9
1.10 Nonconforming Structures .....	10
1.11 Nonconforming Uses .....	10
1.12 Nonconforming Lot of Record .....	11
1.13 Division of the Town into Districts .....	11
1.14 Zoning Map .....	12
1.15 Effective Date.....	12
<b>ARTICLE 2 DEFINITIONS .....</b>	<b>13</b>
<b>ARTICLE 3 GENERAL PROVISIONS .....</b>	<b>32</b>
3.1 Property Owners Associations.....	32
3.2 Height and Area Measurements .....	32
3.3 Encroachments into Required Yards .....	33
3.4 Site Plan Requirements .....	33
3.5 Traffic Impact Study.....	34
<b>ARTICLE 4 DISTRICT-SPECIFIC STANDARDS.....</b>	<b>35</b>
4.1 Single-Family Residential District R-1 .....	35
4.2 Single-Family Residential District R-2 .....	36
4.3 Single-Family Residential District R-3 .....	37
4.4 Residential Multi-Family District R-M.....	39
4.5 Planned Unit Development (PUD) .....	41
4.6 Commercial Districts.....	44
4.7 Industrial Districts .....	46
4.8 Downtown Overlay District.....	47
4.9 Traditional Neighborhood Development (TND) .....	53
4.10 Highway 211 Overlay District .....	53
4.11 Highway 53 Overlay District .....	53
<b>ARTICLE 5 ALLOWED USES AND USE STANDARDS.....</b>	<b>54</b>
5.1 General .....	54
5.2 Allowed and Prohibited Uses .....	54
5.3 Large Assembly Use .....	60
5.4 Use Standards.....	60
<b>ARTICLE 6 DESIGN STANDARDS .....</b>	<b>66</b>
6.1 Purpose.....	66
6.2 Applicability.....	66
6.3 Application Requirements .....	66

6.4 Façade Materials and Design.....	66
6.5 Windows and Doors .....	67
6.6 Roofs.....	68
6.7 Additional Standards for Residential Buildings.....	68
6.8 Additional Standards for Non-Residential Buildings.....	69
6.9 Underground Utilities .....	69
6.10 Required Open Space for Residential Developments .....	69
6.11 Tree Planting Requirements.....	71
6.12 Buffers .....	73
6.13 Fences and Walls.....	74
6.14 Grading.....	75
6.15 Screening Adjacent to Public Streets .....	75
6.16 Outdoor Lighting .....	76
6.17 Parking and Loading.....	78
6.18 Block Standards.....	84
6.19 Visibility at Intersections.....	85
<b>ARTICLE 7 SIGNS.....</b>	<b>86</b>
7.1 Purpose.....	86
7.2 Sign Permit Required .....	86
7.3 Nonconforming Signs.....	88
7.4 Signs Not Requiring a Permit .....	88
7.5 Prohibited Signs .....	89
7.6 Allowed Signs .....	90
7.7 Sign Standards.....	91
7.8 Signs Requiring a Temporary Sign Permit .....	92
7.9 Master Signage Plans .....	93
7.10 Downtown Overlay District Regulations.....	93
<b>ARTICLE 8 SUBDIVISION AND DEVELOPMENT REQUIREMENTS.....</b>	<b>94</b>
8.1 General .....	94
8.2 Sanitary Sewer & Water Requirements .....	94
8.3 Lot Design and Configuration.....	94
8.4 Preliminary Plat Approval.....	94
8.5 Preliminary Plat General Standards.....	95
8.6 Preliminary Plat Requirements.....	95
8.7 Development Plan Requirements .....	96
8.8 Evidence of Project Approval .....	98
8.9 Issuance of Development Permit.....	98
8.10 Final Subdivision Plat Approval.....	99
8.11 General Plat Standards .....	100
8.12 Final Plat Requirements.....	100
8.13 Utility Easements .....	102
8.14 Private Subdivision Document Requirements .....	102
8.15 Surveyor and Owner Certificates .....	103
8.16 Health Department Certification and Public Utility Dedication .....	104
8.17 Certificate of Final Subdivision Plat Approval .....	104
8.18 Guarantee in Lieu of Completed Improvements.....	105
8.19 As-Built Data.....	105
8.20 Inspections and Responsibility During Construction .....	106
8.21 Acceptance of Public Improvements .....	106
<b>ARTICLE 9 STREET DESIGN AND CONSTRUCTION .....</b>	<b>108</b>
9.1 General .....	108
9.2 Construction Details.....	108

9.3 Street Design Requirements .....	108
9.4 Streetscape Elements.....	118
9.5 Other Street Design Requirements .....	119
9.6 Curb Cuts and Intersection Spacing .....	119
9.7 Interparcel Access.....	122
9.8 Deceleration and Acceleration Lanes .....	122
9.9 Sight Distance and Alignment .....	124
9.10 Street Names .....	124
9.11 Construction Requirements .....	124
9.12 Street and Traffic Signs .....	128
9.13 Grassing of Shoulders .....	128
9.14 Utility Requirements .....	128
9.15 Landscape Islands/Traffic Dividers.....	129
9.16 Street Drainage.....	129
9.17 Bridges and Dams .....	130
<b>ARTICLE 10 EROSION AND SEDIMENTATION CONTROL .....</b>	<b>132</b>
10.2 Purpose .....	132
10.3 Definitions .....	132
10.4 Exemptions.....	134
10.5 Minimum Requirements Using Best Management Practices .....	136
10.6 Application/Permit Process.....	139
10.7 Inspection and Enforcement.....	141
10.8 Penalties and Incentives .....	142
10.9 Education and Certification.....	143
10.10 Appeals.....	144
10.11 Liability.....	144
<b>ARTICLE 11 STREAM BUFFERS AND OTHER ENVIRONMENTAL REGULATIONS.....</b>	<b>145</b>
11.2 Stream Buffer Protection.....	145
11.3 Mulberry River Water Supply Watershed Protection .....	151
11.4 Stormwater Management .....	152
11.5 Wetlands Protection .....	164
11.6 Wellhead Protection Plan .....	165
<b>ARTICLE 12 TELECOMMUNICATIONS FACILITIES .....</b>	<b>166</b>
12.1 Telecommunications Towers.....	166
12.2 Small Cell Facilities.....	170
<b>ARTICLE 13 CONSTRUCTION CODE .....</b>	<b>177</b>
13.1 Overview .....	177
13.2 Code Remedial.....	177
13.3 Scope.....	177
13.4 Existing Buildings.....	179
13.5 Building Department.....	179
13.6 Building Official .....	179
13.7 Permits .....	181
13.8 Inspections .....	186
13.9 Certificates .....	189
13.10 Tests .....	190
13.11 Appeals.....	190
13.12 Violations.....	191
13.13 Stop Work Order .....	191
13.14 Unsafe Structures and Equipment .....	192

<b>ARTICLE 14 REZONINGS, SPECIAL USES, VARIANCES, AND APPEALS.....</b>	<b>193</b>
14.1 Planning Commission .....	193
14.2 Zoning Board of Appeals .....	193
14.3 Public Hearing Procedures .....	194
14.4 Rezoning.....	195
14.5 Special Uses.....	198
14.6 Annexations.....	200
14.7 Variances.....	200
14.8 Concurrent Variances .....	203
14.9 Administrative Variances.....	203
14.10 Appeal of Decisions of the Zoning Board of Appeals .....	203
14.11 Appeal of Administrative Decisions.....	204

## ARTICLE 1 ADMINISTRATION

### 1.1 Title

This ordinance is “The Development Code of the Town of Braselton, Georgia” and is referred to throughout this ordinance as “this Development Code.”

### 1.2 Purpose

This Development Code is intended to serve the following purposes:

- A. Promote the health, safety, morals, convenience, order, prosperity, aesthetics, and general welfare of the present and future inhabitants of the Town of Braselton.
- B. Regulate the location, height, bulk, number, size and appearance of buildings and structures, the size of yards and other open spaces, and the density and distribution of population.
- C. Avoid unmanaged growth and the negative effects of sprawl.
- D. Enhance aesthetics within the Town.
- E. Improve safety for drivers, pedestrians, bicyclists, and all transportation users.
- F. Secure safety from fire, panic, natural and manmade disasters, and other dangers.
- G. Provide adequate light and air.
- H. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.
- I. Protect property against blight and depreciation.
- J. Sustain the stability of neighborhoods.
- K. Encourage the most appropriate use of land, buildings, and other structures.
- L. Conserve the value of buildings.
- M. Implement quality growth measures and clear design standards.
- N. Balance new development with conservation of greenspace.
- O. Maximize the Town’s economic resources.
- P. Creating an efficient multi-modal transportation network.
- Q. Secure economy in government expenditures.

R. Conserve environmental elements including trees, rivers, streams, floodplains, and watersheds.

S. Increase the amount and variety of greenspaces for residents, employees, and visitors.

### 1.3 Required Conformity

- A. This Development Code applies to all land, uses, buildings, and structures in the corporate boundaries of the Town of Braselton. In their interpretation and application, the provisions of this Development Code should be considered minimum requirements for the promotion and protection of public health, safety, and welfare.
- B. All buildings, structures, land, or open space, in whole or in part, must be used or occupied in conformity with this Development Code.
- C. No building or structure, in whole or in part, may be erected, constructed, remodeled, extended, enlarged, reconstructed, moved, or altered except in conformity with this Development Code.
- D. The minimum yards, parking spaces, landscape strips, buffers, and open spaces required by this Development Code for each building existing before the effective date of this Development Code, or for any building erected or structurally altered after the effective date, may not be encroached upon or considered as part of the yard, parking space, landscape strips, buffers, or open space required for any other structure.
- E. New lots must conform to the size requirements of the applicable zoning district, except as otherwise allowed by subsections 1 or 2 below. No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this Development Code, may be reduced in size so that its width, size of yards, lot area per dwelling, or any other requirements of this Development Code are not maintained. This does not apply when a portion of a lot is acquired for public use.
  - 1. No lot served by a septic tank may have a lesser area than that approved by the

County Health Department for safe drinking water and septic tank operation.

2. Lots used exclusively for common areas, open spaces, private alleys, entrance signs, or stormwater facilities are exempt from lot size requirements.
  3. Lots that are used exclusively for private streets, stormwater facilities, or open spaces for cottage courts are exempt from minimum lot width and area requirements.
- F. It is unlawful to be in conflict with, or in violation of, any other requirements of this Development Code.

#### **1.4 Relationship to Comprehensive Plan**

- A. The Town of Braselton Comprehensive Plan, consisting of its Character Areas Map, Future Land Use Map, and related policies, as may be amended from time to time, is established as the official policy of the Town concerning designated future land uses and as a guide to rezoning decisions.
- B. The Comprehensive Plan does not change a property's zoning and does not itself permit or prohibit any existing or future land uses. Instead, the Comprehensive Plan establishes broad planning policies for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official zoning map and the text of this Development Code.

#### **1.5 Application**

##### **A. Relationship with Other Laws**

When any requirement of this Development Code is more restrictive than any other law, rule, or regulation, the requirements of this Development Code govern. When any requirement of any other law, rule, or regulation is more restrictive than this Development Code, the requirements of the other law, rule, or regulation govern.

##### **B. Relationship with Private Agreements**

This Development Code does not nullify any private agreement or covenant. However, when this Development Code is more restrictive than a private agreement or covenant, this Development Code controls. The Town will not enforce any private agreement or covenant.

##### **C. Relationship with Conditions of Approval**

If any requirement imposed by this Development Code is more restrictive than a condition of approval for a rezoning (including Planned Unit Development districts), variance, special use, or other formal action by the Town Council, the requirement of the Development Code governs.

##### **D. Conflict**

If any requirement imposed by this Development Code contains an actual, implied or apparent conflict, the more restrictive condition or requirement controls, except as described in paragraph C above.

##### **E. References to Other Laws**

Whenever a provision of this Development Code refers to any other part of the Braselton Code of Ordinances or to any other law, the reference applies to any subsequent amendment of that law.

##### **F. Illustrations**

Illustrations are included in this Development Code to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Development Code and any Illustrations, the text governs.

##### **G. Zoning Compliance Law**

ARTICLES 1, 3-7, and 14, as well as those definitions set forth in ARTICLE 2, are all intended to constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq. Changes to the text of these articles must comply with the procedures of ARTICLE 14. The remaining chapters and articles are not intended to constitute a zoning ordinance and may be amended using the Town's general procedures for ordinance amendments.

##### **H. Severability**

If any article, section, subsection, paragraph, clause, sentence, or provision of this Development Code is judged to be unconstitutional or invalid by any court of competent jurisdiction, that judgment does not affect, impair, invalidate, or nullify the remainder of this Development Code. The effect of the judgment is confined to the section, subsection, paragraph, clause, sentence, or provision immediately involved in

the controversy in which judgment or decree was rendered.

#### **I. Prior Approvals**

The adoption of this Development Code and its official zoning map does not repeal any special use permit, conditional use permit, variance, modification of standards, administrative variance, or permit previously granted by the Director, Zoning Board of Appeals, Planning Commission, or Town Council.

#### **1.6 Enforcement**

The Town Council authorizes the Planning Director to administer, interpret, and enforce this Development Code and to carry out the duties required in it. It is also the duty and responsibility of each officer and employee of the Town to assist the Director by reporting to them new construction and reconstruction of buildings, new land uses, and apparent violations of this Development Code.

#### **1.7 Violations and Penalties**

##### **A. Notice of Violation**

If the Planning Director or Code Enforcement Officer or their designee determines that an applicant or other responsible person has failed to comply with the provisions of this Development Code, or where a person is engaged in activity covered by this Development Code without having first secured a permit for that activity, the Planning Director may issue a written notice of violation to the applicant or other responsible person, either personally or by certified mail. The notice must include a description of the violation and a 30-day period within which to abate or correct the violation. If the owner does not bring the situation into compliance within 30 days, the owner may be cited for violation of this Development Code.

##### **B. Penalties**

In addition to withholding of permits and other penalties specified elsewhere in this Development Code, the Town may apply the following penalties where there is a violation of this Development Code:

1. **Withhold Permits and Licenses.** The Town may refuse or deny all permits, licenses, certificates, or applications to the property

or building owner or their agents until the violation is abated or corrected.

2. **Withhold Certificate of Occupancy.** The Town may refuse to issue a certificate of occupancy for the building or other improvements until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations.
3. **Suspension, Revocation or Modification of Permit.** The Town may suspend, revoke, or modify any permit authorized by this Development Code. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described in the notice, provided the permit may be reinstated upon such conditions as the Town may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. **Monetary Penalties.** Any person who violates any provision of this Development Code or any permit condition or limitation established pursuant to this Development Code, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Town issued as provided in this section will be punished for a misdemeanor under the provisions of O.C.G.A. 17-10-3 and is liable for a fine not to exceed \$2,000 per day for each violation. Each day during which violation or failure or refusal to comply continues is a separate violation. Nothing in this Development Code prevents the Town from taking such other lawful civil, criminal, quasi-civil, or quasi-criminal action as is necessary to prevent or remedy any violation of this Development Code.

#### **1.8 Transitional Provisions**

##### **A. Pending Site Development Permit**

Any development for which an application for a site development permit was received by the Town before the adoption of this Development Code, or a concept, site, or development plan



was approved by Mayor and Council or Planning Director, whichever applicable, prior to adoption of this Development Code may, at the developer's option, proceed to completion and building permits may be issued based on the Development Code in effect at the time the application was received or the approval was made.

#### B. Approved Site Development Permit

Any development for which a site development permit has been issued before the adoption of this Development Code may, at the developer's option, proceed to completion and building permits may be issued based on the Development Code in effect at the time the permit was issued, provided all time frames associated with the permit are observed.

#### C. Pending Building Permit

Nothing in this Development Code requires a change in the plans, construction, or designated use of any structure for which building permits were lawfully applied for or

approved before the effective date of this Development Code, provided that:

1. The permit has not expired before the effective date of this Development Code.
2. Actual building construction has begun before the expiration of the permit.
3. Actual building construction is conducted in strict accordance with the permit.

#### D. Approved Building Permit

The adoption of this Development Code does not affect the validity of any building permits lawfully issued before the effective date of this Development Code.

### 1.9 Applicability Thresholds

Repairs or maintenance, renovations, expansions, site work, and changes of use must conform with the requirements of various sections of the Development Code as indicated in the following table. When a project crosses multiple thresholds, the provisions of the most restrictive threshold apply. No nonconforming use or structure may be expanded (see Sections 1.10 and 1.11).

#### A. Applicability Thresholds

	Repairs or Maintenance <sup>a</sup>	Renovations or Major Repairs <sup>b</sup>	New Construction or Expansion <sup>e</sup>	Site Work <sup>d</sup>	Change of Use
Architectural Design Standards (Sections 6.4-6.8)	Mandatory	Mandatory <sup>f</sup>	Mandatory	Not mandatory	Not mandatory <sup>c</sup>
Site Design Standards (Sections 6.9-6.12, 6.14-6.16, 6.18)	Not mandatory	Not mandatory	Mandatory	Mandatory	Not mandatory <sup>c</sup>
Parking (Section 6.17)	Not mandatory	Mandatory	Mandatory	Mandatory	Mandatory
Street Design (ARTICLE 9)	Not mandatory	Mandatory <sup>f</sup>	Mandatory <sup>f</sup>	Mandatory	Not mandatory <sup>c</sup>
Signs (ARTICLE 7)	Not mandatory	Mandatory	Mandatory	Not mandatory	Mandatory

<sup>a</sup> Repairs or maintenance must not exceed the threshold of Sec. 1.10C, excluding the cost of any interior renovations

<sup>b</sup> Major repairs are those that exceed the threshold of Sec. 1.10C, excluding the cost of any interior renovations

<sup>c</sup> Unless renovations, expansions, site work exceed the thresholds of this section

<sup>d</sup> Where land development activities affect more than 25% of the total lot area, the entire lot must conform with the requirements

<sup>e</sup> Where expansions exceed 10% of the existing building floor area

<sup>f</sup> Except for individual single-family residential buildings

B. The following are exempt from the design standards in ARTICLE 6:

1. Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits submitted and accepted for review and approval prior to the effective date of this chapter.
2. Improvements and additions that are made to single-family residences previously built in a subdivision of record with a final plat approved prior to enactment of this article are not subject to the provisions of this article provided that such improvements and additions are limited to additions of heated floor area less than 50 percent of the existing floor area.
3. Construction of a single-family dwelling on an existing lot of record within a single-family residential subdivision with final plat approved prior to enactment of this chapter, provided that the new construction is of a similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
4. Construction, rehabilitation, restoration, repair of a non-residential structure, interior renovations or interior finishes within an existing structure, or addition to an existing non-residential structure that was permitted prior to the enactment of this chapter, provided that such construction is on a lot of record and does not affect a change to more than 20 percent of the existing permitted structure or 5,000 square feet, whichever is less.
5. Any project within the Town that has received or applied for a Development Permit by the date of adoption of these requirements is allowed to proceed under the previous requirements.
6. Any building addition, enlargement, or exterior renovation consisting of 50% or greater of the exterior surface, roof, or facade or any building substantially destroyed or rebuilt is subject to and governed by these regulations.

## **1.10 Nonconforming Structures**

### **A. Expansion**

A nonconforming structure may be expanded, enlarged, or extended where the expansion, enlargement, or extension is for a conforming use in the applicable zoning district. Any expansion, enlargement, or extension of a nonconforming structure must meet the dimensional requirements for the applicable zoning district and all other requirements of this Development Code and all applicable building codes.

### **B. Damage or Destruction**

If a nonconforming structure is damaged or partially destroyed by eminent domain, riot, fire, accident, explosion, flood, lightning, wind, or other calamity or natural cause to the extent of 50% or more of the assessed value at the time of damage or destruction, the structure may only be restored in conformity with this Development Code and all applicable building codes unless a variance is granted by the Zoning Board of Appeals.

### **C. Repairs or Maintenance**

The cumulative cost over ten years of ordinary repair work on any structure containing a nonconforming use may not exceed 50% of the assessed value of the structure. Repairs may not increase the degree of nonconformity. When the cumulative cost of repair work exceeds 50% of the assessed value of the structure, the entire structure must be brought into compliance with this Development Code and all applicable building codes unless a variance is granted by the Zoning Board of Appeals.

## **1.11 Nonconforming Uses**

### **A. Continuance**

A nonconforming use may be continued, subject to the requirements of this section.

### **B. Proof of Lawful Establishment**

It is the responsibility of the owner of a nonconforming use to prove by substantial documentation to the Planning Director's satisfaction that the use was lawfully established and existed on the effective date of adoption or amendment of this Development Code.

### C. Change in Use

A nonconforming use may not be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use as long as that the use itself remains unchanged.

### D. Discontinuance

A nonconforming use may not be reestablished after discontinuance for 90 days. Vacancy or non-use of the building, regardless of the intent of the owner or tenant, constitutes discontinuance under this provision. If a business registration is required for the nonconforming use, and the business registration has lapsed in excess of 90 days, the lapse of business registration will constitute discontinuance.

### E. Expansion

A nonconforming use may not be expanded, enlarged or extended, in land area, floor area, or volume of space in a building or structure, except for a use allowed within the applicable zoning district.

#### 1.12 Nonconforming Lot of Record

A nonconforming lot of record may be used as a building site, provided that all other dimensional requirements of the applicable zoning district are met, or a variance is obtained from the Zoning Board of Appeals. Where applicable, the nonconforming lot of record must meet all requirements of the Health Department of the County in which the subject property is located.

#### 1.13 Division of the Town into Districts

##### A. Zoning Districts

For the purposes of this Development Code, the Town is divided into the following zoning districts:

Residential Districts	
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
RM	Residential Multifamily
Commercial Districts	
OI	Office and Institutional
NC	Neighborhood Commercial
GC	General Commercial
BP	Business Park

Industrial Districts	
MD	Manufacturing and Distribution
I	Industrial
Mixed-Use Districts	
PUD	Planned Unit Development
TND	Traditional Neighborhood Development
Overlay Districts	
D-1	Subdistrict 1: Downtown Core
D-2	Subdistrict 2: Downtown Edge
D-3	Subdistrict 3: Downtown Conservation
211	Highway 211 Overlay
53	Highway 53 Overlay

All overlay district regulations are supplemental to the regulations of the underlying zoning districts established in this Development Code. Overlay district regulations are overlaid on and imposed in addition to underlying zoning regulations and other Town ordinances. Where there is a conflict between the regulations of an overlay district and those of the underlying zoning, the overlay district requirements apply.

##### B. Highway 211 Overlay Boundaries

Parcels that meet either of the following criteria are included within this overlay. Any parcel within the overlay on the date this Development Code was adopted will continue to be subject to the regulations of the overlay, even if the parcel is subdivided in the future.

1. Any parcel with frontage on Highway 211 as of the date this Development Code was adopted.
2. Any parcel where a portion of that parcel falls within 750 feet of the centerline of Highway 211 as of the date this Development Code was adopted.

##### C. Highway 53 Overlay Boundaries

Parcels that meet either of the following criteria are included within this overlay. Any parcel within the overlay on the date this Development Code was adopted will continue to be subject to the regulations of the overlay, even if the parcel is subdivided in the future.

1. Any parcel with frontage on Highway 53 as of the date this Development Code was adopted.

2. Any parcel where a portion of that parcel falls within 750 feet of the centerline of Highway 53 as of the date this Development Code was adopted.

#### **1.14 Zoning Map**

##### **A. Official Zoning Map**

The official zoning map of Braselton, including all notations and other information on the map, is incorporated and made a part of this Development Code. The boundaries of the zoning districts listed in Sec. 1.13A are shown and established on the official zoning map.

##### **B. Map to be Made Publicly Accessible**

The original official zoning map is a public record and must be kept permanently on file in the office of Planning and Development and made accessible for inspection by the public. It must indicate the date of adoption and most recent amendment. The official zoning map may be kept electronically in a geographic information system. Any copy of the official zoning map published on the web or otherwise portrayed electronically does not constitute the original official zoning map. The Director may make paper copies of the official zoning map available to the public for a reasonable fee.

##### **C. Amendments**

No changes or alterations of any nature may be made to the official zoning map except in

conformity with the procedures set forth in ARTICLE 14 and O.C.G.A. § 36-66-1 et seq. The Town Council may at any time adopt a new zoning map, which supersedes the prior official zoning map.

##### **D. Interpretation of Zoning District Boundaries**

Zoning district boundaries are intended to follow property lines; land lot lines; centerlines of streets, highways, alleys, or railroads; centerline of streams, reservoirs, or other bodies of water. Where districts are bounded such features, the centerline of the feature is to be interpreted as be the boundary of the district unless that boundary is otherwise indicated on the zoning map. Where zoning district boundaries are in doubt, the Planning Director will make an interpretation using the scale on the official zoning map.

##### **E. Annexations**

Any land annexed into the Town must be classified as one or more zoning districts at the time of annexation through the procedures of Sec. 14.6 and O.C.G.A. § 36-66-1 et seq.

#### **1.15 Effective Date**

This Development Code takes effect and is in force as of April 9, 2024.

## ARTICLE 2 DEFINITIONS

For the purposes of this Development Code, certain words or terms are defined as follows. Additional definitions are provided in the following sections.

- A. Additional definitions for building types are provided in Sec. 4.8C.
- B. Additional definitions for erosion and sedimentation control are provided in Sec. 10.3.
- C. Additional definitions for stream buffers and other environmental regulations are provided in Sec. 11.2C.
- D. Additional definitions for small cell facilities are provided in Sec. 12.2.

All other words not defined in this article or other sections of this Development Code have their customary dictionary meanings.

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular.
- C. The word "lot" includes the word "plot" or "parcel."
- D. The word "building" includes the word "structure."
- E. The word "must" is mandatory, not directory.
- F. The phrases "must not" and "may not" are mandatory prohibitions.
- G. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- H. Where another article of this Development Code contains a section on definitions, the definitions of this article still apply unless the context clearly indicates otherwise.

### A

**A-frame sign:** (see Sign, A-frame)

**Abandoned vehicle:** Any motor vehicle which is either non-operable, dismantled, or does not bear a current state license plate, unless that vehicle is stored within a completely enclosed building or

on a bona fide sales lot and is in satisfactory operating condition.

**Abutting:** Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

**Accessory dwelling:** An accessory use consisting of a subordinate dwelling for a single household located on the same lot as a principal dwelling, whether a part of the same building as the primary dwelling, or in a detached building.

**Accessory use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**Accessory structure:** A structure which is on the same lot as the principal structure and the use of which is incidental to the use of the primary structure. Where a structure is attached to a primary structure in a substantial manner, such as by a wall or roof, that structure shall be considered part of the primary structure.

**Adjacent:** Property that is either abutting or on the opposite side of a common street, right-of-way, or easement that separates it from the subject property. Properties separated by a railroad track or freeway are not abutting or adjacent.

**Aircraft landing area:** Facility for the taking off and landing of airplanes, helicopters, or other aircraft as an accessory use.

**Alley:** A private thoroughfare which affords only a secondary means of access to abutting property.

**Antenna:** Either one of the following:

1. Communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications.
2. Communications equipment similar to equipment described in 1. above used for the transmission, reception, or transmission and reception of surface waves. This term does not include television broadcast antennas, antennas

designed for amateur radio use, or satellite dishes for household purposes.

**Arterial street:** A public street or road designated as a minor or major arterial by the Georgia Department of Transportation (GDOT).

**Assisted living:** A facility that provides housing, meals, personal care, and supervision of self-administered medication for six or more residents.

**Average finished grade:** The average final elevation of the ground after cutting or filling. For the purpose of determining building height, average finished grade is the average of the highest and lowest point of the building footprint for each elevation.

**Awning:** A roof-like structure with a rigid frame that cantilevers from the elevation of a building designed to provide continuous overhead weather protection.

## B

**Bank or financial institution:** A financial institution as defined by O.C.G.A. § 7-1-4 and regulated by the Georgia Department of Banking and Finance or Federal law as a national bank, savings and loan, or credit union.

**Banner:** A temporary sign with or without characters, letters, illustrations, or ornamentations applied to cloth, vinyl, plastic or similar material and mounted or hung either with or without a frame, and not otherwise meeting the definition of flag.

**Bar, brew pub, or wine room:** An establishment besides a distillery where alcoholic beverages are sold and consumed on the premises, and where the primary source of revenue is from alcoholic beverages rather than food or other goods.

**Basement:** The portion of a building having at least 50% of its floor to ceiling height below the average finished grade of the adjoining ground.

**Beacon:** Any light with one or more beams which rotate, move or which are directed into the atmosphere or at one or more points not on the same lot as the light source.

**Bed and breakfast:** A facility in which ten or fewer rooms are provided for sleeping accommodations to transient guests for a daily fee and for no more than 30 consecutive days. The property owner must live on the premises. Breakfast and

refreshments are the only food typically served and are served only to guests. A bed and breakfast may not include retail uses or a bar or restaurant open to the public.

**Bedroom:** A separate room planned or intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

**Bee keeping:** The rearing and breeding of honeybees that is accessory to a permitted use.

**Berm:** An landscaped embankment or mound of earth designed to provide visual interest, screen views, reduce noise, or meet other similar purposes.

**Block:** A piece of land surrounded entirely by public or private streets, other than alleys.

**Boarding house:** A facility other than a hotel that contains individual rooms without cooking facilities that are rented to the general public and where the total number of persons renting or otherwise occupying the unit is six or more. The facility may or may not contain shared living areas, cooking facilities, or the provision of meals.

**Bridge:** A structure having a clear span of more than 20 feet and designed to convey vehicles and/or pedestrians over a water course, railroad, public or private right-of-way, or any depression.

**Buffer, landscaped:** An area located within a required yard and used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, or visual or other conditions, to block physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter.

**Buffer, stream.** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

**Buildable area:** The portion of a lot which is not located within any required yard or landscaped buffer, i.e. that portion of a lot within which a building or structure may be located.

**Building:** Any structure attached to the ground with a roof supported by columns or walls and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind. The definition of building includes industrialized buildings.

**Building Inspector:** The Planning Director or their designee.

**Building Official:** The Planning Director or their designee.

**Building permit:** Authorization by the Town to construct, enlarge, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, fuel gas piping, mechanical, or plumbing system.

**Building, principal:** A building built to fulfill the primary or predominant purpose for which a lot is occupied and/or used.

**Building supply store:** A facility specializing in the sale, lease, or rental of plumbing supplies, electrical supplies, swimming pools, or home building supplies.

**Bus terminal:** A facility for the boarding and unboarding of bus passengers, excluding on-site storage or parking of motor vehicles.

## C

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**Caliper:** The diameter (in inches) of a new tree trunk, measured 6 inches above ground level for trees 4 inches or less in caliper, and 12 inches above ground level for trees more than 4 inches in caliper.

**Canopy:** A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding. This term is not intended to refer to or be confused with a tree canopy.

**Canopy sign:** (see Sign, canopy)

**Car wash:** A facility with mechanical or hand-operated equipment used for the cleaning, washing, polishing, or waxing of cars, light trucks, motorcycles, and/or other small motor vehicles, including, but not limited to, self-service, full-service, and hand-detailing service.

**Carport:** An unenclosed accessory building used for the storage of motor vehicles owned and used by the occupants of the primary building to which it is accessory.

**Cemetery:** The use of property for the burial of the dead.

**Certificate of occupancy:** A document issued by the building inspector allowing the occupancy or use of a building or land and certifying that the structure, use, or land has been constructed or erected or will be used in compliance with all applicable Town codes and ordinances.

**Changeable letterboard sign:** A sign consisting of or incorporating a panel designed specifically to allow the regular manual changing of text of images, not otherwise meeting the definition of electronic sign.

**Check cashing or title loans:** A business other than a bank or financial institution that cashes checks or money orders for a fee, or a business that makes loans in exchange for possession of the certificate of title to property or a security interest in titled property.

**Church:** (see Place of worship)

**Clearing:** The removal of trees or other vegetation, not including grubbing.

**Club:** A facility owned or operated for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Code Enforcement Officer:** The Planning Director or their designee.

**Collector street:** A public street or road designated as a minor or major collector by the Georgia Department of Transportation (GDOT).

**College or university:** A public or private institution of higher education with the authority to award bachelor's and higher degrees.

**Commercial forestry:** An operation involving the managing of forests, including the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes. Commercial forestry does not include the cutting of timber associated with approved land development or the processing of timber into finished or semi-finished products or storage of logs other than temporary storage of logs harvested on the site.

**Commercial kennel, pet grooming or training:** Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as dogs and cats but not livestock, and any other customarily incidental treatment of the animals such as grooming, training, cleaning, selling of pet supplies, or similar activities.



**Commercial parking:** A facility that provides parking for cars, light trucks, motorcycles, and/or other small motor vehicles as a principal use on a site, whether or not a fee is charged.

**Common area:** Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development.

**Comprehensive Plan:** The official Comprehensive Plan for the Town of Braselton, including the official Future Development Map.

**Concentrated animal feeding operation:** A facility where animals are kept and raised in confined situations and where feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures or fields.

**Construction office and sheds:** A temporary structure used in conjunction with a construction project, including a manufactured home, travel trailer, truck, trailer, or other structure used as an office, and any number of equipment sheds.

**Corner lot:** (see Lot, corner)

**Cottage industry:** The use of hand-operated tools for the manufacturing of products or parts, including their design, processing, fabrication, assembly, treatment, and packaging. Cottage industry may also include the incidental storage, sale, and distribution of products or parts. Cottage industry specifically includes, but is not limited to, the manufacturing of food and bakery products, alcoholic and non-alcoholic beverages, printmaking, household appliances, leather products, jewelry and clothing, soap and cosmetics, metal work, furniture or cabinets, glass or ceramics, and paper. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

**Curb cut:** The providing of vehicular ingress and/or egress between property and an abutting street.

**Cul-de-sac:** A local street with only one outlet and permanently terminated with a vehicle turnaround.

**Cultivation of crops or raising of livestock:** The raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, goats, sheep, ratites, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, and turkeys; producing plants, trees, fowl, or animals, or the production of agricultural, horticultural, dairy, livestock, poultry, eggs and apiarian products.

**Cut-off light fixture:** A lighting fixture that is designed to direct illumination downward and restricts glare emanating from the illuminated site to adjacent properties.

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## D

**Dam:** A structure or wall constructed for the purpose of stopping water, whether constructed as an earthen embankment, reinforced concrete, or other material.

**Data center:** A facility in which more than 50% of the floor area is dedicated to housing computer servers or data storage or processing equipment.

**Day:** A calendar day unless otherwise indicated.

**Day care center:** A business entity, licensed by the State of Georgia as a day care facility, providing group supervision and care for fewer than 24 hours per day for more than six children under 18 years of age not related by blood or marriage and not the legal wards or foster children of the attendant adult or adults.

**Day care home:** A private residence licensed by the State of Georgia in which the person living there receives pay for group supervision and care, for more than four but fewer than 24 hours per day, for no more than five children under 18 years of age, who are not related to that person and whose parents or guardians are not residents in the same private residence.

**Detached:** Separated from another structure by at least 3 feet.

**Developer:** A person who undertakes land development activities.

**Development permit:** An official authorization issued by the Planning and Development Department permitting clearing, grubbing, grading, or construction of storm drainage



facilities, utilities, access drives, streets, parking, or other improvements exclusive of buildings.

**Development plans:** The detailed and professional plans showing the layout and design, site work and construction activities proposed for a project (other than architectural building plans) and including the preliminary plat or site plan (as applicable), grading plan, erosion and sediment control plan, stormwater management plan, buffer and landscape plan, street lighting plan, and construction drawings for streets, stormwater drainage facilities, sanitary sewer, water supply facilities, and other site improvements.

**Diameter at breast height (DBH):** The widest cross sectional dimension of a tree trunk measured at 4 feet ground level. If a tree splits into multiple trunks below 4 feet, then the diameter is measured at its most narrow point beneath the split.

**Disaster shelter:** A structure that provides shelter from dangerous or inclement weather, or manmade disasters or terrorism.

**Distilled spirit.** Any alcoholic beverage obtained by distillation or containing more than 24% alcohol by volume.

**Distillery.** A distilled spirit manufacturing facility in which distilled spirits manufactured on-premises or at another of the distiller's licensed premises as defined in OCGA 3-4-24.2 may be sold for consumption on site or by the package for off-site consumption.

**Distribution center or warehouse:** A facility where goods are received and/or stored for delivery to other locations with little on-site sales activity to customers.

**District:**

1. In ARTICLE 10: The Soil and Water Conservation District or Districts serving the Town of Braselton, now or in the future.
2. In all other sections of this Development Code: A zoning district.

**DNR:** The Georgia Department of Natural Resources.

**Drive-through:** A facility at which the customer remains in their vehicle while driving through a dedicated vehicular pathway to conduct a transaction.

**Drive-in:** A facility at which the customer parks and remains in their vehicle while they are served. This definition does not include parking spaces dedicated for pick-up orders.

**Driveway:** A privately owned vehicular access way other than an alley or street, which provides access primarily to one property, or to no more than two single-family detached dwellings or no more than two single-family dwellings in a single-family detached community.

**Dumpster:** A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal.

**Dwelling:** A building or portion thereof designed, arranged, and used for living quarters for one family with permanent provisions for living, sleeping, eating, cooking, and sanitation, but not including units in extended stay hotels or other buildings designed for transient residents.

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**E**

**EPD:** The Environmental Protection Division of the Georgia Department of Natural Resources.

**Eave:** The overhang of a sloped roof, including the rake on a gabled roof.

**Electronic sign:** (see Sign, electronic)

**Ephemeral stream:** May or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

**Equipment rental:** A facility that rents or leases machinery, heavy equipment or special trade tools.

**Entrance sign:** (see Sign, entrance)

**Event center, large:** A commercial facility or assembly hall available for lease by private parties or special events, such as lectures, sporting events, concerts, conferences, or weddings, and holding more than 14 days of events within a calendar year or any event with a capacity of more than 50 attendees.

**Event center, small:** A commercial facility or assembly hall available for lease by private parties or special events, such as lectures,

sporting events, concerts, conferences, or weddings, and holding 14 or fewer days of events within a calendar year and with a capacity of 50 or fewer attendees.

**Extended stay hotel:** A facility consisting of one or more buildings, with more than five total guest rooms and with provisions for living, sanitation, and sleeping. An extended stay hotel is specifically constructed, used, maintained, and advertised to the traveling public to be a place where temporary residence is offered for pay to persons for stays longer than 30 days, regardless of the presence of rentals or leases for shorter periods of time or for stays longer than 15 days, in rooms equipped with kitchen facilities.

**Exterior insulation finishing system (EIFS):** A non-structural façade cladding system that consists of an insulation board (attached either adhesively or mechanically, or both, to the substrate), an integrally reinforced basecoat, and a textured protective finish coat.

## F

**FAA:** The Federal Aviation Administration of the United States of America.

**Façade:** The exterior side of a building that faces, and is most nearly parallel to, a public street. The façade includes the entire area of a building, extending from the roof or parapet to the ground and from one corner of the building to another. Buildings generally have one façade for each street frontage.

**Family:** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship, foster or other duly authorized custodial relationship; or
2. A maximum of five unrelated persons; or
3. Two unrelated persons and any parents or children related to either.

**FCC:** The Federal Communications Commission of the United States of America.

**Feed manufacturing:** An industrial facility for the processing and manufacturing of animal feed.

**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or demarcate areas of land.

**Final plat:** (see Plat, final)

**Firearm sales:** A commercial establishment with a licensed dealer of firearms as defined by 18 U.S. Code Section 921.

**Fitness center or gym:** A commercial establishment that provides services or facilities that assist patrons in improving their physical condition or appearance.

**Flag:** Any fabric or similar material which is designed to be flown from a flagpole and has the width to length proportions of 10:19 or 3:5 that is typical for flags of governments, businesses, and other organizations.

**Flag lot:** (see Lot, flag)

**Floodplain:** The land in the floodplain subject to a 1% or greater chance of flooding in any given year. This includes all floodplain and flood-prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), and all floodplain and flood-prone areas at or below the future conditions flood elevation. Floodplain is synonymous with special flood hazard area.

**Floor:** The top of the walking surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage.

**Floor area:** The sum of finished and air conditioned gross floor areas of all floors of a building, measured from the interior faces of the exterior walls. Floor area does not include unfinished attics, unfinished basements, garages or carports, breezeways, courtyards, or unenclosed decks, porches, balconies, or stoops.

**Food truck:** A motorized vehicle, trailer, or a cart drawn by a motorized vehicle, bicycle, or person, and used to prepare and sell food to the public directly from the vehicle or trailer.

**Freight terminal or multimodal facility:** A facility where freight is transferred between trucks or between trucks and rail, including temporary on-site storage. The facility may also provide repair and maintenance services for trucks that use the facility.

**Front lot line:** (see Lot line, front)

**Funeral home or crematory:** A building used for human funeral services. Such building may contain a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation; the performance of autopsies and other surgical procedures; the indoor storage of caskets, funeral urns, and other related funeral supplies; and the indoor storage of funeral vehicles.

## G

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**Garage:** An accessory building or a portion of a primary building used for the storage of motor vehicles owned and used by the occupants of the primary building to which it is accessory.

**Gas station or charging station:** A facility that sells vehicle fuel or charging for electric motor vehicles, and may also sell convenience goods, such as prepackaged food items and a limited line of groceries, but does not perform vehicle repair or service.

**Geographic service area:** The general vicinity within which the placement of a telecommunications antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

**Golf course:** A tract of land laid out for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse as an accessory use.

**Government facility:** Any building, structure, or use owned or operated by the federal government, State of Georgia, any County government, the Town of Braselton or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings; post offices; police, fire, and EMS stations; public health facilities; public works facilities; community centers; and jails or correctional facilities.

**Grubbing:** The removal of stumps or roots from a property.

**Gross acres:** The total gross number of acres of a parcel of land, including all natural features.

**Ground floor:** The story of a multi-story building that has no story immediately below it.

**Ground sign:** (see Sign, ground)

**Group residence:** A dwelling containing up to five unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, including any support or supervisory personnel or family members who reside at the facility. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered to be mentally or physically impaired under the Fair Housing Act.

The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap, or disability. No policy or practice of this Development Code is intended to have a disparate impact on a protected class. Further, in order to avoid prohibited discrimination, if a person identified as a protected class believes a reasonable accommodation can be made to any use restriction, that person must apply for a special use, rezoning, or text amendment.

**Guest quarters:** A single non-commercial lodging unit for temporary guests, accessory to an owner-occupied single-family dwelling, either within the dwelling or on the same lot as the dwelling in an accessory building.

## H

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**Hard coat stucco.** A material usually made of Portland cement, sand, and a small percentage of lime, and applied in a plastic state to form a hard covering for exterior walls. This definition specifically excludes EIFS.

**Hazardous waste:** Any solid or liquid waste which has been defined as a hazardous waste by the U.S. Environmental Protection Agency, codified as 40 CFR § 261.3.

**Heavy industrial:** An industrial facility that produces noise, electrical interference, vibration, smoke, gas, fumes, odor, dust, fire or explosion hazard, dangerous radiation, or other injurious or

obnoxious conditions detectable to the normal human senses off the premises.

**Home-based business:** An accessory business use of a dwelling in any zoning district.

**Homeowners' association:** A community association in which membership of all the owners of property within a subdivision is mandatory, and which holds title to certain common property, manages and maintains the common property, and enforces certain covenants and restrictions. The association shall have the duty and the authority to assess its members for the maintenance and improvements set forth in the instrument creating the association.

**Hospice:** A health care facility for the terminally ill that emphasizes pain control and emotional support for the patient and family, typically refraining from taking extraordinary measures to prolong life.

**Hospital:** An institution licensed by the state and providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including facilities such as laboratories, outpatient facilities, or training facilities that are an integral part of the hospital.

**Hotel:** A facility consisting of one or more buildings with more than five total guest rooms and with provisions for living, sanitation, and sleeping. A hotel is specifically constructed, used, maintained, and advertised to the traveling public to be a place where temporary lodging of 30 days or less is offered for pay, is not intended for long-term occupancy, and does not otherwise meet the definition of an extended-stay hotel. Entry to individual guest rooms is via a central lobby. A hotel may include the following accessory uses: restaurant, public bar, retail, and special event or conference center facilities.

**Hotel, extended stay:** (see Extended stay hotel)

## I

**Impervious surface:** A manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include buildings, driveways, walkways, parking areas, patios, decks, streets, swimming pools, dams, tennis courts, and other structures.

**Impound lot:** A facility used for the storage of towed motor vehicles.

**Indoor recreation:** An enclosed facility that provides regularly scheduled recreation-oriented activities to the general public for a fee. Activities include but are not limited to the following: amusement center, game/video arcade, billiard/pool hall, bowling alley, motor vehicle racing tracks, extreme sports facility such as BMX, skateboarding, or rollerblading, fitness center or gym, yoga studio, escape room, ice or roller skating rink, indoor sports facility, inflatable playground or trampoline center, meditation center, miniature golf course, shooting range, movie theater, or live theater.

**Industrialized building:** A structure meeting the definition of "industrialized building" set forth in O.C.G.A. section 8-2-111, as amended, and that bears a valid insignia of approval issued by the Georgia Department of Community Affairs pursuant to the Georgia Industrialized Building Act, as amended.

**Infiltration:** The process of percolating stormwater runoff into the subsoil.

**Institutional living and care:** An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

**Interior lot:** (see Lot, interior)

**Intermediate care home:** A facility which admits residents on medical referral only and includes the provision of food, including special diets when required, shelter, laundry, and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications, and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

**Intermittent stream:** A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

Seasonal flow in an intermittent stream usually lasts longer than 30 days per year.

**Internally illuminated sign:** (see Sign, internally illuminated)

## J

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**Junk yard or salvage yard:** Any use involving the parking, storage, or disassembly of abandoned motor vehicles and/or machinery; the storage, sale, or resale of used auto parts, used tires, scrap iron, or metal; used plumbing fixtures, old stoves, refrigerators, or other old household appliances; used brick, wood, or other building/structural materials; or used paper, rags, or other scrap materials. These uses are to be considered junk yards or salvage yards regardless of whether these operations are conducted inside a building, or in conjunction with or accessory to other uses on the premises.

## K

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**Keeping of pets:** The keeping of no more than 10 animals for pleasure or casual sale. Animals must be of a species customarily bred and raised to live in the habitat of humans and which are dependent on them for food and shelter. These include cats, dogs, rabbits, caged birds, potbellied pigs, dwarf/pygmy goats, Guinea pigs, reptiles, hamsters, and other small animals. The keeping of pets does not include livestock and wild animals, nor does it include any activity that would render the use to be deemed a commercial kennel, pet grooming or training.

**Kennel, commercial:** (see Commercial kennel, pet grooming or training)

## L

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**Laboratory:** A facility for scientific research and development, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. Laboratory includes prototype production facilities that manufacture a limited amount of a product in order to fully investigate its merits.

**Land development:** Any man-made change to improved or unimproved real estate, including, but not limited to, constructing buildings or other structures, mining, dredging, filling, clearing, grubbing, stripping, removal of vegetation, dredging, grading, paving or any other installation of impervious surface, excavating, drilling

operations, transporting and filling of land, or storage of equipment or materials.

**Land development activities:** Those actions or activities which comprise, facilitate or result in land development.

**Land development project:** A discrete land development undertaking.

**Land disturbance:** A land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, or transporting and filling of land, that does not involve construction, paving or any other installation of impervious surface.

**Land disturbance activity:** Those actions or activities which comprise, facilitate, or result in land disturbance.

**Landscaped buffer:** (see Buffer, landscaped)

**Large vehicle sales and service:** An establishment which sells, rents, or leases and/or which provides repairs or other services for new or used medium-duty and heavy-duty motor vehicles as defined by the U.S. Federal Highway Administration, light and heavy duty earth moving and construction machinery, tractors, boats, recreational vehicles, and trailers over 10,000 pounds. Repairs include engine, brake, or transmission repair, body work and painting, glass replacement, and tire or oil changes. (see also Vehicle sales and service)

**Letterboard:** (see Changeable letterboard sign)

**Light manufacturing:** A facility conducting light manufacturing operations within a fully enclosed building and not meeting the definition of cottage industry. Light manufacturing includes but is not limited the following:

1. Clothing, textile, or apparel manufacturing
2. Food manufacturing
3. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments
4. Pharmaceutical or medical supply manufacturing

5. Sheet metal, welding, machine shop, tool repair
6. Stone, clay, glass, or concrete products
7. Woodworking, cabinet makers, or furniture manufacturing

**Live-work:** Nonresidential activity conducted wholly within a dwelling that allows employees, customers, clients, or patrons to visit.

**Local street:** A street designated as a local street by the Georgia Department of Transportation (GDOT).

**Lot:** A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both.

**Lot coverage:** (see Sec. 3.2C)

**Lot, corner:** A lot abutting two or more streets at their intersection.

**Lot depth:** The mean horizontal distance between front and rear lot lines.

**Lot, flag:** A lot that does not meet the minimum frontage and/or width requirements and where access to the public street is by a narrow right-of-way or driveway.

**Lot, interior:** A lot with frontage on only one street.

**Lot frontage:** The width of a lot where it abuts the right-of-way of any street or open space, or specified courtyard for a cottage court.

**Lot line:** A property line of a lot.

**Lot line, front:** The shortest boundary of a lot coincident with a street right-of-way line, except on a corner lot, where the front is the boundary of a lot coincident with the shortest street right-of-way line unless otherwise determined by the Planning Director.

**Lot of record:** A lot which is part of a subdivision, a plat of which has been approved by the Town of Braselton in accordance with land subdivision requirements, and has been recorded in the records of the Clerk of Superior Court of Jackson, Gwinnett, Hall, or Barrow County, or a parcel of land for which the deed was recorded by the Clerk of Superior Court prior to the adoption of this Development Code.

**Lot, reverse fronting:** A lot other than a corner lot with frontage on two or more streets and which is

served from an interior street rather than from an adjacent collector or arterial street.

**Lot width:** The distance between side lot lines measured at the minimum required front yard setback.

## M

**Major utility facility:** Public or private infrastructure, including but not limited to water, sewer, gas, electric, telephone, Internet, cable, and other similar services serving the general community and possibly having on-site personnel. This definition includes, but is not limited to, the following: electrical substation, electric or gas generation plant, and water or sanitary sewer treatment plant.

**Manufactured home:** A single-family dwelling constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426) and which bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD).

**Maternity supportive housing residence:** A single-family detached dwelling that houses (on behalf of a nonprofit organization) up to six pregnant women aged 18 years or older and their children at any one time during the woman's pregnancy and up to 18 months after childbirth; provided, however, that no services other than housing are provided. This term does not include the single-family detached dwelling of a relative in which a woman receives maternity care or a hospital.

**Medical office, dentist, or clinic:** An establishment where patients who are not lodged overnight are admitted for examination and treatment by one or more physicians or dentists.

**Mews:** A landscaped courtyard that includes walkways and is lined by dwellings on at least two sides.

**Mini-warehouse:** (see Self-service storage facility)

**Minor subdivision:** The division of land into less than 4 lots with no construction of new roads, extensions of existing roads, or construction of water and sewer facilities (other than the direct connection of buildings to existing facilities) are required.

**Minor utility facility:** Public or private infrastructure, including but not limited to water, sewer, gas, electric, telephone, Internet, cable

and other similar services serving a limited area with no on-site personnel and less than 6 feet in height. This definition includes, but is not limited to, the following: on-site stormwater retention or detention facility; neighborhood-serving cable, telephone, gas or electric facility; and water or wastewater pump or lift station.

**Monopole tower:** A communications tower consisting of a single pole, constructed without guy wires or ground anchors.

**Monument sign:** (see Sign, ground)

**Motor vehicle:** A vehicle with two or more wheels, or a machine propelled or drawn by mechanical power, and used on public roads in the transportation of passengers or property, which must be licensed. This definition does not include any vehicle operated exclusively on rails.

**Movie or sound recording facility:** A facility in which video or audio content is created and/or recorded, whether for live broadcasting or for recording, and including television and radio stations, recording studios, and film studios.

**Multi-use trail:** A corridor designed for one or more alternative forms of transportation including pedestrians, joggers, skaters, and slow-moving vehicles such as strollers, bicycles, scooters, and golf carts.

**Multifamily dwelling:** Two or more principal dwellings in a single building, not otherwise meeting the definition of townhouse or stacked duplex.

**Multifamily dwelling (55+):** A multifamily dwelling restricted to adults at least 55 years of age or older but not otherwise meeting the definitions of townhouse, stacked duplex, assisted living, intermediate care home, nursing home, or skilled nursing care facility.

**Museum:** A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

## N

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**New construction:** Any structure under construction or any improvements to any structure on or after the effective date of this Development Code, including any subsequent improvements to the structure.

**Nonconforming building or nonconforming structure:** A building or structure that was lawful at the time of passage or amendment of this Development Code which does not conform, after the passage or amendment of this Development Code, with the regulations of the district in which it is located.

**Nonconforming lot:** A lot of record that does not comply with the current requirements of this Development Code.

**Nonconforming sign:** A sign that does not conform with the provisions of ARTICLE 7.

**Nonconforming use:** A use of land that lawful at the time of passage or amendment of this Development Code which does not conform, after the passage or amendment of this Development Code with the use regulations of the district in which it is located.

**Non-commercial keeping and raising of livestock, horses, or fowl:** The rearing and breeding of cattle, horses, donkeys, mules, goats (except dwarf/pygmy goats), sheep, and other hoofed animals; poultry, ducks, geese, pigeons, peacocks and other live fowl; and fur or hide-bearing animals; whether for pleasure or utility; as an accessory use to a single-family detached dwelling. The keeping of livestock does not include the keeping of pets.

**Non-residential district:** Any zoning district that is not listed as a residential district in Sec. 1.13.

**Non-residential use:** Any principal use not listed in as a residential use in Sec. 5.2.

**Nuisance:** (see Braselton Code of Ordinances Section 33-101)

**Nursing home:** A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and

who will be responsible for the general medical and dental supervision of the home.

## O

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**Office:** Professional, governmental, executive, management, or administrative offices. Typical uses include law offices, architectural and engineering firms, insurance companies, consulting agencies, tax preparation services, and similar offices. Medical offices are included under the definition of Medical office, dentist, or clinic.

**Open space:** Land set aside, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests.

**Outdoor recreation:** A facility that provides regularly scheduled recreation-oriented activities to the general public for a fee, and where activities take place primarily outdoors or within unenclosed structures. Activities include but are not limited to the following: drive-in theater; go cart or similar vehicle racing tracks; extreme sports facility such as BMX, skateboarding, or rollerblading; horse riding centers; botanical gardens; zoos; bungee jumping outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf course, or water park; fishing ponds; outdoor shooting range; amphitheater; or outdoor sports field/court. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor recreation facility.

**Outdoor display:** The temporary outdoor display of products actively available for sale. Outdoor display does not include the storage or sale of any items identified under the definition of outdoor storage. Outdoor display also does not include the outdoor placement of propane gas storage racks, ice storage bins, and soft drink or similar vending machines.

**Outdoor storage:** An accessory use that involves the keeping, in an unenclosed area, of any vehicles, soil, mulch, stone, lumber, pipe, steel, tires, salvage or recycled materials, or other similar merchandise, material, or equipment in the same place for more than twenty-four hours whether for storage, display, processing, or sale. Outdoor storage includes portable moving or storage containers and tractor trailers.

**Out parcel:** In a commercial subdivision, a small lot that is connected to a larger parcel in a shopping center. The out parcel has a distinct tenant or use and has frontage on an abutting public street but may or may not be granted direct access from that street.

**Owner:** The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person in control of the site.

## P

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**Pain clinic:** A clinic where more than 50% of the patients receive Schedule II or III controlled substances to treat chronic pain.

**Parcel:** (see Lot)

**Parking, off-street:** An enclosed or unenclosed space, other than a driveway or loading area, used exclusively for the temporary storage of a vehicle and directly connected with a street or alley by a driveway.

**Parking deck:** An above-ground or underground structure with a roof and/or more than one level designed principally for the parking and circulation of motor vehicles. A parking deck may either be freestanding or incorporated in a structure with other uses.

**Pawn shop:** A business involved in any part of the pledge, pawn, consignment, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent.

**Perennial stream:** A watercourse with a source, terminus, banks, and channel through which water flows on a continuous basis as depicted on the most recent United States Geological Survey 7.5-Minute Quadrangle Map (scale 1:24,000).

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

**Personal care home:** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the



owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, dressing, and eating.

**Personal service:** A facility providing personal or repair services to the general public, including animal care; barber shop; beauty or hair salon; day care center; dry cleaning establishment or laundromat; copy, print, or mailing shop; food catering; fortune telling; locksmith; massage therapist; nail salon; photography studio; repair of personal goods; tailor or upholsterer; tanning salon; tattoo or body piercing establishment; and tutoring center.

**Pervious surface:** Any surface that allows storm water to infiltrate the ground below, including, but not limited to gravel, porous pavement (such as a lattice paver), mulch, grass, and forested areas.

**Place of worship:** A facility that is primarily intended for individuals or a group of people such as a congregation to perform acts of devotion, veneration, or religious study. Churches, temples, synagogues, and mosques are examples of places of worship.

**Planning Director:** The Town Manager or their designee, which may be the Planning & Development Director of the Town of Braselton, Georgia.

**Plant nursery, lawn and garden supply:** A facility in which the primary operation is the sale of seeds and organic and inorganic materials, including but not limited to trees, shrubs, flowers, and other plants, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and landscaping.

**Plat:** A map indicating the location and boundaries of properties.

**Plat, final:** A finished plat of a proposed subdivision or development meeting all of the requirements of this Development Code and certified as necessary for recording.

**Plat, preliminary:** A tentative plat of a proposed subdivision or development meeting the requirements of this Development Code.

**Pole sign:** (see Sign, pole)

**Porch:** A raised and not fully enclosed structure that is attached to and forms a covered entrance to and/or exit from a building.

**Premises:** Any building, lot, or portion of a lot, whether improved or unimproved, including adjacent sidewalks and on-street parking.

**Principal building:** (see Building, principal)

**Principal use:** The primary purpose for which land or a building is used.

**Private recreational facility:** An indoor or outdoor non-commercial accessory facility exclusively used by residents of a development or their nonpaying guests.

**Private subdivision:** A subdivision in which the streets, stormwater, and other infrastructure are privately owned and maintained.

**Produce stand:** A roadside stand for the sale of agricultural products that does not exceed 400 square feet in gross floor area.

**Projecting sign:** (see Sign, projecting)

**Public improvement:** Any street, required open space, water line, sanitary drainage system, or similar improvement installed to serve abutting or nearby private or public property. May be constructed by either a private entity or a public agency and ultimately owned and maintained by a public entity.

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## R

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**Race track:** A facility that is open to the public where animals or motor vehicles race competitively or for pleasure.

**Real estate sales office:** A temporary structure used for the showing, sale, or leasing of new homes within a new subdivision or non-residential space within a development.

**Recreation, indoor:** (see Indoor recreation)

**Recreation, outdoor:** (see Outdoor recreation)

**Recreational amenity:** A place or facility with improvements intended to be used for active or passive recreational activities. May include seating, shade, sports or exercise facilities, walking trails, informational displays, gathering places, or other similar elements.

**Recreational vehicle (RV):** A motor vehicle designed and/or maintained for use as a temporary dwelling or sleeping place exclusively for travel or recreational purposes, having no foundation other than wheels or jacks.

**Recreational vehicle (RV) park:** A parcel of land used solely for the rental or lease of lots or areas for recreational vehicles.

**Religious accessory use:** An accessory use administered by a religious institution that is related directly to their place of worship. May include schools, meeting halls, indoor and outdoor recreational facilities, day care, counseling, bookstores, art galleries, restaurants, medical offices, dentist or clinic, and emergency lodging facilities.

**Renewable energy facility:** A facility used for generating electricity with solar panels, wind turbines, geothermal sources, or similar devices.

**Restaurant:** A facility which regularly prepares and serves food and drink for on- or off-premise consumption and which derives at least 50% of its monthly gross income from the sale of prepared food. A restaurant is not a catering establishment.

**Restaurant (24-hour):** A restaurant which is regularly open to the public after 1:00 a.m. or before 5:30 a.m.

**Retail:** A facility involved in the sale, lease, or rental of new or used products to end consumers, not other businesses. Retail specifically includes, but is not limited to, antiques, animal supplies, art and school supplies, baked goods, beverages, books, cameras, crafts, clothing, convenience foods, convenience goods, dry goods, fabric, flowers, garden supplies, gifts and cards, groceries, household products, jewelry, meat, medical supplies, musical instruments, office supplies, package shipping, pets, pet supplies, photo finishing, phones, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, toys, trophies, and similar products. Retail excludes any principal or accessory use that is otherwise defined in this article.

**Retention:** The storage of stormwater runoff and controlled release of such runoff during and after a flood or storm.

**Reverse fronting lot:** (see Lot, reverse fronting)

**Rezoning:** A change or proposed change in the Official Zoning Map.

**Right-of-way:** Land or property in public ownership for current or intended future public use as a street, sidewalk or multi-use trail,

railroad, power lines, pipeline, or other similar use.

**Right-of-way line:** The outer edge or boundary of a right-of-way where it abuts private property.

**Riparian:** Belonging or related to the bank of a river, stream, lake, pond, or impoundment.

**Roof line:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Roof sign:** (see Sign, roof)

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## S

**Sanitary sewer:** A sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

**School:** A public or private educational facility for students in grades pre-kindergarten through 12 or for only certain ranges of grades pre-kindergarten through 12 that is either operated by a public Board of Education, or is operated by a private entity and has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.

**Seasonal sales:** The outdoor sales of seasonal products such as Christmas trees, fireworks, or pumpkins.

**Self-service storage facility:** A facility providing independent spaces or units which are leased to or owned by a person exclusively for temporary storage of personal property, but where no commercial transactions or activities take place other than the rental or sale of the storage units.

**Setback:** (see Yard)

**Sexually oriented business:** An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual device shop, as defined in Section 32-302 of the Code of Ordinances.

**Shopping center:** A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

**Short-term rental:** A dwelling or portion of a dwelling where lodging is provided for no more

than 30 consecutive days within any 365-day period for transient occupants or guests, in exchange for compensation of any type or amount.

**Shrub:** A woody plant that is never tree-like in growth habit and produces branches or shoots from or near the base.

**Sign:** A device, structure, or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others. A sign associated with and located as part of a drive-through is considered a sign only if visible from off site. Flags and banners are included in this definition only as provided elsewhere in this section.

Seasonal holiday decorations are not included in the definition of "sign" and are not regulated as such. Areas of color that function as sign backgrounds are not included in the definition of "sign."

**Sign, A-frame:** Any double-faced sign having a frame adequately braced so as to be freestanding on but not permanently attached to the ground.

**Sign, canopy:** Any sign attached to or constructed in or on a canopy.

**Sign, electronic:** A sign with an electrically powered screen that displays images that may be changed through electronic means.

**Sign, entrance:** A ground sign located at the entrance or exit to a development that either includes two or more lots or exceeds 30 acres in area.

**Sign, ground:** A permanently mounted sign which is wholly independent of a building for support, attached for at least 75% of its width to the ground with a continuous decorative base.

**Sign, internally illuminated:** A sign that is illuminated by any means except external illumination. This includes the following means of illumination.

Direct lighting. A sign in which the source of light is internal and integral to the sign structure and where the resulting illumination radiates out in the direction of the viewer. This includes face-lighted channel letters and sign panels with routed and push-through graphics (backlit).

Internal box lighting. A sign with a lightbox configuration where a light fixture is inside a box with the front surface consisting of a translucent panel that becomes illuminated on which information is displayed.

Shadow/halo lighting. A sign in which the sign face and returns are mounted on standoffs away from the wall and which project illumination back onto the wall surface to give the sign a halo effect.

**Sign, pole:** A permanent sign that is mounted on a freestanding pole or other support that is placed on or anchored in the ground, and that is independent of any other structure.

**Sign, projecting:** A sign which is attached perpendicularly to a building or other structure.

**Sign, roof:** Any sign attached to or supported by the roof of a building that extends above the immediately adjacent roof line of the building, or a sign that is wholly or partially above the roof line of a building.

**Sign, wall:** A sign attached, erected, or painted on the wall of a building, with the face parallel to the building wall and extending not more than 12 inches horizontally from the plane of the building facade.

**Sign, window:** A sign attached to the interior or exterior face of a window or door, or installed in the interior of a building flush with a window or door, or otherwise intended to be viewed from the outside of a building, not including merchandise located in the window.

**Sign structure:** The supports, uprights, braces, and framework of a sign.

**Single-family community:** Two or more non-manufactured home dwellings on a single lot, where each building contains only one dwelling and has a permanent foundation.

**Single-family detached dwelling:** A residential building with a permanent foundation, other than a manufactured home, designed for and used by one family, and located on its own lot.

**Site work:** Development activity to prepare a property for construction of buildings or finished structures, including clearing, grubbing, grading, and installation of soil sedimentation and erosion control facilities.

**Skilled nursing care facility:** A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications, and support of emotional well-being, including but not limited to the following:

1. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures.
2. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

**Small vehicle sales and service:** An establishment which sells, rents, or leases and/or which provides repairs or other services for new or used cars, light trucks, trailers 10,000 pounds and under, motorcycles, and other small motor vehicles. Repairs include oil changes; tire change or rotation, replacement, or repair; fluid changes; engine, brake, or transmission repair; body work; and painting. This definition includes rental car facilities, but not facilities otherwise defined as large vehicle sales and service.

**Special use:** A use which is not permitted by right but may be allowed within a zoning district when meeting standards as prescribed by this Development Code. Special land uses have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in Sec. 14.5.

**Stacked duplex:** Two dwellings in the same building and arranged one completely above or below the other (excluding any stairs, hallways, or elevator shafts), where each dwelling has its own entry. Multiple stacked duplexes may be combined in a single building as long as no more than two units are located on a lot.

**State:** The State of Georgia.

**State route:** A road under the jurisdiction of the State of Georgia as defined in O.C.G.A. § 32-1-3.

**Street frontage:** All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, all the property abutting on one side between an intersecting street and the dead-end street.

**Stormwater:** Storm water runoff, snowmelt runoff and surface runoff and drainage resulting from precipitation.

**Stormwater management:** The collection, conveyance, storage, treatment, and disposal of storm water runoff in a manner to meet the objectives of this ordinance. Stormwater management includes a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

**Stormwater management facility:** Constructed or natural components of a storm water drainage system, designed to improve storm water quality and/or quantity, including, but not limited to, detention basins, retention basins, sediment basins, constructed wetlands, natural systems, oil/water separators, modular pavement, infiltration devices, and their associated pipes, swales, ditches, and culverts.

**Story:** Occupiable space of a building located between the upper surface of a floor and the upper surface of the floor or roof above.

**Stream, perennial:** (see Perennial stream)

**Stream bank:** The sloping land that contains the stream channel and the normal flows of the stream.

**Stream channel:** The portion of a watercourse that contains the base flow of the stream.

**Street:** A public or private thoroughfare that allows the principal means of access to abutting property.

**Structure:** Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground, or which is attached to something having permanent location on the ground.

**Stub-out Street:** A street, usually relatively short in length, which terminates at the boundary of a site and is ultimately intended to connect to a street on the abutting site when the abutting site is developed.

**Stucco:** (see Hard coat stucco)

**Subdivider:** Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as defined below, including an agent of the subdivider.

**Subdivision:** Any division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediate or in the future, of sale, other transfer of ownership, or land development, including any division of land involving the dedication of a new street or change in existing streets, including re-subdivision.

**Subdivision, minor:** (see Minor subdivision)

**Subdivision, private:** (see Private subdivision)

**Swimming pool:** Any structure intended for swimming, recreational bathing, or wading that contains water over 18 inches deep. This definition includes in-ground, above-ground, and on-ground pools, hot tubs, spas, and fixed-in-place wading pools.

## T

**Telecommunications facilities:** All telecommunications towers, antennas, power source facilities, ventilation and cooling equipment, and personal wireless communication facilities, as defined and regulated by 47 U.S.C. § 332.

**Temporary telecommunication facility:** A temporary structure, mounted on a trailer or motor vehicle capable of being transported from location to location and containing one tower or antenna intended for transmitting or receiving digital, microwave, cellular, telephone, personal wireless service, or over-the-air transmission and/or reception of radio or television broadcast

signals, multi-channel multi-point distribution service, or direct broadcast satellite service.

**Temporary use:** A land use or structure in place for only a short period of time.

**Tower:** A structure, such as a lattice tower, guy tower, or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving digital, microwave, cellular, telephone, personal wireless service, or similar forms of electronic communication.

**Town:** The Town of Braselton, Georgia.

**Townhouse:** One of a group of two or more attached dwellings where each dwelling has a permanent foundation, is separated from other units by a common side fire wall, and is located on its own lot. Dwellings cannot be vertically mixed.

**Townhouse community:** Two or more attached dwellings on a single lot, where each dwelling has a permanent foundation and is separated from other units by a common side fire wall. Dwellings cannot be vertically mixed.

**Town Council:** The Mayor and Town Council of the Town of Braselton, Georgia.

**Town Engineer:** The Town Engineer of the Town of Braselton, Georgia or their designated representative.

**Travel trailer:** A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses that is not more than eight feet in body width and is of any weight provided its body length does not exceed 40 feet.

**Tree:** Any self-supporting, woody perennial plant which is usually single-stemmed but may be multi-stemmed, and with the potential to grow to a mature size of at least 3 inches DBH and 15 feet in height.

**Tree farm:** (see Commercial forestry)

**Truck parking:** A facility that provides parking as a principal use on a site, whether or not a fee is charged, for medium-duty and heavy-duty motor vehicles as defined by the U.S. Federal Highway Administration.

**Truck stop:** An establishment engaged primarily in the fueling or charging of tractor trailer trucks

or similar heavy commercial vehicles. A truck stop may also include overnight accommodations, showers, vehicle scales, restaurants, retail, game rooms, or other services and diversions intended mainly for use by truck drivers and Interstate travelers.

**Truck wash:** A facility with mechanical or hand-operated equipment used for the cleaning, washing, polishing, or waxing of medium-duty and heavy-duty motor vehicles as defined by the U.S. Federal Highway Administration, including, but not limited to, self-service, full-service, and hand-detailing service.

## U

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**Undisturbed:** Land in its natural state of vegetation.

**Unfinished:** Enclosed space within a building or structure which requires additional construction to render the space suitable for human occupancy in accordance with the applicable codes.

**Use:** The purpose or purposes for which land or a building is designed, arranged, or intended, or to which land or a building is occupied, maintained, or leased.

**Utility:** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

**Utility facility:** (see Major utility facility and Minor utility facility)

## V

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**Variance:** A grant of relief from the requirements of this Development Code.

**Vegetation:** All plant growth, especially trees, shrubs, vines, ferns, mosses, and grasses.

**Vehicle parts store:** A facility where accessories and parts are sold for passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles. Repairs and accessory/part installation are only allowed in conformance with the standards for major or minor vehicle repairs, including any required special use permits.

**Vehicle sales and service:** (see Small vehicle sales and service, Large vehicle sales and service)

**Veterinary office, hospital, or clinic:** An establishment designed or used for the medical care, observation, or treatment of domestic animals.

## W

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**Wall sign:** (see Sign, wall)

**Watershed:** The drainage area or basin in which all land and water areas drain or flow toward a downstream collection area such as a stream, river, lake, or reservoir.

**Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wild animal:** Any living member of the animal kingdom, excluding livestock and household pets.

**Window sign:** (see Sign, window)

## Y

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**Yard:** An open space situated between any principal or accessory structure and a lot line, open, unoccupied, unpaved, and unobstructed from the ground upward except for trees, plant material, fences, driveways, and any elements specified in Sec. 3.3.

**Yard, front:** An open area of a lot situated between the front lot line and any principal or accessory structure extending the full width of the lot.

**Yard, rear:** An open area between the rear lot line and any principal structure extending the full width of the lot. True triangular lots do not have rear yards. Lots with more than one front lot line do not have rear yards. The Planning Director makes the final determination of rear yards when in dispute or not covered by this definition.

**Yard, side:** An open area between a structure and any lot line adjacent to another parcel, extending from the front yard to the rear yard, which does not otherwise meet the definition of rear yard.

**Yard, side street:** For corner lots, an open area between a structure and any lot line that abuts a right-of-way except the front lot line, extending from the required front yard to the required rear yard.

**Yard sale or garage sale:** The sale of personal belongings or household items at a dwelling by an individual or by a group of residents, usually in a garage or front yard.

## ARTICLE 3 GENERAL PROVISIONS

### 3.1 Property Owners Associations

#### A. When Required

A property owners association, homeowners' association, or equivalent body is required for all new developments with more than 30 dwellings.

#### B. Role

The association is responsible for the services and maintenance described in this Development Code. The association must annually assess each property owner an amount sufficient to maintain and replace infrastructure, as necessary. The association is responsible for all repair, maintenance, operation, and management of private infrastructure, including roads, stormwater infrastructure, shared wastewater infrastructure, and required open space, as applicable.

#### C. Initial Membership

The developer may reserve in the association governing documents a period of time during which the developer is entitled to appoint a majority of the board of directors. This period of developer control must terminate no later than three months after 80% of the total approved number of dwellings in the development have been issued a certificate of occupancy.

### 3.2 Height and Area Measurements

#### A. Building Height

Building height is measured as the vertical distance measured from the average finished grade to the highest point of the coping of a low slope roof or the average height between the eaves and ridge of a pitched roof.

#### B. Building Height Exceptions

Chimneys, spires, belfries, cupolas, domes, monuments, water towers, silos, chimneys, smokestacks, elevators, antennae, solar panels, conveyors, flagpoles, masts, steeples, and wind turbines may not exceed the maximum allowed height by more than 5 feet without securing a variance from the Zoning Board of Appeals (see Sec. 14.7). This provision does not apply to

telecommunications facilities (see ARTICLE 12).

#### C. Lot Coverage

Lot coverage is measured as the percentage of the total area of a lot that is occupied by all principal and accessory structures (as measured within the outside of the exterior walls of the ground floor), impervious parking areas, driveways, walkways, steps, terraces, uncovered patios and decks, swimming pools, and any similar features. The Planning Director may establish rules for how partially pervious materials are counted toward lot coverage.

#### D. Sign Height

Sign height is measured as the vertical distance from the adjacent ground elevation or the height of the crown of the adjacent street that the sign faces (whichever is higher) to the highest point of a sign, including the sign structure.

#### E. Sign Area

1. For wall signs, awning signs, and canopy signs and consisting of freestanding letters or logos, sign area is calculated as the total area of the smallest single rectangle, circle, or square that fully encloses all the letters and images.
2. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted. For ground signs, entrance signs, projecting signs, and sandwich board signs, sign area includes the face of the structure that the message is affixed to, not including any supports, base, apron, bracing, or other structural members.
3. The sign area for double-faced signs is computed as the area of the largest side.

#### F. Telecommunications Tower Height

Telecommunications tower height is measured as the distance measured from the ground level existing prior to the beginning of



any improvements to the highest point on the tower structure or appurtenance.

#### **G. Lane or Median Width**

The width of vehicular lanes and medians is measured from edge of pavement.

### **3.3 Encroachments into Required Yards**

- A. Cornices, sills, eaves, gutters, chimneys, balconies, bay windows, and other similar architectural features may project up to 12 inches into any required yard.
- B. Private swimming pools located on the same lot as a single-family detached dwelling, including any associated pool decking or patios, may only be located in a rear yard.

### **3.4 Site Plan Requirements**

- A. Prior to the issuance of a Development Permit, a site plan must be approved for any new use or change of use and for all construction including expansions and additions. Exemption of the requirement for a site plan for a change of use may be granted by the Planning Director where the development complies with all of the following:
  - 1. No new square footage is proposed to be constructed for the new use.
  - 2. The proposed use is a permitted use in the applicable district.
  - 3. The proposed use is a similar or less intensive use than the last authorized use of the property.
  - 4. Thresholds for water use, septic systems, etc. are similar or less intensive than the last authorized use of the property.
  - 5. The site complies with the minimum parking requirements for the proposed use and all other existing uses on site.
  - 6. The site complied with all conditions of approval, and site/landscape standards in effect at the time the previous use was authorized.
- B. Exemption from the site plan approval process for a change of use does not also exempt the development from all other necessary permits and inspections.
- C. A site plan must be submitted in accordance with the requirements set for below. The site

plan is considered to be filed when it has been accepted by the Planning Director as meeting the requirements of this section.

- D. The Planning Director may request printed copies of the site plan to distribute to the Town Engineer, Public Utilities Director, or others for review. The applicant is responsible for delivering site plans to all applicable county, state, and federal entities for approval. Evidence of approval by these agencies must be presented to the Planning Director prior to the issuance of a development permit.
- E. A site plan must be prepared by an Engineer or Architect who is registered by the State and must include, in addition to the certified property lines, all applicable information as required on the site plan review checklist, a copy of which is available at the Planning and Development Department office.
- F. Site plan review and inspection fees as established by the Town will be collected prior to the issuance of a Development Permit and Building Permit.
- G. The following required plans must be submitted at the time of site plan submittal and prior to the issuance of a development permit unless the Planning Director determines that any of these are not necessary:
  - 1. Site plan.
  - 2. Landscape plan.
  - 3. Erosion and sedimentation control plan.
  - 4. Grading plan.
  - 5. Stormwater management plan.
  - 6. Water and sewer plan if required.
  - 7. Any other information deemed necessary by the Planning Director, Town Engineer, or Public Utilities Director to be included on the plan.
  - 8. Road right-of-way, driveway, and access design.
- H. Upon approval of the site plan by all the required departments, the Planning Director may issue the Development Permit.
- I. Any deviations from an approved site plan must be shown on a revised site plan and

approved by the Town employee(s) having jurisdiction over the change. The Fire Marshal must approve all construction plans and submit to the building official written verification of approval and compliance with applicable fire codes.

### **3.5 Traffic Impact Study**

- A. A traffic impact study must be submitted for any development that exceeds 200 new dwellings or 200,000 gross square feet of new non-residential space.
- B. The scope of the traffic impact study will be based on the nature of the development,

existing background traffic volumes and patterns, and future development along adjoining corridors. The intent of the study is to identify the impacts to capacity, level of service, and safety to existing roads, as well as actions required to mitigate these impacts.

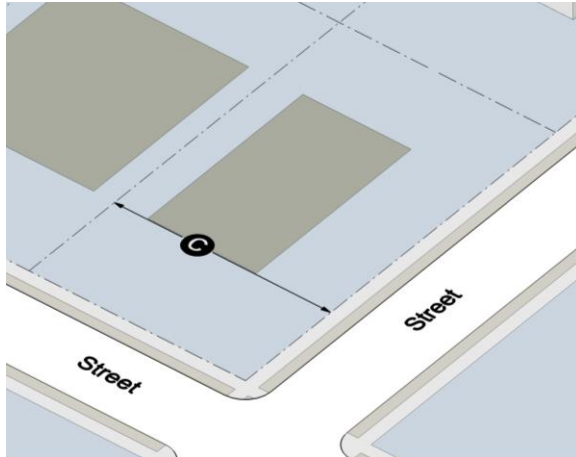
- C. Trip generation calculations for a particular land use or development should be based on the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers, unless trip data more specific to the Town of Braselton or the particular use is available.

## ARTICLE 4 DISTRICT-SPECIFIC STANDARDS

### 4.1 Single-Family Residential District R-1

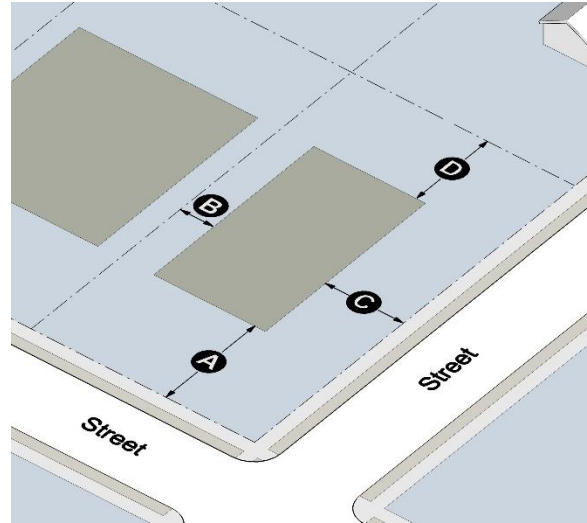
A. **Purpose:** This district is intended to provide relatively low to moderate density single-family residential development along with other ancillary uses compatible with a residential environment.

#### B. Lot Standards



Lots		
1.	Minimum lot area	20,000 sq. ft.
2.	Minimum lot width	100 feet

#### C. Building Placement



Minimum Yards		
1.	Front (arterial or collector street)	50 feet
2.	Front (local street)	35 feet
3.	Side	15 feet
4.	Side Street	35 feet
5.	Rear (principal structure)	40 feet
6.	Rear (accessory structure or swimming pool)	15 feet

*For additional garage setbacks, see Sec. 6.7C.4*

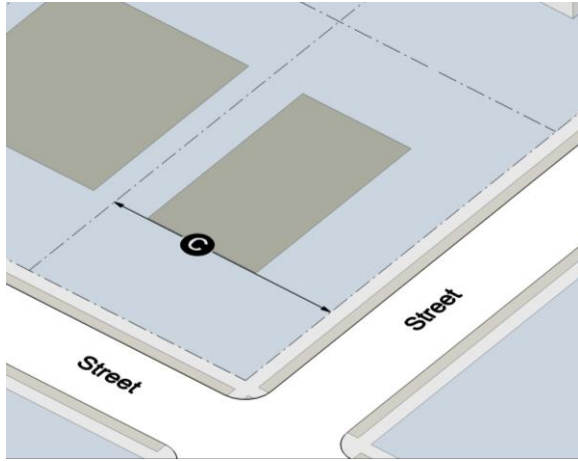
#### D. Other Regulations

1. Minimum floor area per dwelling:
  - a. 2,400 square feet for one-story dwellings
  - b. 3,000 square feet for multi-story dwellings
2. For curb cut regulations, refer to Sec. 9.6.
3. For additional regulations, refer to Sec. 6.7.

## 4.2 Single-Family Residential District R-2

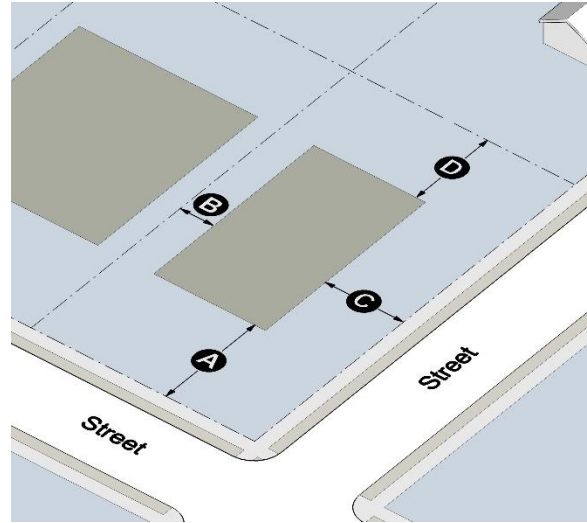
A. **Purpose:** This district is intended to provide relatively low to moderate density single-family residential development along with other ancillary uses compatible with a residential environment.

### B. Lot Standards



Lots		
1.	Minimum lot area	10,000 sq. ft.
2.	Minimum lot width	75 feet

### C. Building Placement



Minimum Yards		
1.	Front (arterial or collector street)	40 feet
2.	Front (local street)	30 feet
3.	Side	10 feet
4.	Side Street	30 feet
5.	Rear (principal structure)	20 feet
6.	Rear (accessory structure or swimming pool)	10 feet

For additional garage setbacks, see Sec. 6.7C.4

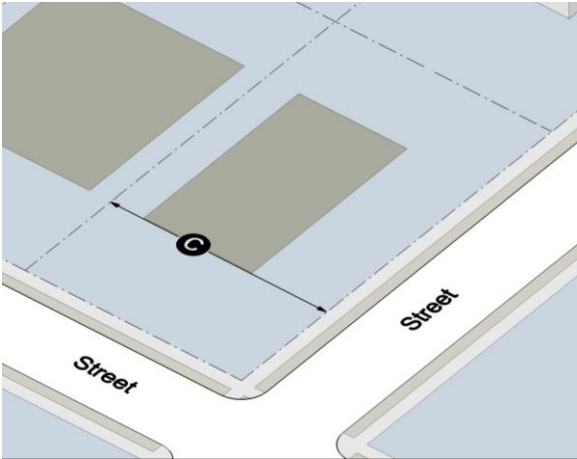
### D. Other Regulations

1. Minimum floor area per dwelling:
  - a. 2,000 square feet for one-story dwellings
  - b. 2,400 square feet for multi-story dwellings
2. Minimum open space: 20% of site area (see Sec. 6.10)
3. For curb cut regulations, refer to Sec. 9.6.
4. For additional regulations, refer to Sec. 6.7.

### 4.3 Single-Family Residential District R-3

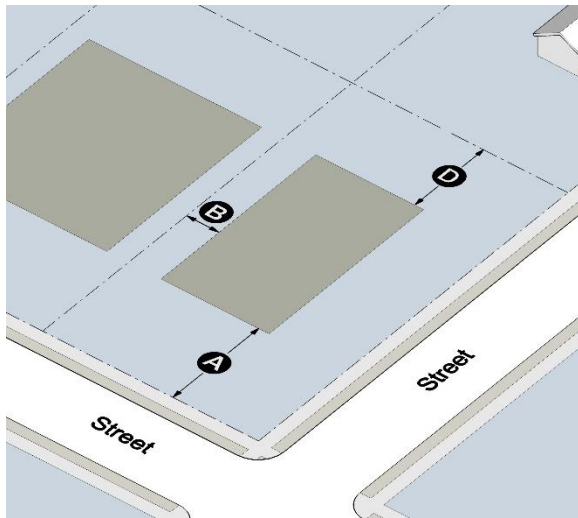
A. **Purpose:** This district is intended to provide moderate density single-family residential development, along with other ancillary uses compatible with a residential environment.

B. **Lot Standards**



	Lots	Single-Family Dwelling with Alley	Single-Family Dwelling with Garage in Rear Yard	Townhouse
1.	Minimum lot area	7,500 sq. ft.	8,000 sq. ft.	2,000 sq. ft.
2.	Minimum lot width	55 feet	65 feet	30 feet

### C. Building Placement



Minimum Yards	Single-Family Dwelling with Alley	Single-Family Dwelling with Garage in Rear Yard	Townhouse
1. Front (arterial or collector street)	40 feet	40 feet	10 feet
2. Front (local street)	10 feet	10 feet	10 feet
3. Side	7.5 feet	7.5 feet	10 feet <sup>a</sup>
4. Rear (principal structure)	40 feet	25 feet	22 feet
5. Rear (garage)	22 feet	22 feet	22 feet
6. Rear (accessory structure or swimming pool)	7.5 feet	7.5 feet	5 feet

<sup>a</sup> 0 feet between dwellings

For additional garage setbacks, see Sec. 6.7C.4

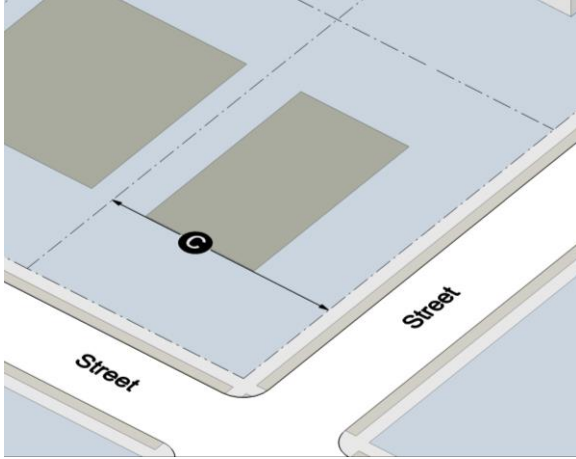
### D. Other Regulations

1. Minimum floor area per dwelling:
  - a. 1,800 square feet for one-story dwellings
  - b. 2,200 square feet for multi-story dwellings
2. Maximum height: 42 feet
3. Maximum townhouse or townhouse community density: 8 dwellings per gross acre
4. Minimum open space: 30% of site area (see Sec. 6.10)
5. For curb cut regulations, refer to Sec. 9.6.
6. For additional regulations, refer to Sec. 6.7.

#### 4.4 Residential Multi-Family District R-M

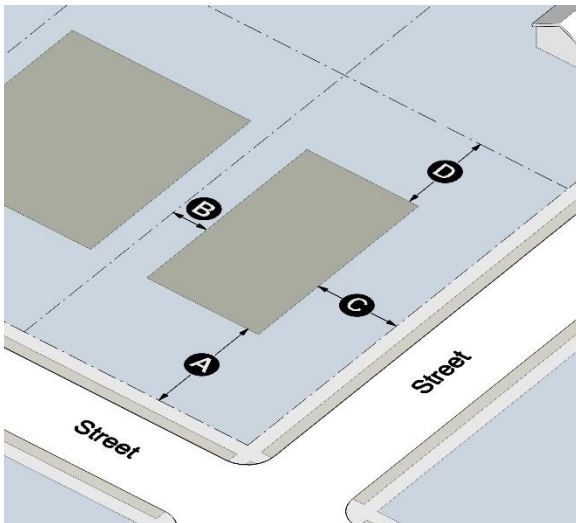
A. **Purpose:** This district is intended to provide moderate density residential and multifamily residential development, along with other ancillary uses compatible with a residential environment.

##### B. Lot Standards



	Lots	Single-Family Dwelling with Alley	Single-Family Dwelling with Garage in Rear Yard	Townhouse, Stacked Duplex, or Live-Work	All Other Dwellings
1.	Minimum lot area	7,500 sq. ft.	8,000 sq. ft.	2,000 sq. ft.	10 acres
2.	Minimum lot width	50 feet	60 feet	30 feet	100 feet

##### C. Building Placement



Minimum Yards	Single-Family Dwelling with Alley	Single-Family Dwelling with Garage in Rear Yard	Townhouse, Stacked Duplex, or Live-Work	Multifamily & Townhouse Community
1. Front (arterial or collector street)	40 feet	40 feet	10 feet	40 feet
2. Front (local street)	10 feet	10 feet	10 feet	30 feet
3. Side (if driveway provided on that side of lot)	n/a	20 feet	n/a	25 feet
4. Side (all other instances)	5 feet	5 feet	10 feet <sup>a</sup>	25 feet
5. Side Street (principal dwelling)	10 feet	10 feet	10 feet	30 feet
6. Side Street (garage)	10 feet	35 feet	22 feet	30 feet
7. Rear (principal dwelling)	40 feet	25 feet	22 feet	25 feet
8. Rear (garage)	22 feet	5 feet	22 feet	25 feet
9. Rear (swimming pools and accessory buildings except garages)	10 feet	10 feet	10 feet	30 feet

<sup>a</sup> 0 feet between dwellings

For additional garage setbacks, see Sec. 6.7C.4

#### D. Other Regulations

1. Minimum floor area per dwelling:
  - a. 800 square feet per studio or one-bedroom dwelling for multifamily
  - b. 1,200 square feet per two- or more bedroom dwelling for multifamily
  - c. 1,800 square feet for one-story single-family dwellings
  - d. 2,200 square feet for multi-story single-family dwellings
2. Maximum height: 50 feet or 4 stories, whichever is less
3. Maximum density: 8 dwellings per gross acre
4. Minimum open space: 40% of gross site area (see Sec. 6.10)
5. For curb cut regulations, refer to Sec. 9.6.
6. For additional regulations, refer to Sec. 6.7.



#### 4.5 Planned Unit Development (PUD)

##### A. Purpose

The intent of this district is to provide larger scale, truly unique developments that other districts cannot accommodate. This district provides more flexibility with regard to design and allows for truly mixed-use developments rather than conventional residential subdivisions with a commercial component.

##### B. Approved Plans

1. Each PUD district constitutes a separate zoning district. The land uses, concept plan, development summary, and all other information, plats, plans, or architectural elevations approved by Town Council establish the regulations and minimum requirements for the PUD district and constitute the zoning conditions that apply to the district, regardless of changes in property ownership.
2. Where approved uses conflict with the use table in Sec. 5.2, the approved plan determines which uses are permitted and prohibited until after a major revision, at which point the use table determines which uses are permitted and prohibited.

##### C. Standards

1. Minimum district size: 10 acres
2. Minimum open space: 30% of site area
3. Maximum single-family detached dwelling density: 4 dwellings per gross acre
4. Maximum townhouse or townhouse community density: 8 dwellings per gross acre
5. Maximum multi-family dwelling density: 14 dwellings per gross acre
6. Maximum building footprint for any building with a non-residential use: 20,000 square feet
7. For any accessory structure or swimming pool on the same lot as a single-family detached dwelling, the minimum rear yard is the same as the minimum side yard for that same lot, as established in the approved PUD legislation or approved plat.

##### D. Design Standards

1. The number of non-multifamily dwellings with street-facing garages must not exceed 10% of all non-multifamily dwellings in any phase of the development or the overall development. This requirement does not apply to garages that face the street but are located in a rear yard.
2. No vehicular parking area, including those used for vehicular sales, leasing, or storage, may be located between any building and an adjacent street without an intervening building.
3. A continuous pedestrian network must be provided and must provide access to all lots, buildings, and open spaces within the Planned Unit District.
4. All principal buildings must be oriented to face either an accessible open space or the street of greatest intensity based on traffic volume, number of lanes, and/or pedestrian activity, as determined by the Planning Director.
5. The primary pedestrian access to all individual ground level dwellings, tenant spaces, and other uses must either be directly accessible and visible from the sidewalk adjacent to the primary façade or must provide a pedestrian connection with a minimum width of four feet to the sidewalk.
6. Buildings may also be oriented to face a courtyard or mews. Individual uses may have pedestrian entrances that open directly to a courtyard or mews.
7. All buildings except single-family detached dwellings and townhouse dwellings must have a minimum floor-to-floor height of 14 feet on the ground floor.
8. No drive-through service window or associated element or driveway may be located between a building and any adjacent street.
9. Residential facades must have windows with transparent glass no less than 10 percent of the area of the façade as measured per floor.

10. Facades for all other uses must have storefronts and glazed with transparent glass no less than 50 percent of the area of the ground floor façade and no less than 20 percent of the area of upper floor facades. Ground floor fenestration is measured as a percentage of the area between two and eight feet above the average grade at the base of the façade.
11. Pedestrian entrances may be counted towards fenestration requirements.

#### **E. Mix of Uses and Concurrency**

1. Each Planned Unit Development district created after April 8, 2024 must include primary uses from at least two different use groups.
2. At least 25% of the total gross floor area within every Planned Unit Development district must be exclusively devoted to residential uses and at least 25% of the total gross floor area within every Planned Unit Development district must be exclusively devoted to non-residential uses.
3. For any Planned Unit Development district that includes multifamily residential, at least 50% of the total gross ground floor area within that Planned Unit District must be exclusively devoted to non-residential uses.
4. Residential uses may not exceed 75% of the total gross ground floor area of all multifamily buildings in any Planned Unit Development district.
5. No more than 10% of the total proposed number of dwellings in any Planned Unit Development district may be issued a certificate of occupancy until such time as at least 10% of the total proposed gross floor area dedicated to non-residential uses has been issued a certificate of completion.
6. No more than 25% of the total proposed number of dwellings in any Planned Unit Development district may be issued a certificate of occupancy until such time as at least 25% of the total proposed gross floor area dedicated to non-residential uses has been issued a certificate of completion.
7. No more than 50% of the total proposed number of dwellings in any Planned Unit Development district may be issued a certificate of occupancy until such time as at least 50% of the total proposed gross floor area dedicated to non-residential uses has been issued a certificate of completion.
8. No certificate(s) of occupancy or certificate(s) of completion may be issued for more than 10% of the total gross floor area dedicated to non-residential uses until such time as a certificate of occupancy has been issued for at least 10% of the total proposed number of dwellings.
9. No certificate(s) of occupancy or certificate(s) of completion may be issued for more than 25% of the total gross floor area dedicated to non-residential uses until such time as a certificate of occupancy has been issued for at least 25% of the total proposed number of dwellings.
10. No certificate(s) of occupancy or certificate(s) of completion may be issued for more than 50% of the total gross floor area dedicated to non-residential uses until such time as a certificate of occupancy has been issued for at least 50% of the total proposed number of dwellings.

#### **F. Revision to Approved PUD**

1. Any proposal for a change or revision to an approved PUD project must first be reviewed by the Planning Director to determine if such a change or revision constitutes a minor revision or major revision. If the proposal meets the criteria set forth below in paragraph (2) for a major revision, then the applicant must apply to amend the P.U.D. and follow the procedures for a rezoning outlined in Article 14. Any proposed change to a PUD adopted without site plans shall be considered a major revision. If the proposal does not meet the criteria set forth below in paragraph (2), then the minor change or minor revision may be authorized by agreement between the Planning Director and the Applicant.

2. The following criteria constitute a major change or major revision requiring an application for amendment to a P.U.D.:
- a. Will the proposal, in comparison to the currently approved P.U.D. zoning application and/or the evidence presented during the zoning process, increase the potential for an adverse impact to adjacent properties, nearby properties, infrastructure, or traffic flow?
  - b. Will the proposal, in comparison to the currently approved P.U.D. zoning application and/or the evidence presented during the zoning process, concentrate impacts differently to adjacent properties, nearby properties, infrastructure, or traffic flow?
  - c. Will the proposal, in comparison to the currently approved P.U.D. zoning application and/or the evidence presented during the zoning process, change building/structure design, change architectural themes, change materials, changes square footages, or change building placement to an extent that the proposal does not reflect or resemble the original intent of the approved P.U.D.?
  - d. Will the proposal, in comparison to the currently approved P.U.D. zoning application and/or the evidence presented during the zoning process, increase dwelling units, reduce minimum lot sizes, reduce minimum building setbacks, increase building height, or increase building square footages to an extent that it does not reflect or resemble the original intent of the approved P.U.D.?
  - e. Will the proposal, in comparison to the currently approved P.U.D. zoning application and/or the evidence presented during the zoning process, alter the currently approved P.U.D. site plan to an extent that it does not reflect or resemble the original intent of the approved P.U.D.?
  - f. Will the proposal increase, concentrate, or alter interior traffic within the project or exterior traffic flow around the project to an extent that the proposal does not reflect or resemble the original intent of the approved P.U.D.?
  - g. Will the proposal require an amount of earthwork to an extent that the proposal does not reflect or resemble the original intent of the approved P.U.D.?
  - h. Will the proposal cause significant regulation conflict(s) with the approved P.U.D. that will result in a site plan that does not reflect or resemble the original intent of the approved P.U.D.?

## 4.6 Commercial Districts

### A. Office and Institutional OI

Purpose: This district is intended to provide limited, low-intensity institutional, office, and commercial uses in a format that is compatible with nearby residential uses.

### B. Neighborhood Commercial NC

Purpose: This district is intended to provide low-intensity office and commercial uses in a format that is compatible with and that generally serve the needs of the surrounding residential uses, rather than the region.

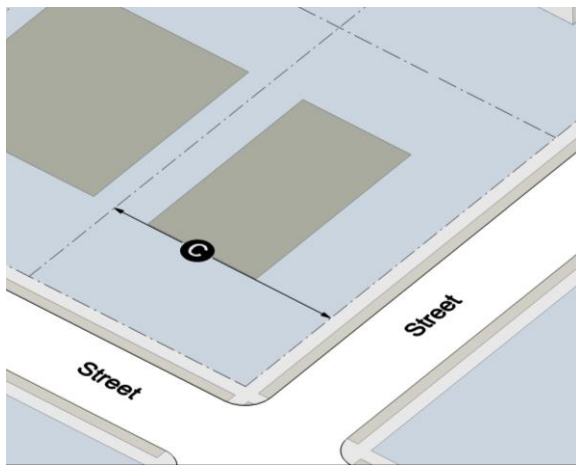
### C. General Commercial GC

Purpose: This district is intended to provide a wide range of commercial uses in groups that serve more regional needs and require larger tracts of land and adequate infrastructure.

### D. Business Park BP

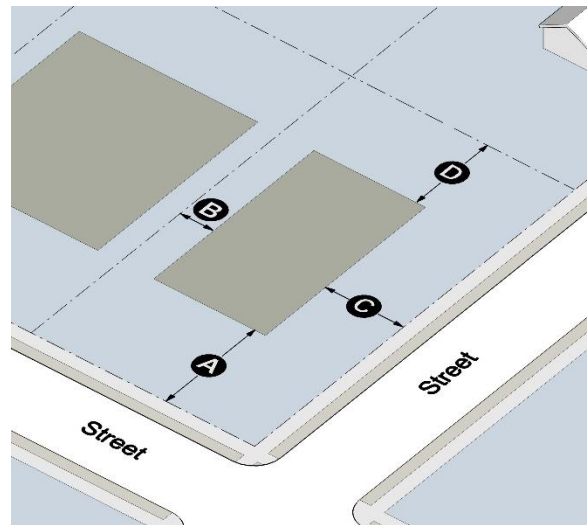
Purpose: This district is intended to provide larger scale, moderate-intensity employment developments in clusters with medical, office, and professional uses and require adequate transportation infrastructure.

### E. Lot Standards



Lots		
1.	Minimum lot area	0.5 acre
2.	Minimum lot width	50 feet

### F. Building Placement



Minimum Yards		
1.	Front	30 feet
2.	Side	15 feet*
3.	Side (adjacent to any residential district**)	30 feet
4.	Side Street	15 feet
5.	Rear	15 feet
6.	Rear (adjacent to any residential district**)	40 feet

\* 0 feet between adjacent buildings in the same development

\*\* Including adjacent to any portion of a Planned Unit Development (PUD) approved for any residential use

#### **G. Other Regulations**

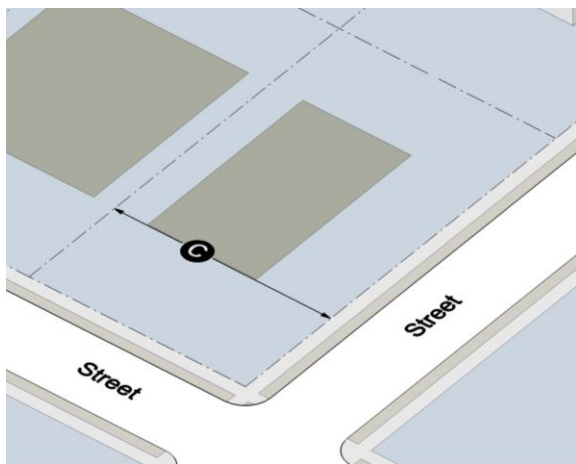
1. Minimum open space: 20% of gross site area
2. Maximum height: 50 feet or 35 feet within 250 feet of any residential district, whichever is less
3. Minimum district size (BP only): 50 acres
4. Maximum building footprint for any building with a non-residential use: 50,000 square feet

## 4.7 Industrial Districts

### A. Manufacturing Distribution MD

Purpose: This district is intended to provide a wide range of light industrial uses where adequate transportation infrastructure is available. This district is also intended to provide commercial uses which generally serve the needs of the surrounding uses, rather than the region, and in a format which is compatible with nearby light industrial uses and does not inhibit future industrial development in this district.

### C. Lot Standards

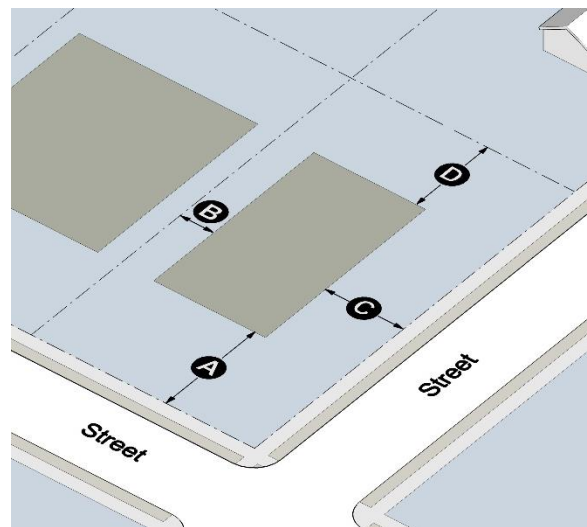


Lots		
1.	Minimum lot area	1 acre
2.	Minimum lot width	175 feet

### B. Industrial I

Purpose: This zone is intended to provide a wide range of light industrial uses where adequate transportation infrastructure is available. This district is also intended to provide commercial uses which generally serve the needs of the surrounding uses, rather than the region, and in a format which is compatible with nearby light industrial uses and does not inhibit future industrial development in this district.

### D. Building Placement



Minimum Yards		MD, I
1.	Front	50 feet
2.	Side	20 feet*
3.	Side (adjacent to any residential district**)	100 feet
4.	Side Street	20 feet
5.	Rear	20 feet
6.	Rear (adjacent to any residential district**)	100 feet

\* 0 feet between adjacent buildings in the same development

\*\* Including adjacent to any portion of a Planned Unit Development (PUD) approved for any residential use

### E. Other Regulations

1. Maximum height: 50 feet or 35 feet within 250 feet of any residential district, whichever is less

## 4.8 Downtown Overlay District

### A. Purpose

#### 1. Overall Purpose

This district is intended to:

- Enhance the quality and compatibility of development in Downtown Braselton.
- Create a sense of place that is aesthetically appealing, walkable, and environmentally responsible.
- Preserve historical structures.
- Encourage appropriate economic development through infill development, redevelopment of underutilized property, and adaptive reuse of existing buildings.
- Encourage a balance of uses for living, working, shopping, and playing that are accessible within a convenient walking distance.
- Establish consistent and harmonious design standards for public improvements and private development to create a unified and distinctive visual quality for downtown.

#### 2. Tier 1: Downtown Core (D-1) and Tier 3: Downtown Mixed-Use (D-3) Purpose

This subdistrict is intended to provide for the adaptive reuse, infill, and redevelopment of sites to form a central core of mixed uses for Downtown Braselton that conforms to consistent and harmonious design standards for public improvements and private property development so as to unify the distinctive visual quality of the Historic Downtown.

#### 3. Tier 2: Downtown Edge (D-2) Purpose

This subdistrict is intended to provide development guidelines for parcels developed with newer buildings adjacent to the downtown core and provides for a transition between the buildings in the inner core and surrounding areas.

### B. Miscellaneous Provisions

#### 1. Pre-Application Meeting

Before submitting an application for a building permit, development permit, or preliminary plat approval, an applicant must schedule a pre-application meeting with the Planning Director to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Planning Director.

#### 2. Escrow in Lieu of Improvements

At the option of the Town, the developer may be required to pay funds into an escrow account in lieu of making public improvements required in this Development Code. Such escrow account must be established only for the purpose of coordination of such public improvements with a public improvement project that is part of an approved Capital Improvements Program. The amount of the escrow fund must be established by the Planning Director based on the projected construction cost of the improvements, based on the most recent edition of Georgia Department of Transportation "Item Means Summary" or other comparable standardized cost estimation procedure.

### C. Building Types

Within the Downtown Overlay District, building types are used to regulate the design of buildings. Each building type is described below and is determined by the Planning Director. Graphic depictions of building types are for façade illustrative purposes only. These building types are for zoning purposes only, and not linked to the Building Code. Freestanding parking decks are not considered to be a building type. Building types are allowed as shown in the table below.

Building Type	Tier		
	1	2	3
Detached house	X	P	X
Carriage house	X	P	X
Cottage court	X	P	X
Duplex	X	P	X
Row house	P	P	P
Walk-up flat	P	P	P
Conventional multifamily	X	X	X
Commercial house	X	P	X



Storefront	P	P	P
Mixed use building	P	P	P
General building	P	P	P
Civic building	P	P	P

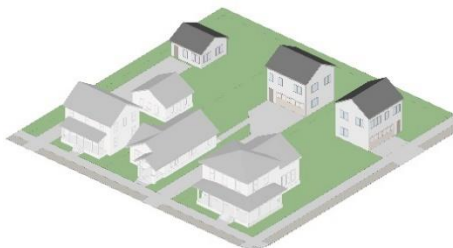
P = Permitted

X = Prohibited

1. Detached house. A building type that accommodates one primary dwelling on an individual lot with yards on all sides. A detached house is not intended for nonresidential uses.



2. Carriage house. A small, self-contained accessory dwelling with no more than 800 gross square feet and no more than one bedroom, located on the same lot as a detached house, duplex, or row house but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping.



3. Cottage court. A building type designed to accommodate 5 to 10 detached dwellings organized around a shared internal courtyard. Dwellings cannot be vertically mixed.

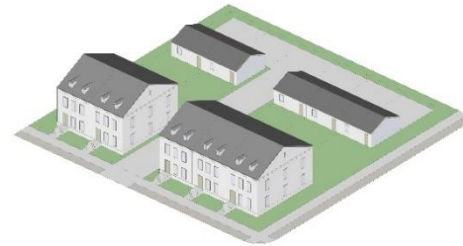


4. Duplex. A building type that accommodates two dwellings arranged

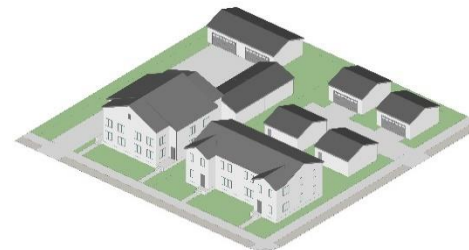
either horizontally or vertically. Not intended for nonresidential uses.



5. Row house. A building type that accommodates 3 to 6 dwellings where each dwelling is separated by a common side wall. Dwellings may not be vertically mixed.



6. Walk-up flat. A building type that accommodates 3 to 8 dwellings vertically and horizontally integrated.



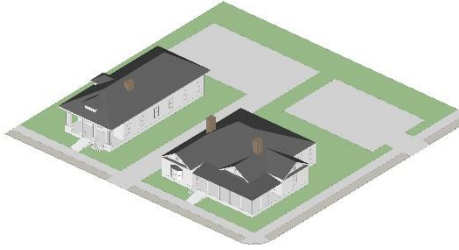
7. Conventional multifamily. A building type that accommodates 9 or more dwellings vertically and horizontally integrated.



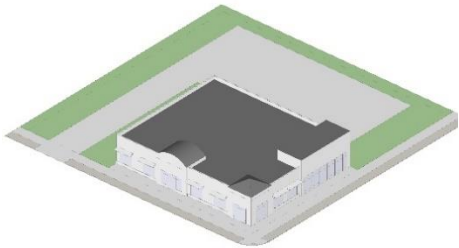
8. Commercial house. Accommodates nonresidential uses in a building type that



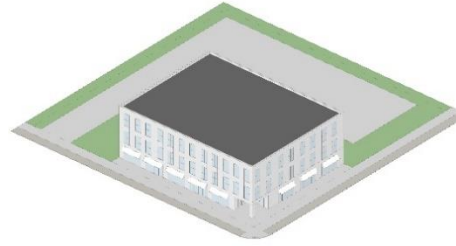
resembles a detached house. Not intended for residential uses.



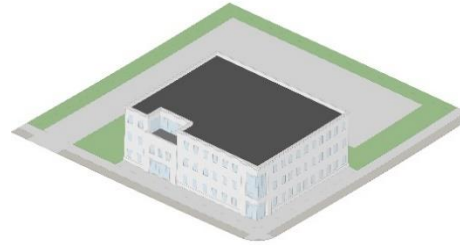
9. Storefront. A single-story building type that typically accommodates single-use retail or commercial activity. Not intended for residential uses.



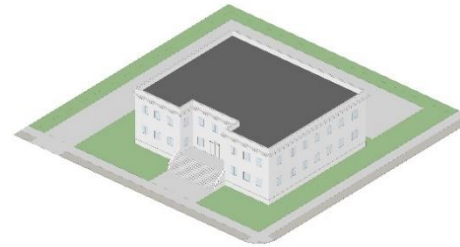
10. Mixed use building. A multi-story building type that typically accommodates ground floor retail, office, or commercial uses with upper-story residential or office uses. Not intended for ground floor dwellings.



11. General building. A multi-story building type that typically accommodates nonresidential uses such as industrial, hotel, or office uses on all stories.

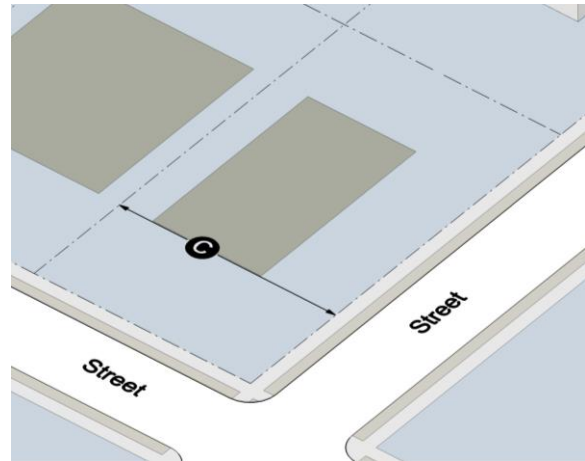


12. Civic building. A building type that accommodates civic uses. Not intended for commercial, retail, office, or residential uses.



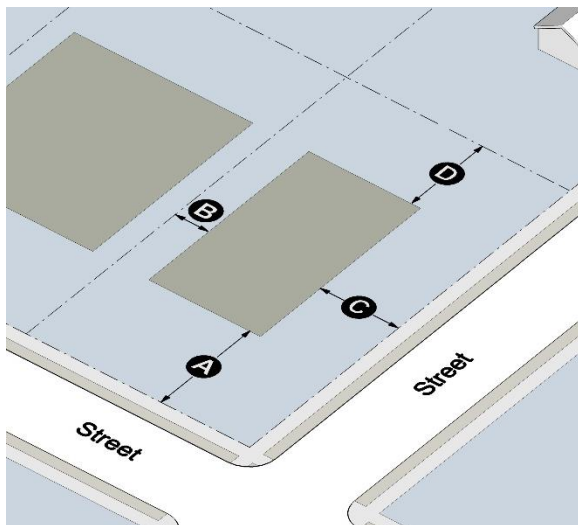
## D. Development Standards

### 1. Lot Standards



Lots	Tier 1	Tier 2	Tier 3
A. Minimum lot area	none	none	none
B. Minimum lot width (row houses)	see R-3 standards for townhouses	see R-3 standards for townhouses	see R-3 standards for townhouses
C. Minimum lot width (all other lots)	none	none	none

### 2. Building Placement



Required Yards	1	Tier 2	3
A. Front (minimum)			
Detached house, cottage court, duplex, commercial house	n/a	5 feet	n/a
Row house, walk-up flat, conventional multifamily	5 feet	5 feet	5 feet
All other building types	none	none	none
B. Front (maximum)			
Detached house, cottage court, duplex, commercial house	n/a	60 feet	n/a
Row house, walk-up flat, conventional multifamily	10 feet	60 feet	10 feet
All other building types	5 feet	60 feet	5 feet
C. Side (minimum)			
Detached house, cottage court, duplex, commercial house	n/a	5 feet	n/a
Row house, walk-up flat, conventional multifamily	5 feet	5 feet	5 feet

	All other building types	none	none	none
D.	Side Street (minimum)			
	Detached house, cottage court, duplex, commercial house	n/a	5 feet	n/a
	Row house, walk-up flat, conventional multifamily	5 feet	5 feet	5 feet
	All other building types	none	none	none
E.	Rear (minimum, all building types)	none	5 feet	none

### 3. Maximum Street-Facing Façade Length

Building Type	Max. Length per Building
Detached house	none
Carriage house	none
Cottage court	none
Duplex	none
Row house	none
Walk-up flat	none
Conventional multifamily	200 feet
Commercial house	100 feet
Storefront	200 feet
Mixed use building	200 feet
General building	200 feet
Civic building	none

### 4. Other Standards

	Tier 1	Tier 2	Tier 3
Max. building height	65 feet or 5 stories, whichever is less	35 feet	65 feet or 5 stories, whichever is less
Max. building footprint	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Max. lot coverage	80% of gross lot area	80% of gross lot area	80% of gross lot area
Max. residential density	12 dwellings per gross acre*	8 dwellings per gross acre	12 dwellings per gross acre*

\*There is no maximum residential density on lots of record legally existing as of April 9, 2024 that are less than 1 acre in size

### 5. Other Regulations

- Street-facing garages are not permitted for single-family detached dwellings.
- Minimum floor area per dwelling: none
- No multifamily residential development or mixed-use development with multifamily dwellings may have more than 150 dwellings.

### E. Design Standards

- Dwellings with street-facing garages are prohibited. This prohibition does not apply to garages that face the street but are located in a rear yard.
- At least 80% of all single-family, duplex, and row house dwellings within a development must face a public street, private street designed to public street standards, or open space. Alleys may not be used to satisfy this requirement. Cottage court dwellings that face a courtyard meeting the requirements of Sec. 6.10D are exempt from this requirement.
- No more than 25% of required parking shall be permitted in any one yard situated between the principal building and a public street.
- All principal buildings must be oriented to face either an accessible open space or the street of greatest intensity based on traffic volume, number of lanes, and/or pedestrian activity, as determined by the Planning Director.

5. The primary pedestrian access to all individual ground level or upper story dwellings, tenant spaces, and other uses must either be directly accessible and visible from the sidewalk adjacent to the façade facade or must provide a pedestrian connection with a minimum width of four feet to the sidewalk.
6. Buildings may also be oriented to face a courtyard or mews and individual uses may have pedestrian entrances that open directly to a courtyard or mews.
7. All buildings except single-family detached dwellings and row house dwellings must have a minimum floor-to-floor height of 14 feet on the ground floor.
8. No drive-through service window or associated element or driveway may be located between a building and any adjacent street.
9. Facades for residential uses must have windows with transparent glass no less than 10 percent of the façade of the facade as measured per floor.
10. Facades for all other uses must have storefronts and glazed with transparent glass no less than 50 percent of the area of the ground floor façade and no less than 20 percent of the area of upper floor facades. Ground floor fenestration is measured as a percentage of the area between two and eight feet above the average grade façade base of the facade.
11. Pedestrian entrances may be counted towards fenestration requirements.

**F. Revision to Approved Concept Plan**

1. Minor revision. The Planning Director is authorized to approve minor revisions to an approved concept plan in any D-1, D-2, or D-3 district that, in their opinion, are substantially in accord with approved plans and conditions. These changes may include minor adjustments to locations or dimensions of streets, rights-of-way, easements, buildings, parking, or infrastructure.
2. Major revision. Any requested revision to an approved concept plan in any D-1, D-2, or D-3 district that does not meet the requirements of a minor revision or which includes a change in proposed uses, increase in number of dwellings or square footage, decrease in lot size, or any other substantial change that is not consistent with the approved concept plan must follow the procedures in ARTICLE 14 for a rezoning.

#### **4.9 Traditional Neighborhood Development (TND)**

All regulations for this district are identical to the regulations for Tier 2: Downtown Edge (D-2). **4.10**

#### **Highway 211 Overlay District**

##### **A. Findings**

The Town finds that the SR 211 Corridor Overlay District and surrounding area has been developed with an excess of single-function land uses, specifically Restaurant Drive In/Drive-Through, Automobile Gas Station and Convenient Stores, Automobile Service Station, and Car Washes, that left unregulated, will crowd out a diverse array of uses within the corridor and yield greater traffic circulation issues. Daily traffic counts currently exceed 20,000 vehicles per day in the SR 211 Corridor Overlay District, well exceeding other major arterials within the Town. (See 2030 Braselton Comprehensive Plan and Georgia Department of Transportation data of Average Annual Daily Traffic <https://gdottrafficdata.drakewell.com/publicmultinodemap.asp> which are hereby incorporated by reference).

The Town also finds that more than adequate Restaurant Drive In/Drive-Through entities, Automobile Gas and Convenient Stores, and Carwash entities presently operate within the 211 Corridor and within a five-mile vicinity. The Town finds that the use regulations of the Highway 211 Overlay District found in Section 5.2 will further the health, safety, and welfare of the Town and (1) maintain the corridor's viability and infrastructure demands, (2) prevent blight and decreased property values, (3) avoid or mitigate circulation systems that exclusively serve the automobile, (4) reduce pedestrian/vehicular conflict, and (5) advance environmental concerns.

**B. Maximum building footprint for any building with a non-residential use: 50,000 square feet**

#### **4.11 Highway 53 Overlay District**

No specific regulations are provided for this district beyond those in the use table.

## ARTICLE 5 ALLOWED USES AND USE STANDARDS

### 5.1 General

#### A. Applicability

No land, building, or structure may be used except in accordance with this article and for a purpose permitted in the zoning district in which it is located.

#### B. Principal Use Categories

In order to regulate a variety of similar uses, use categories have been established for principal uses, as shown in the table in Sec. 5.2. Use categories are further divided into more specific sub-categories for classifying uses with other, similar uses based on common functional, product, or physical characteristics. Where a use sub-category contains a list of uses, they are to be considered example uses, and not an all-inclusive list.

#### C. Principal Uses Not Listed

A principal use not specifically listed is prohibited unless the Planning Director determines it to be part of a use category. The Planning Director is responsible for categorizing all principal uses. If a proposed use is not listed but is similar to a listed use, the Planning Director may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Planning Director must consider the following criteria.

1. The actual or projected characteristics of the proposed use.
2. The relative amount of site area or floor area and equipment devoted to the proposed use.
3. Relative amounts of sales.
4. The customer type.
5. The relative number of employees.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking requirements.
9. The number of vehicle trips generated.
10. How the proposed use is advertised.

11. The likely impact on surrounding properties.

12. Whether the activity is likely to be found independent of the other activities on the site.

Where a use not listed is found by the Planning Director not to be similar to any other permitted use, the use is only permitted following a text amendment.

#### D. Combinations of Principal Uses

A single use may consist of a combination of two permitted principal uses separately listed in the use table. Combination of principal uses is only allowed when each principal use is allowed in the zoning district or has an approved special use permit, as appropriate.

#### E. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Planning Director determines that the accessory use meets all of the following criteria.

1. Is clearly incidental to and customarily found in connection with an allowed principal use.
2. Is subordinate to and serving an allowed principal use.
3. Is subordinate in area, extent, and purpose to the principal use served.
4. Contributes to the comfort, convenience or needs of occupants or a business, or industry in the principal use served.
5. Is located on the same lot as the principal use served.

### 5.2 Allowed and Prohibited Uses

The use table in this section establishes permitted uses by zoning district.

**Permitted Use (P):** Indicates that a use is permitted in the respective district. The use is also subject to all other applicable requirements of this Development Code.

**Limited Use (L):** Indicates that a use is permitted in the respective district, subject to use standards found in this article and to all other applicable requirements of this Development Code.

**Special Use (S):** Indicates that a use may be permitted in the respective district only when approved by the Town Council in accordance with Sec. 14.5. Special uses are subject to all other applicable requirements of this Development Code, including any applicable use standards, except where the use standards are expressly modified by the Town Council as part of the special use permit approval.

**Use Not Permitted (X):** Indicates that a use is not permitted in the respective district.

	R-1	R-2	R-3	R-M	PUD*	D-1	D-2	D-3	OI	BP	NC	GC	53	211	MD	I	Use Standards
RESIDENTIAL USES																	
All household living, as listed below:																	
Single-family detached dwelling	P	P	P	P	P	X	P	X	X	X	X	X			X	X	
Single-family community	X	X	X	X	X	X	X	X	X	X	X	X			X	X	see Sec. 5.4.I.
Stacked duplex	X	X	X	P	P	P	P	P	X	X	X	X			X	X	see Sec. 5.4.I.
Townhouse	X	X	S	P	P	P	P	P	X	X	X	X			X	X	see Sec. 5.4.I.
Townhouse community	X	X	X	S	S	S	S	S	X	X	X	X			X	X	see Sec. 5.4.I.
Multi-family dwelling	X	X	X	P	S	S	S	S	X	X	X	X			X	X	see Sec. 5.4.I.
Multi-family dwelling (age 55+)	X	X	X	P	S	S	S	S	X	X	X	X			X	X	see Sec. 5.4.I.
Multi-family dwelling (upper floor only)	X	X	X	X	P	P	P	P	X	X	X	X			X	X	see Sec. 5.4.I.
Manufactured home	S	X	X	X	X	X	X	X	X	X	X	X			X	X	see Sec. 5.4.I. and 5.4.Q.
Live-work	X	X	X	L/S	L	L	L	L	X	X	X	X			X	X	see Sec. 5.4.I. and 5.4.P.
Short-term rental	S/L	S/L	S/L	X	X	S/L	S/L	S/L	X	X	X	X			X	X	see Sec. 5.4.W. and 5.4.I.
All group living, as listed below:																	
Boarding house	X	X	X	X	X	X	X	X	X	X	X	X			X	X	see Sec. 5.4.I.
Group residence	P	P	P	P	P	X	P	X	X	X	X	X			X	X	see Sec. 5.4.I.
Institutional living and care	X	X	X	S	X	S	S	S	P	X	S	S			X	X	see Sec. 5.4.I.
Maternity supportive housing residence	P	P	P	P	P	X	P	X	X	X	X	X			X	X	see Sec. 5.4.I.
COMMERCIAL USES																	
All indoor recreation, except as listed below:																	
Bowling alley	X	X	X	X	S	S/L	S/L	S/L	L	L	L	L			X	X	see Sec. 5.4.M.
Fitness center or gym	X	X	X	X	P	L	L	L	L	L	L	L			X	X	see Sec. 5.4.M.
Theater (movie)	X	X	X	X	S	L	L	L	X	X	X	L			X	X	see Sec. 5.4.M.
Theater (live)	X	X	X	X	S	L	L	L	X	X	X	L			X	X	see Sec. 5.4.M.
All lodging, as listed below																	
Bed and breakfast	S	X	X	X	X	P	P	P	X	X	P	X			X	X	
Hotel	X	X	X	X	P	P	P	P	P	P	S	P			X	X	
Extended stay hotel	X	X	X	X	X	S	S	S	S	S	S	S			X	X	
All medical, as listed below																	
Medical office, dentist, or clinic	X	X	X	X	P	P	P	P	P	P	P	P			X	X	
Hospital	X	X	X	X	X	X	X	X	S	S	X	X			X	X	
Pain clinic	X	X	X	X	X	P	P	P	P	P	P	P			X	X	
Veterinary office, hospital, or clinic	X	X	X	X	X	S	S	S	P	P	S	P			X	X	
All office	X	X	X	X	P	P	P	P	P	P	P	P			X	X	
All outdoor recreation, except as listed below:																	
Golf course	S	S	S	S	S	X	X	X	S	X	S	S		X	X	X	see Sec. 5.4.M.
Equestrian stable	X	X	X	X	X	X	X	X	X	X	S	S			X	X	
Race track	X	X	X	X	X	X	X	X	X	X	X	X			X	X	see Sec. 5.4.M.
Theater (drive-in)	X	X	X	X	X	X	X	X	X	X	X	S/L	X	X	X	X	see Sec. 5.4.M.
All retail, except as listed below																	
Appliance store	X	X	X	X	X	X	X	X	X	X	X	S			S	X	
Building supply store	X	X	X	X	X	X	X	X	X	X	X	S			S	S	
Check cashing or title loans	X	X	X	X	X	X	X	X	X	X	X	S			X	X	
Firearm sales	X	X	X	X	X	S	S	S	X	X	S	P			S	X	
Furniture store	X	X	X	X	X	X	X	X	X	X	P	P			X	X	
Liquor store	X	X	X	X	S	S	S	S	X	X	P	P			X	X	
Pawn shop	X	X	X	X	X	X	X	X	X	X	X	S		X	X	X	
Vehicle parts store	X	X	X	X	X	X	X	X	X	X	X	P			S	S	



	R-1	R-2	R-3	R-M	PUD*		D-1	D-2	D-3		OI	BP	NC	GC	53	211		MD	I	Use Standards
All personal service, except as listed below:	X	X	X	X	X		P	P	P		P	P	P	P				X	X	
Massage therapist	X	X	X	X	P		P	P	P		P	P	P	P				X	X	
Tattoo or body piercing	X	X	X	X	X		X	X	X		P	P	P	P				X	X	
Art gallery	X	X	X	X	P		P	P	P		P	X	P	P				X	X	
Auction house	X	X	X	X	X		S	S	S		S	S	S	P				S	X	
Bank or financial institution	X	X	X	X	P		P	P	P		P	P	P	P				X	X	
Bar, brew pub, or wine room	X	X	X	X	P		P	P	P		X	X	P	P				X	X	
Commercial forestry	L	X	X	X	X		X	X	X		X	X	X	X				X	L	
Commercial kennel, pet grooming or training	X	X	X	X	X		S	S	S		S	S	S	P				X	X	
Commercial parking	X	X	X	X	X		S	S	S		X	X	S	S				S	S	
Concentrated animal feeding operation	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Cultivation of crops or raising of livestock	L	X	X	X	X		X	X	X		X	X	X	X				X	L	see Sec. 5.4.T.
Day care center	X	X	X	S/L	S/L		L	L	L		L	L	L	L				X	X	see Sec. 5.4.G.
Day care home	S/L	S/L	S/L	X	S/L		L	L	L		X	X	X	X				X	X	see Sec. 5.4.G.
Distillery	X	X	X	X	S		S	S	S		X	X	S	S				S	X	
Event center, small	X	X	X	X	P		P	S	P		P	P	P	P				X	X	
Event center, large	X	X	X	X	X		S	S	S		X	X	S	S				X	X	
Funeral home or crematory	X	X	X	X	X		S	S	S		S	S	S	P				X	X	
Major utility facility	X	X	X	X	X		X	X	X		X	X	X	S				S	P	
Minor utility facility	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Movie or sound recording facility	X	X	X	X	X		P	P	P		P	P	P	P				P	X	
Pharmacy	X	X	X	X	P		P	P	P		P	X	P	P				X	X	
Plant nursery, lawn and garden supply	X	X	X	X	X		P	P	P		P	X	P	P				P	X	
Recreational vehicle (RV) park	X	X	X	X	X		X	X	X		X	X	X	S				X	X	
Restaurant	X	X	X	X	P		P	P	P		X	X	P	P				X	X	
Restaurant (24-hour)	X	X	X	X	X		S/L	S/L	S/L		X	X	S/L	S/L		X		X	X	see Sec. 5.4.U.
Restaurant (drive-through)	X	X	X	X	X		X	X	X		S/L	S/L	S/L	S/L		X		X	X	see Sec. 5.4.H.
Restaurant (drive-in)	X	X	X	X	X		X	X	X		S	S	S	S		X		X	X	
Self-service storage facility	X	X	X	X	X		X	X	X		X	X	X	S		X		P	X	
Sexually oriented business	X	X	X	X	X		X	X	X		X	X	X	X				X	S	
Telecommunications facility	X	X	X	S	S		S	S	S		S	S	S	S				S	S	
Vehicular as listed below:																				
Car wash	X	X	X	X	X		X	X	X		X	X	X	S		X		X	X	
Gas station or charging station	X	X	X	X	X		X	X	X		X	X	X	S/L		X		X	X	see Sec. 5.4.J.
Large vehicle sales and service	X	X	X	X	X		X	X	X		X	X	X	X				S	S	see Sec. 5.4.N.
Truck parking	X	X	X	X	X		X	X	X		X	X	X	X				S	S	
Truck stop	X	X	X	X	X		X	X	X		X	X	X	X				S	S	
Truck wash	X	X	X	X	X		X	X	X		X	X	X	X				S	S	
Small vehicle sales and service	X	X	X	X	X		X	X	X		X	X	X	S/L		X		S	S	see Sec. 5.4.N.
INDUSTRIAL USES																				
All cottage industry	X	X	X	X	X		L	L	L		L	S/L	L	L				P	P	see Sec. 5.4.F.
All light industrial uses, as listed below:																				see Sec. 5.4.C. and 5.4.O.
Airport or heliport	X	X	X	X	X		X	X	X		X	X	X	X				X	S	
Bus terminal	X	X	X	X	X		X	X	X		X	X	X	X				X	S	
Data center	X	X	X	X	X		X	X	X		S/L	S/L	X	X				S	S	
Distribution center or warehouse	X	X	X	X	X		X	X	X		X	X	X	X				P	S	
Dry cleaning or laundering plant	X	X	X	X	X		X	X	X		X	X	X	X				X	S	

	R-1	R-2	R-3	R-M	PUD*		D-1	D-2	D-3		OI	BP	NC	GC	53	211		MD	I	Use Standards
Equipment rental	X	X	X	X	X		X	X	X		X	X	X	X				X	S	
Laboratory	X	X	X	X	X		X	X	X		S/L	S/L	X	X				S	S	
Light manufacturing or assembly	X	X	X	X	X		X	X	X		X	X	X	X				P	S	
Machine shop	X	X	X	X	X		X	X	X		X	X	X	X				S	S	
Industrial food production	X	X	X	X	X		X	X	X		X	X	X	X				S	S	
Printing and publishing	X	X	X	X	X		X	X	X		S/L	S/L	X	X				S	S	
Renewable energy facility	X	X	X	X	X		X	X	X		S/L	S/L	X	X				S	S	
Welding shop	X	X	X	X	X		X	X	X		X	X	X	X				S	S	
All heavy industrial uses, except as listed below:	X	X	X	X	X		X	X	X		X	X	X	X				X	S	
Ammunition/explosives manufacturing or storage	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Asphalt or concrete plant	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Feed manufacturing	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Fertilizer manufacturing or storage	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Freight terminal or multimodal facility	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Hazardous waste treatment, handling, or disposal facility	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Impound lot	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Junk yard or salvage yard	X	X	X	X	X		X	X	X		X	X	X	X				X	S	
Lumber mill	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Mining and quarrying	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Petroleum or chemical refining	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Poultry processing plant	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Slaughter house	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
Solid waste transfer station, recycling or materials recovery facility, or landfill	X	X	X	X	X		X	X	X		X	X	X	X				X	S	
INSTITUTIONAL USES																				
Cemetery	S/L	S/L	S/L	X	X		S/L	S/L	S/L		S/L	S/L	S/L	S/L				X	X	see Sec. 5.4.D.
Club	X	X	X	X	X		L	L	L		L	L	L	L				X	X	see Sec. 5.4.M.
College or university	X	X	X	X	X		S/L	S/L	S/L		L	L	S/L	S/L				X	X	see Sec. 5.4.M.
Government facility	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Museum	X	X	X	X	X		L	L	L		L	L	L	L				X	X	see Sec. 5.4.M.
Place of worship	X	X	X	X	X		L	L	L		L	L	L	L				X	X	see Sec. 5.4.M.
Prison or correctional facility	X	X	X	X	X		X	X	X		X	X	X	X				X	X	
School	X	X	X	X	X		S/L	S/L	S/L		S/L	S/L	S/L	S/L				X	X	see Sec. 5.4.M.
ACCESSORY USES																				
Accessory uses not listed below, as determined by the Planning Director	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Accessory dwelling	L	S/L	S/L	S/L	S/L		L	L	L		X	X	X	X				X	X	see Sec. 5.4.A.
Aircraft landing area	S	S	S	S	X		S	S	S		S	S	S	S				S	S	
Bee keeping	P	P	P	P	P		P	P	P		P	P	P	P				L	L	
Car wash	X	X	X	X	X		X	X	X		X	X	X	P				X	X	
Charging station for electric vehicle	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Disaster shelter	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Drive-through	X	X	X	X	X		X	X	X		S/L	S/L	S/L	S/L		X		X	X	see Sec. 5.4.H.
Drive-in	X	X	X	X	X		X	X	X		S	S	S	S		X		X	X	
Food truck (less than 30 total days in a calendar year)	X	X	X	X	S		P	P	P		P	P	P	P				P	P	
Food truck (30 or more total days in a calendar year)	X	X	X	X	S		S	S	S		S	S	S	S				S	S	
Garden or greenhouse	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Guest quarters	L	L	L	X	L		L	L	L		X	X	X	X				X	X	see Sec. 5.4.K.
Home-based business	L	L	L	L	L		L	L	L		X	X	X	X				X	X	see Sec. 5.4.L.

	R-1	R-2	R-3	R-M	PUD*		D-1	D-2	D-3		OI	BP	NC	GC	53	211		MD	I	Use Standards
Keeping of pets	P	P	P	P	P		P	P	P		X	X	X	X				X	X	
Non-commercial keeping and raising of livestock, horses, or fowl	L	X	X	X	X		X	X	X		X	X	X	X				X	X	see Sec. 5.4.T.
Outdoor display	X	X	X	X	X		P	P	P		P	P	P	P				X	X	
Outdoor storage	X	X	X	X	X		X	X	X		X	X	X	L		S/L		P	P	see Sec. 5.4.R. and Sec. 6.15.E.
Private recreational facility	L	L	L	L	L		L	L	L		L	L	L	L				P	P	see Sec. 5.4.S.
Religious accessory use	X	X	X	X	X		P	P	P		P	P	P	P				X	X	
Satellite dish	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Small wireless facility	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
Solar panel or wind turbine	P	P	P	P	P		P	P	P		P	P	P	P				P	P	
TEMPORARY USES																				
Construction office and sheds	L	L	L	L	L		L	L	L		L	L	L	L				L	L	see Sec. 5.4.E.
Produce stand	P	X	X	X	X		P	P	P		X	X	P	P				P	X	
Real estate sales office	L	L	L	L	L		L	L	L		L	L	L	L				L	L	see Sec. 5.4.E.
Seasonal sales	X	X	X	X	X		L	L	L		L	L	L	L				L	X	see Sec. 5.4.V.
Temporary event	X	X	X	X	X		L	L	L		L	L	L	L				X	X	see Sec. 5.4.V.
Yard sale or garage sale	L	L	L	L	L		L	L	L		X	X	X	X				X	X	see Sec. 5.4.X.

\*Except where allowed by a previously approved PUD

### 5.3 Large Assembly Use

A large assembly use may be permitted as a special use in any zoning district that permits any assembly use by right.

### 5.4 Use Standards

#### A. Accessory Dwelling

1. The property owner must occupy either the principal dwelling or the accessory dwelling as their permanent residence, and at no time may receive rent for the owner-occupied dwelling. The property owner must sign an affidavit before a notary public affirming that the owner occupies either the principal dwelling or the accessory dwelling. Upon sale of the property, the new owner must sign a new affidavit affirming owner occupancy.
2. Where a guest quarters is proposed or exists, an accessory dwelling is not allowed on the same lot.
3. Floor area may not exceed 50 percent of the floor area of the principal dwelling.
4. May be in a separate structure, attached to the principal structure, or located above a garage.
5. If in a separate structure or located above a garage, the building containing the accessory dwelling must be no taller than the principal dwelling.

#### B. Accessory Structure

No accessory structure may be located between the primary building on a lot and any abutting public or private street.

#### C. Assemblage, Repair, or Production

Within any Business Park (BP) district, the area used for assemblage, repair, or production of products must not exceed 70% of the total floor area of any building.

#### D. Cemeteries

1. Must be located on a property of at least 10 acres and which abuts a collector or arterial street and have its only vehicular access from a collector or arterial street or streets.
2. All structures must be set back at least 50 feet from any property line. All graves or

burial lots must be set back at least 25 feet from any property line.

3. All driveways through the property must be at least 20 feet in width.

#### E. Construction Office and Shed or Real Estate Sales Office

1. Are only allowed where a development is proposed and has been permitted for construction.
2. Any trailer must be a unit authorized by the Georgia Department of Community Affairs for non-residential use. Under no circumstances may a residential manufactured home be used as a construction office and shed or real estate sales office.
3. The office must be located within or directly adjacent to the development.
4. Access and parking must meet the following conditions:
  - a. During construction, the office must be accessed directly from an existing public right-of-way.
  - b. Once the construction and/or platting of the development is complete, the office must be accessed from an internal driveway or street.
  - c. Parking may be asphalt, gravel, or decorative gravel.
5. The office must be set back at least 25 feet from any property line not associated with the development.
6. If the office serves a development which contains a non-residential use and which abuts an existing residential district, an opaque fence at least 8 feet tall must be erected along the property line(s) abutting the residential use.
7. The office must be removed when a certificate of occupancy has been issued for at least 80% of the dwellings or floor area within the development, except when specifically approved for additional time by the Planning Commission.
8. Personnel working for the construction company may occupy the office.

9. Future tenants of the development may also occupy the office, provided that the development is not residential in nature.

#### **F. Cottage Industry**

1. No individual facility may exceed 5,000 square feet in floor area.
2. The operation may not result in noise, electrical interference, vibration, smoke, gas, fume, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions detectable to the normal human senses off the premises.

#### **G. Day Care Center or Day Care Home**

1. No day care center or day care home may located within 1,000 feet of another day care center or day care home as measured from the closest point of the property line for each facility.
2. No outdoor recreation area may be located between a primary building and an adjacent street.
3. All recreational areas must be fenced with a non-opaque fence at least 5 feet tall.
4. Driveway and pick-up facilities must be designed to accommodate one stacked or waiting vehicle for every 5 occupants of the building. Vehicles are not allowed to wait on a public right-of-way.

#### **H. Drive-Through**

1. No drive-through service window or associated element or driveway may be located between a building and any adjacent street.
2. Where drive-through windows and lanes are allowed (by variance or otherwise) between a public street (not including an alley), the entire length of the drive-through lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive-up windows, and other objects associated with the drive-through must be screened.
3. Drive-through screening must be a continuous compact evergreen hedge. At the time of installation, the screening must be at least 3 feet in height and reach a height of 4 feet within 3 years of planting.

4. In lieu of the compact evergreen hedge, a screening wall with a minimum height of 4 feet may be installed. The wall must be compatible with the principal building in terms of texture, quality, material, and color.

5. A driveway and stacking lane of 10 feet in width is required for all drive-throughs.

6. A vehicular circulation plan must be submitted to the Planning Director before issuing building permits. The plan must be reviewed to determine that the circulation does not constitute a threat to public safety or block access to and from parking spaces.

#### **I. Dwelling**

All dwellings except for single-family detached dwellings are required to connect to a sanitary sewer.

#### **J. Gas Station or Charging Station**

1. All buildings must be set back at least 40 feet from all rights-of-way.
2. Canopies and fuel pumps must be set back at least 30 feet from any property line. Charging stations must be set back at least 20 feet from any property line.
3. Only one curb cut is allowed per adjacent right-of-way.
4. All parking areas and driveways must be paved with asphalt or concrete and must be curbed and guttered.

#### **K. Guest Quarters**

1. May not be larger in heated floor space than the primary dwelling.
2. No guest quarters may be rented or otherwise used as a permanent independent dwelling.

#### **L. Home-Based Business**

1. General Provisions
  - a. A home-based business must be clearly incidental and secondary to the use of the dwelling for residential purposes.
  - b. No home-based business may occupy more than 750 square feet or 25% of the gross floor area of the dwelling, whichever is less.

- c. The exterior appearance and character of the dwelling must remain that of a dwelling.
- d. No internal or external alterations inconsistent with the residential use and character of the building are permitted.
- e. No activity associated with the home-based business may be visible outside the dwelling.

## 2. Vehicles and Parking

- a. Vehicles kept on site in association with the home-based business must be used by residents only.
- b. Only vehicles used primarily as passenger vehicles are permitted in connection with the conduct of a home-based business.
- c. Incoming vehicles related to the home-based business, if any, must be parked off-street at all times within the confines of the residential driveway or other allowed on-site parking.
- d. The transport of goods by truck is prohibited.

## 3. Equipment and Nuisances

- a. No home-based business may generate traffic sound, smell, vibration, light, or dust that is offensive or that creates a nuisance.
- b. No equipment that interferes with radio or television reception is allowed.
- c. No machinery or equipment that emits sound (for example, saws, drills or musical instruments) detectable beyond the property is allowed.
- d. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes is not allowed.

## 4. Customers

No more than 5 customer visits are allowed per week, with the exceptions of day care homes, and educational tutoring or instruction in music, dance, fitness, arts

and crafts, and similar subjects, limited to 2 students in the dwelling at one time.

## 5. Employees and Licenses

Only occupants of the dwelling and one additional employee, consultant, or subcontractor are allowed to work on the premises in connection with a home-based business. Any occupational licenses, including business registrations, required by state, county, or Town regulations must be obtained. Proof of state registration, if required for the home-based business, must be submitted to the Town prior to the issuance of a business registration.

## 6. Uses Specifically Prohibited

The following uses are specifically prohibited as home-based businesses. This list is not all-inclusive. The Planning Director may prohibit additional uses that do not meet the intent of the regulations of this subsection.

- a. Animal care (not including keeping of pets)
- b. Event center
- c. Funeral home or crematory
- d. Hotel
- e. Machine shop
- f. Personal services
- g. Restaurant
- h. Retail
- i. Sexually oriented business
- j. Tattoo parlor or body piercing
- k. Vehicle sales and service
- l. Vehicle repair

## M. Large Assembly Use

Any use which includes an auditorium or any place of indoor or outdoor assembly that is designed to accommodate 500 people or more. Such uses include but are not limited to indoor recreation, outdoor recreation, and places of worship.

## N. Large or Small Vehicle Sales and Service

- 1. All primary buildings must be set back at least 100 from any residential or OI district

or any property containing a residential use.

2. All accessory buildings must be set back at least 30 feet from any property line.
3. A 20-foot buffer with an opaque fence at least 8 feet tall must be provided against all adjacent property lines.
4. A 15-foot buffer must be provided against all adjacent rights-of-way and planted with evergreen shrubs at least 4 feet tall.
5. All work on vehicles must occur within fully enclosed buildings.
6. No storage of junk, wrecked vehicles, dismantled parts, or supplies visible beyond the premises is permitted.

#### **O. Light Industrial Uses**

The operation may not result in noise, electrical interference, vibration, smoke, gas, fume, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions detectable to the normal human senses off the premises.

#### **P. Live-Work**

1. Live-work is only permitted in units with street level access.
2. The non-residential function is limited to the first or main floor only.
3. The nonresidential use of the unit is limited to the use allowed in that zoning district.
4. A minimum of one person must occupy the live-work unit as their primary place of residence.
5. The live-work unit may employ no more than two persons not living on the premises at any one time.
6. No more than three customers are permitted on the premises at any one time.
7. The unit may not exceed a total of 3,000 gross square feet, with no more than 50% of the total area dedicated to the non-residential portion of the unit, and no more than 5% of the total area dedicated to storage.
8. No business storage or warehousing of material, supplies or equipment is permitted outside of the live-work unit.

9. No equipment or process may be used in connection with the live-work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.

#### **Q. Multi-Family Dwelling (Upper Floor Only)**

Where allowed, the upper-floor requirement applies only to buildings that abut a public street exterior to the development. In districts where this use is allowed, buildings that front streets internal to the development may have multi-family residential uses on the ground floor.

#### **R. Outdoor Storage**

1. No outdoor storage is allowed between the principal building and any adjacent street.
2. All outdoor storage must be screened from view from any adjacent street and adjacent property by a permanent opaque fence or wall at least 8 feet tall.
3. Outdoor storage must be approved by the Planning Director. All items stored must be located against the primary building and may not obstruct designated pedestrian walkways, parking areas, or loading areas.
4. No outdoor storage is allowed to be associated with any building containing a commercial use as a primary use and with a total gross floor area of more than 50,000 square feet.
5. Outdoor sales and displays associated with peddlers and itinerant merchants are regulated by Section 32-206 of the Braselton Code of Ordinances.
6. These standards do not apply in any Industrial or Manufacturing Distribution district.

#### **S. Private Recreational Facility**

1. All private recreation facilities must be non-commercial.
2. All private recreation facilities must be shown on the plat of the subdivision in which they are located.
3. Private recreation facilities must be limited to use by the residents of the subdivision and their guests only.

4. No recreation facilities, buildings, or equipment may be located within 100 feet of any property outside of the subdivision.
5. Private recreation facilities are limited to the following:
  - a. Swimming pools, cabanas, and accessory facilities to swimming pools
  - b. Playing fields, including baseball, football, soccer, and track and field.
  - c. Courts, including tennis, basketball, shuffleboard, handball' and horseshoe.
  - d. Children's playgrounds, including equipment.
  - e. Community buildings with meeting rooms.
  - f. Picnic facilities.
  - g. Miniature golf course and putting greens.

**T. Raising of Livestock and Non-Commercial Keeping and Raising of Livestock, Horses, or Fowl**

1. The keeping of pigs is prohibited except for potbellied pigs kept as pets.
2. Required land area per animal:
  - a. Horse or cow: 1 acre
  - b. Sheep or goat: 0.5 acres
  - c. Fowl: 2,000 square feet
3. All livestock, horses, and fowl on lots with a residential use must be confined to the rear yard.
4. No barn or other structure for housing, feeding, or caring for livestock, horses or fowl may be located within 200 feet of any property line.
5. No dust or odor producing substance may be located within 200 feet of any property line.

**U. Restaurant (24-Hour)**

1. Allowed only as a special use within 750 feet of any point of the Interstate 85 right-of-way.

**V. Seasonal Sales**

1. Seasonal sales are only allowed in districts where they are permitted and with a valid seasonal sales permit.
2. No seasonal sales may be allowed on any lot that immediately abuts a residential district.
3. The Planning Director has the authority to grant seasonal sales permits upon a determination that the seasonal sales, if permitted, would not cause substantial detriment to the public good, interfere with a temporary event for which a permit has been issued, negatively affect the safety and welfare of pedestrian and vehicular traffic, nor impair the purposes or intent of this Development Code.
4. The applicant for a seasonal sales permit must have the written authorization of the property owner.
5. All applications must be submitted at least 15 calendar days in advance of the beginning of the seasonal sales.
6. Applicants for farmers markets or other regularly scheduled markets must submit a schedule for approval and receive an annual permit for the months specified within that schedule.
7. No single seasonal sales permit may be approved for the same lot or any portion thereof for a total of more than 120 days in a calendar year. No seasonal sales may exceed 60 days in any six-month consecutive period.
8. Seasonal sales may only be permitted on lots with access to improved parking areas with a curb cut. and which provide an adequate number of off-street parking spaces with safe and adequate vehicular access.
9. Applicants must submit a scaled drawing indicating the boundary of the site, parking, and location of associated activities, and/or structures.
10. Vendors are responsible for refuse and debris clean up. Property sanitation and maintenance requirements must be strictly followed and enforced by Town code enforcement.



## **W. Short-Term Rental**

1. It is unlawful for any property owner to rent or operate a short-term rental contrary to the procedures and regulations in this section, other provisions of this Development Code, or any applicable state law.
2. The regulations in this section apply to short-term rentals at all times during which such units are marketed and used as short-term rentals.
3. The number of guests within the short-term rental may not exceed two adults per bedroom at any time.
4. The allowance of short-term rentals pursuant to this section does not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.
5. On lots without an accessory dwelling, the short-term rental unit must be owner-occupied when it is not used for lodging.
6. On lots with accessory dwellings, one of the dwellings must be owner-occupied when it is not used for lodging.
7. A business license is required for each short-term rental.
8. The owner must sign an affidavit attesting to conformance with these short-term rental standards.
9. Each owner of a short-term rental must designate a local contact person who has access and authority to assume

management of the short-term rental and take remedial measures while the short term rental is being rented. The short-term rental owner may designate themselves as the local contact person.

10. The local contact person must respond to the location of the short-term rental 24 hours a day, seven days a week, and within one hour of being notified by the Town of any a violation of this section or any other provision of this Development Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short-term rental.
11. The owner and/or local contact person must use the best of their efforts to ensure that the guests of the short-term rental do not violate the noise regulations in Chapter 14 of the Braselton Code of Ordinances by notifying the occupants of these regulations and responding when notified that occupants are violating them.

## **X. Yard Sale or Garage Sale**

1. May not take place more than 4 times a year and may last no more than 3 days each time it occurs.
2. Vehicles not registered in the owner's name may not be offered for sale.

## ARTICLE 6 DESIGN STANDARDS

### 6.1 Purpose

- A. To promote the general health, safety, livability, and welfare of the community.
- B. To improve the efficient operation of traffic around the Town.
- C. To promote safe and efficient movement for persons using all modes of travel, including motorized vehicles, bicycles, and walking.
- D. To create a sense of place that is aesthetically appealing and environmentally responsible.
- E. To maintain high quality, long-lasting, and sustainable development and building materials.
- F. To encourage innovative development projects that set standards for landscaping, open space, community design, and public amenities.
- G. To foster architectural diversity and interest while achieving a consistent, durable, and pleasing visual quality.
- H. To establish consistent and harmonious design standards for public improvements and private property development so as to unify the visual quality of the Town.

### 6.2 Applicability

- A. All buildings must comply with the following standards, except for accessory buildings less than 500 square feet in area and produce stands of any size.

### 6.3 Application Requirements

- 1. Plans submitted for a building permit must include drawings that clearly indicate compliance with all the requirements of this article.
- 2. Groups of buildings on the same site may be reviewed and permitted as a single application. This is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

### 6.4 Façade Materials and Design

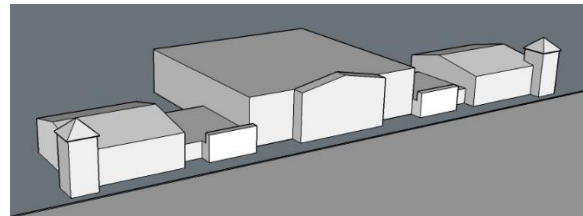
- A. Façade materials (excluding windows, doors, trim, soffits, porches, balconies, gutters, or architectural details) are limited to the following:

- 1. Buildings containing exclusively residential uses or, in districts that use building types, the following building types: detached house, carriage house, cottage court, duplex, townhouse, walk-up flat, conventional multifamily, and commercial house.
  - a. True masonry brick, including brick veneers, but not EIFS or precast concrete that simulates the appearance of brick.
  - b. Stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta
  - c. Stucco, including true cement stucco but not EIFS.
  - d. Wood, including natural wood, engineered wood, or cementitious siding.
  - e. Shingles, including wood or cementitious shakes and shingles.
- 2. Buildings containing any commercial use as a primary use or, in districts that use building types: the following building types: storefront, mixed-use building, general building, and civic building.
  - a. True masonry brick, including brick veneers, but not EIFS.
  - b. Stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta.
  - c. Stucco, including true cement stucco; multi-layered.
  - d. EIFS, provided that it does not exceed 50% of the area of any building façade not counting any windows, doors, trim, or soffits.
  - e. Glass.
  - f. Metal panels, but not corrugated metal.
- 3. Buildings containing any industrial use as a primary use in any district.
  - a. True masonry brick, including brick veneers, and precast concrete that simulates the appearance of brick.

- b. Concrete block only on façades that do not face any adjacent street and where it is painted or tinted to blend with the rest of the façade.
  - c. Split-face concrete block, provided that it does not exceed 25% of the area of any building façade that faces any adjacent street, not counting any windows, doors, trim, or soffits.
  - d. Stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta.
  - e. Stucco, including true cement stucco.
  - f. EIFS, provided that it does not exceed 50% of the area of any building façade not counting any windows, doors, trim, or soffits.
  - g. Tilt/architectural pre-cast concrete.
  - h. Glass.
  - i. Metal panels.
- B. No more than three different exterior finish materials, textures, colors, or combinations of these may be used on a single building, excluding materials for windows, doors, trim, porches, balconies, gutters, foundations, or architectural details.
- C. When a material is restricted to a maximum percentage of the façade, it may not be combined with another material that also has a maximum percentage restriction.
- D. Foundations, when visible, must be constructed as a distinct building element that is finished in a different material or color. Above-ground foundations must be coated or faced in cement, hard coat stucco, brick, natural stone, or cast stone to contrast with façade materials.
- E. Identical façade designs must not be used for more than two dwellings or buildings on the same block face, or for buildings that face each other across a street. For townhouses, identical façade designs must not be used for more than six dwellings on the same block face, or for buildings that face each other across a street. Differentiation between adjacent façades may be accomplished by a

change in materials, building height, color, or roof form.

- F. Façades over 200 feet in length and facing any street must incorporate façade projections or recesses a minimum of 12 inches in depth and occurring at intervals no greater than 20 percent of the length of the façade or 100 feet, whichever is more.
- G. Where provided, cornices with a depth of at least 12 inches but no more than 24 inches must be provided along the entire length of any façade facing any street and extending for a distance of at least 10 feet along the side façades beginning at the front façade. No cornice may be more than 36 inches in height.
- H. Any façade facing any street must incorporate changes in building material, color, or details such as windows, trellises, false windows or recessed panels reminiscent of windows, doors, or colonnade openings every 75 linear feet.



- I. All canopy faces and support columns for gas station fuel canopies or drive-through canopies must be completely wrapped in brick, natural stone, or unpainted cast stone.
- J. Additional standards for drive-through design are provided in Sec. 5.4H.

## 6.5 Windows and Doors

- A. The following standards apply to all façades facing any street.
  - 1. The total area of all windows on an individual story in any residential building must not be less than 10%, nor greater than 50%, of the total façade area for that story. The total area of all windows in any building with primarily non-residential uses must not be less than 40% of the total façade area of the ground floor, nor less than 30% of the total façade area for each upper story. Total façade area includes the area of garages and doors.

2. Doors and windows that operate as horizontal sliders are prohibited.
3. Individual windows must be vertically shaped, with a height greater than width.
4. Windows must have true or simulated divided lites or be one-over-one lites.
5. Transom windows are permitted, but do not need to be vertically shaped, have divided lites, or include a sill.
6. Window panes must be recessed a minimum of 1 inch from the face of the façade where no trim is provided, or a minimum of 1.5 inches from the face of the trim where trim is provided.

## 6.6 Roofs

### A. Sloped Roofs

1. Materials for sloped roofs are limited to the following:
  - a. Architectural grade asphalt shingles.
  - b. Metal standing seam.
  - c. Exposed fastener corrugated metal (only within Downtown Overlay district).
  - d. Tile, natural slate, terra cotta, or stone.
  - e. Wood shake.
  - f. Textured composite shingles with a slate, tile, wood shake, or metal appearance.
2. Where sloped roofs are provided, they must have a slope between 3:12 and 12:12. Porches, stoops, and dormers are exempt from this requirement.
3. Eaves on sloped roofs must extend at least 12 inches beyond the façade.
4. Primary and fluorescent colors are prohibited.

### B. Flat Roofs

1. Flat roofs must be enclosed by parapets a minimum of 30 inches high, or as required to conceal mechanical equipment. Gas station fuel canopies with flat roofs are exempt from this requirement but must provide a vertical fascia of finished durable material.

2. Where flashing or coping is used, the color must be subdued to blend with other materials or simulate weathered copper or bronze.
3. No parapets may extend for more than 80 linear feet without a change in height of at least 24 inches. Additional articulation may also occur.

## 6.7 Additional Standards for Residential Buildings

### A. Porches and Stoops

A front porch or stoop is required and must be at least 36 square feet in area and at least 6 feet in depth.

### B. Chimneys

Chimneys, where provided, must extend to the ground and must be faced in brick, stone, cast stone, or hard coat stucco. Chimneys must extend a minimum of 3 feet above the roof line.

### C. Garages and Carports

The following standards apply to all residential types except for multifamily residential.

1. For any lot less than 60 feet in width except a corner lot, garage access must be provided from an alley, not a street. This requirement applies to all single-family detached dwellings, townhouses, and all units within a single-family community or townhouse community.
2. For lots with alley access, the garage or carport must be placed to the rear of the dwelling or incorporated into the dwelling. The garage door or vehicular opening must face the alley.
3. For lots in an R-3 district without alley access, where the garage door or vehicular opening faces an adjacent street, the garage must be located to the rear of the principal dwelling. The garage door or vehicular opening may face any direction.
4. Where an attached garage faces any adjacent street, the garage door(s) must be recessed a minimum distance of 5 feet behind the building façade.

5. Garage doors that face any adjacent street may not be wider than 50% of the overall width of the street-facing façade.
6. For lots with one garage door, the door must be at least 20 feet in width. For lots with two garage doors, each individual garage door must be at least 10 feet in width. For lots with more than two garage doors, at least two of the doors must be at least 10 feet in width.
7. See Sec. 6.17 for residential parking requirements.



#### D. Balconies

All dwellings in multifamily buildings above the first floor shall have balconies with minimum dimensions of four feet by eight feet.

#### E. Storage Space

A minimum of 300 cubic feet of separate contiguous storage space must be provided for each multifamily dwelling.

#### F. Ceiling Height

Interior floor to ceiling height for all floors within multifamily buildings must be at least 9 feet.

#### G. Townhouses

No more than 6 townhouses or units within a townhouse community may be part of a single structure.

#### H. Accessory Dwellings

The design of any accessory dwellings must be compatible with the principal dwelling in terms of façade materials, roof pitch, window size and design, and similar elements.

### 6.8 Additional Standards for Non-Residential Buildings

The following are required for any building containing any non-residential use as a primary use.

- A. Interior floor to ceiling height for the ground floor of all non-residential buildings must be at least 14 feet.
- B. Primary and fluorescent colors are prohibited, except for details and accents, not to exceed 10% of the area of each façade.
- C. All façades facing any adjacent street must provide a tall base of contrasting material and color and at least two feet tall.

### 6.9 Underground Utilities

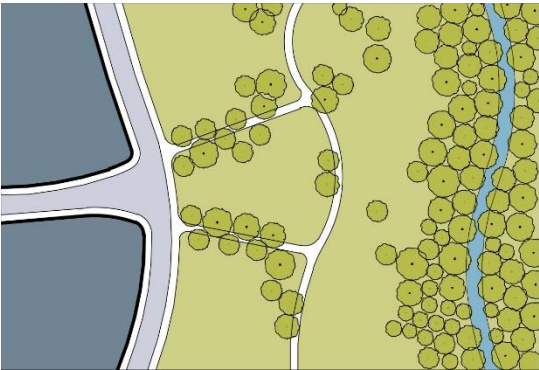
Underground utilities are required for all new development. An exception may be granted by the Planning Director in cases where topography or geology makes underground utilities infeasible.

### 6.10 Required Open Space for Residential Developments

- A. All single-family and multifamily residential developments with 20 or more dwellings, including Planned Unit Developments, must provide the minimum amount of open space as specified in ARTICLE 4. All open spaces must be designed as one of the open space types shown in subsections (E) to (H) of this section.
- B. Except in an R-1 district, every dwelling must be located within 800 feet of a commons area (as measured along an improved pedestrian walkway). Pedestrian circulation networks must provide access from the open space to existing and proposed streets.
- C. Of the total required open space, the following minimum areas must be provided in each open space type:
  1. Park: no minimum
  2. Commons: 15%
  3. Active Recreation Area: 5%
  4. Amenity Space: 1%
- D. Cottage court developments are exempt from these requirements, but must provide a landscaped courtyard of at least 40 feet in

width and 3,000 square feet in total area for every 10 dwellings or fraction thereof. No more than 10 dwellings may face any courtyard. Portions of the courtyard located in a setback or buffer do not count toward this requirement. The courtyard may not be parked or driven on, except for emergency access and permitted temporary events.

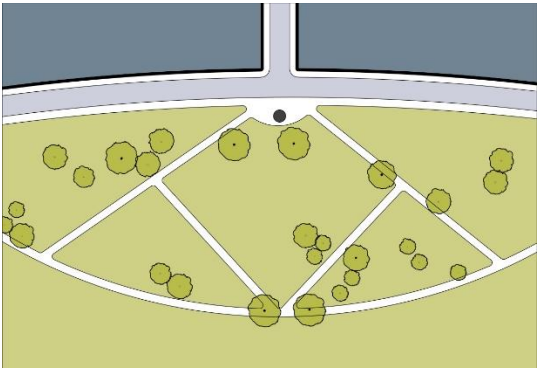
E. Park



The intent of the park is to provide informal active and passive large-scale recreational amenities for residents of a large area. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees.

Dimensions	
Minimum Size	1 acre
Minimum Dimension	100 feet; min. average width of 200 feet
Minimum Street Frontage Required	30% if less than 5 acres; 20% if 5 or more acres
Improvements	
Fully Enclosed Structures	Permitted in parks 2 acres or larger
Maximum Impervious Surface	10%
Maximum Open Water & Stormwater Features	10%

F. Commons

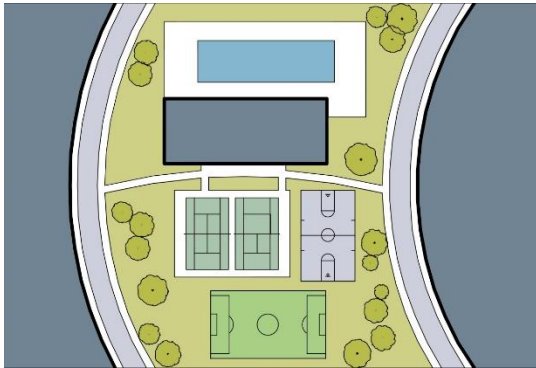


The intent of the commons is to provide an informal, small to medium scale space for active or passive recreation for residents of a limited area. Commons may be internal to a block and tend to serve adjacent homes.

Dimensions	
Minimum Size	0.5 acres
Minimum Dimension	50 feet
Minimum Street Frontage Required	0%; must provide at least two access points at least 30 feet wide and 100 feet or less from the nearest street
Improvements	
Fully Enclosed Structures	Permitted; maximum 5% site coverage
Minimum Open Lawn Percentage	85%
Maximum Impervious Surface	30%
Maximum Open Water & Stormwater Features	30%



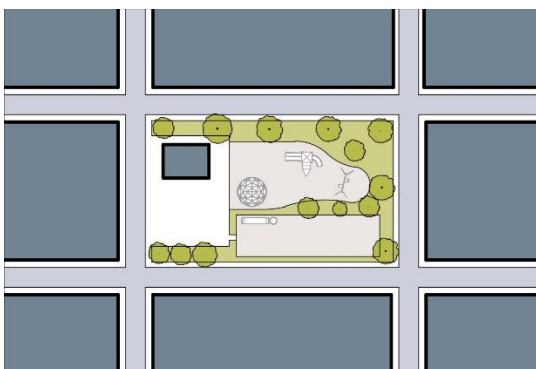
## G. Active Recreation Area



The intent of the active recreation area is to provide formal, small to medium scale active recreation amenities for residents of a large area. Active recreation areas are bordered by streets and can include clubhouses, swimming pools, tennis courts, and other sports facilities. They serve as a gathering place for civic, social, and recreational purposes.

Dimensions	
Minimum Size	0.5 acres
Minimum Dimension	50 feet
Minimum Street Frontage Required	30%
Improvements	
Fully Enclosed Structures	Permitted; maximum 30% site coverage
Maximum Impervious Surface	50%
Maximum Percentage of Open Water & Stormwater Features	30%

## H. Amenity Space



The intent of the amenity space is to provide formal, small-scale recreation amenities for

residents within walking distance. Amenity spaces are bordered by streets and can include fountains or splash pads, dog parks, small recreational amenities, playgrounds, and grills or fire pits. They serve as a gathering place for the immediate neighborhood.

Dimensions	
Minimum Size	none
Minimum Dimension	50 feet
Minimum Street Frontage Required	30%
Improvements	
Fully Enclosed Structures	Permitted; maximum 5% site coverage
Maximum Impervious Surface	75%
Maximum Percentage of Open Water & Stormwater Features	20%

## 6.11 Tree Planting Requirements

### A. General

- At time of planting, all required trees must be at least 2 inches in caliper and must be warranted by the developer for a period of 2 years.
- Permitted Large Trees
  - Nuttal Oak (*Quercus Nuttalli*)
  - Shumark Oak (*Quercus Shumardii*)
  - Willow Oak (*Quercus Phellos*)
  - Southern Red Oak (*Quercus Falcata*)
  - White Oak (*Quercus Alba*)
  - Post Oak (*Quercus Stellata*)
  - Overcup Oak (*Quercus Lyrata*)
  - Cherrybark Oak (*Quercus Pagoda*)
  - Pin Oak (*Quercus Palustris*)
  - Swamp White Oak (*Quercus Bicolor*)
  - Chinkapin Oak (*Quercus Muehlenbergii*)
  - Gingko (President or Autumn Gold varieties, male gender)
  - Princeton Elm (*Ulmus americana* - acceptable varieties must have proven resistance to Dutch elm disease)

- n. Chinese Elm (*Ulmus Parvifolia* - Allee, Athena, Drake, or Bosque varieties)
  - o. Bald Cypress (*Taxodium distichum* - Shawnee Brave or Autumn Gold varieties)
  - p. Zelkova (Green Vase or Village Green varieties)
  - q. Red Maple (*Acer Rubrum*)
  - r. Southern Sugar Maple (*Acer Barbatum*)
  - s. Tulip Poplar (*Liriodendron Tulipifera*)
  - t. White Basswood (*Tilia Heterophylla*)
  - u. Mockernut Hickory (*Carya Tomentosa*)
  - v. Bitternut Hickory (*Carya Cordiformis*)
  - w. (Pignut Hickory (*Carya Glabra*)
  - x. Shagbark Hickory (*Carya Ovata*)
  - y. Sycamore (*Platanus Occidentalis*)
  - z. Sweetgum (*Liquidambar Styraciflua* 'Rotundiloba' - fruitless variety)
  - aa. Black Walnut (*Juglans Nigra*)
3. Permitted Small Trees
- a. Crepe Myrtle (*Lagerstroemia*)
  - b. Fringe Tree (*Chionanthus Virginicus*)
  - c. Golden Rain Tree (*Koelreuteria Paniculata*)
  - d. Eastern Redbud (*Cercis Canadensis*)
  - e. Flowering Dogwood (*Cornus Florida*)
  - f. Washington Hawthorn 'Princeton Sentry'
  - g. Blackgum (*Nyssa Sylvatica*)
  - h. American Hornbeam a.k.a. Ironwood (*Carpinus Virginiana*)
  - i. European Hornbeam (*Carpinus Betulus*)
  - j. American Hophornbeam (*Ostrya Virginiana*)
  - k. Persian Ironwood (*Parrotia Persica*)
  - l. Yellowwood (*Cladrastis Kentukea*)
  - m. Trident Maple (*Acer Burgerianum*)
  - n. Serviceberry (*Amelanchier Arborea*)
  - o. Silverbell (*Halesia Carolina*)
  - p. Southern Magnolia (*Magnolia Grandiflora* - dwarf varieties: Little Gem, Brackens Beauty, Teddy Bear)
  - q. Sweetbay Magnolia (*Magnolia Virginiana*)
  - r. Saucer Magnolia (*Magnolia x Soulangeana*)
  - s. Star Magnolia (*Magnolia Stellata*)
  - t. Cucumber Magnolia (*Magnolia Acuminata*)
  - u. Bigleaf Magnolia (*Magnolia Macrophylla*)
- 4. No more than 25% of the total number of trees planted in a development may be of any one genus.
  - 5. No more than 25% of the street trees planted in a development may be small trees.
  - 6. A certificate of occupancy may not be issued for a dwelling until the required tree(s) have been planted on that lot or the adjacent street.
  - 7. All trees must be maintained by the property owner or property owners' association. Trees that die must be replaced by the property owner or property owners' association within 120 days.
- B. Trees and Landscaping in Parking Lots**
- 1. All off-street parking lots with more than 5 parking spaces must meet the following requirements:
    - a. At least 10% of the total area of each lot must be pervious and landscaped.
    - b. A planter island must be located at the end of each row of parking. Planter islands must also be provided between every 7 parking spaces if trees in the small tree category are used, or every 9 parking spaces if trees in the large tree category are used.
    - i. Each planter island in a double row of parking must be at least 400 square feet in area, 6 feet wide at its minimum dimension, and must contain 2 trees.



- ii. For single rows of parking on the perimeter of parking lots or directly adjacent to a building, planter islands must be at least 200 square feet in area, 6 feet wide at their minimum dimension, and contain one tree.
- c. Planting strips with a minimum width of 6 feet must run continuously between the planter islands located at the end of each parking row. Small trees (see Sec. 6.11A.3) must be spaced 20 feet apart. Large trees (see Sec. 6.11A.2) must be spaced 40 feet apart.



## 2. Bioswales

- a. At least 50% of the area of all landscaped islands in each parking lot must be constructed as bioswales with a grade level at least 4 inches below the adjacent pavement. Curbs separating bioswales from parking areas must be either flush with the pavement or notched at intervals of 4 feet to allow stormwater to pass into the bioswale.
- b. Plants and any other materials in bioswales must be appropriate for the level of water that the swale will receive. Appropriate drainage must be provided. Recommended plant species are listed in the Georgia Stormwater Management Manual, Volume 2.

## C. Street Trees

- 1. Street trees of one of the permitted species in Sec. 6.11 must be provided in required landscaped strips adjacent to all streets and in medians, where provided.
- 2. Large trees must be spaced an average of 40 feet apart. Small trees must be spaced an average of 20 feet apart. Spacing of street trees and street lights may be adjusted to account for driveways, utility poles, fire hydrants, and other obstructions, and to provide adequate visibility at intersections or driveways.
- 3. No street tree or street light may be placed within 10 feet of another tree, street light, or utility pole, or within 5 feet of a fire hydrant.

## D. Trees in Residential Developments

In addition to the buffer and street tree requirements, all new single- and multi-family residential developments must plant one large tree or two small trees in the front or rear yard for every 40 feet of lot frontage. Existing preserved trees may be used to meet this requirement.

## 6.12 Buffers

### A. Where Required

Any project requiring a site development permit must provide a landscaped buffer along all lot lines that abut another zoning district as shown in the table below, unless the adjacent site is designated for commercial, civic/institutional, or industrial on the Future Land Use Map, in which case the buffer may be eliminated or reduced with the approval of the Director and the written consent of the abutting property owner.

### B. Relationship to Setbacks

Required landscaped buffers are to be provided within the setbacks required in Article 3, not in addition to them. Where the required width of the buffer is greater than the required setback, the buffer may extend beyond the setback.

### C. Adjacent to Town Limits

Where a project abuts land that is outside the Town Limits, a buffer must be provided based on the table below, assuming the Braselton

zoning district that is most similar to the adjacent zoning district based on the uses it allows.

#### D. Buffers for Residential Developments on Major Roads

All new developments within any residential zoning district must provide a 15-foot-wide buffer adjacent to any road except local streets. This buffer must also meet the screening requirements of Sec. 6.15.

#### E. Utility Easements

When the buffer includes a utility easement, a landscaped buffer at least 25 feet is required outside of the easement.

#### F. For Active Recreation Areas and Amenity Spaces

Where an active recreation area or amenity area is provided immediately adjacent to a dwelling that is part of another development, a 10-foot landscaped buffer and fence at least 8 feet tall must be provided.

#### G. Minimum Required Landscaped Buffer

Zoning of Property with Work Requiring Site Development Permit	Adjacent Zoning						
	R-1, R-2, or D-2	R-3	RM	NC or OI	GC or BP	MD or I	D-1, D-3, or MU
R-1, R-2, or D-2	none	none	none	none	none	none	none
R-3	none	none	none	none	none	none	none
RM	25 feet	15 feet	none	none	none	none	none
NC or OI	25 feet	25 feet	25 feet	none	none	none	none
GC or BP	50 feet	50 feet	25 feet	none	none	none	none
MD or I	75 feet	75 feet	75 feet	25 feet	25 feet	none	75 feet
D-1, D-3, or MU	none or 15 feet <sup>a</sup>	none or 15 feet <sup>a</sup>	none or 15 feet <sup>a</sup>	none	none	none	none

<sup>a</sup> 15 feet where the proposed use immediately abutting the adjacent zoning district is non-residential, otherwise no buffer is required.

#### H. Prohibitions Within Buffer

The following are prohibited within all landscaped buffers: driveways, parking lots or other pavement, stormwater detention facilities, or any structures except for fences and walls. Earthen berms are allowed and may be used to provide a visual screen.

#### I. Planting Requirements

Buffers must contain a combination of deciduous and evergreen trees and vegetation suitable to local growing conditions. Trees must be planted within the buffer at a density of at least one tree for every 20 feet of buffer length or portion thereof. Existing preserved trees may count toward this requirement. Newly planted trees must have a caliper of at least 2 inches and may be clustered for decorative effect. Trees must be of an approved large or small species listed in Sec. 6.11. No more than 25% of trees may be of the same genus and no more than 50% of trees may be small trees. A landscaping plan must be approved by the Planning Director.

#### J. Fences and Walls in Buffers

Fences and walls in buffers must present a finished and decorative appearance to the adjacent property, and must be located no closer than 2 feet to the property line. Shrubs, ground covers, or other vegetation must be provided between the fence or wall and the property line so as to provide a decorative effect. Fences used in buffers must be made of rot-resistant material or protected from deterioration with water-proofing material.

##### 6.13 Fences and Walls

The maximum height for fences or walls is as follows:

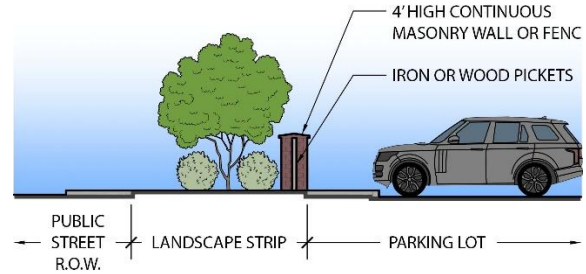
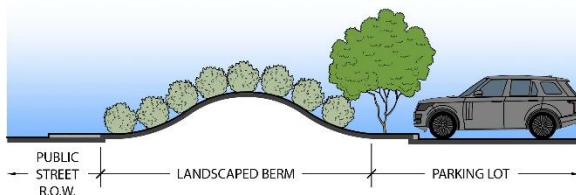
- A. Any lot with a residential use
  1. Front yard: 3 feet
  2. All other yards: no limit
- B. Any other lots
  1. All yards: no limit

### 6.14 Grading

- A. All lots must be graded to ensure adequate lot-to-lot drainage.
- B. Refer to recommendations listed within the Georgia Stormwater Management Manuals for grading around and within best management practices.

### 6.15 Screening Adjacent to Public Streets

- A. One of the following must be provided where either a parking lot with five or more spaces abuts any adjacent street or where any residential district abuts any adjacent street except a local street.
  - 1. A landscaped berm at least 3 feet high, continuous except for perpendicular crossings of sidewalks, driveways, and above-ground utilities. Dense evergreen shrubs at least 3 feet high at the time of planting must be planted on the berm, in addition to small trees of an approved species in Sec. 6.11A.3 and spaced an average of 20 feet on center. A landscaping plan must be approved by the Planning Director.
  - 2. A five foot wide vegetated strip of canopy trees, evergreen shrubs, and groundcover which incorporates either a continuous solid masonry wall at least 4 feet high constructed of or faced in brick or natural stone, or a fence at least 4 feet high with wooden or iron pickets and pillars made of masonry brick or natural or cast stone. Dense evergreen shrubs at least 3 feet high at the time of planting must be planted adjacent to the wall or fence, in addition to small trees of an approved species in Sec. 6.11A.3 and spaced an average of 20 feet on center.
  - 3. Areas of exposed earth are not allowed in landscape areas.



### B. Dumpsters

- 1. Where provided, dumpsters or trash compactors must either be enclosed within a building or, if located outdoors, must be located in the least visible location and not between any building and an adjacent street. They must be screened on three sides by a wall that meets the following requirements, except that for buildings with any industrial use as a principal use and more than 25,000 gross square feet, no screening is required.
  - a. Wall must be a minimum of 8 feet in height.
  - b. Wall must be made of or faced in a material or materials either identical to or compatible with the façade material of the building(s) it serves.
  - c. Wall materials must meet the requirements for façade materials in Sec. 6.4 based on the use of the building that the dumpster serves.
  - d. The fourth side must be screened with an opaque wooden or metal gate of a color compatible with the building it serves. Chain link gates are prohibited.
- 2. Dumpsters must be placed on concrete pads of sufficient size and strength to support the weight of service vehicles. Restaurants and other food service establishments must place dumpsters on concrete pads sloped into a drain equipped with a grease trap.

### C. Loading Docks

Where provided, loading docks must be located in rear yards and screened from view from any adjacent street or residential district

by an opaque wall or fence at least 8 feet in height.

#### **D. Mechanical Equipment**

1. All mechanical, HVAC, and similar systems must be fully screened from view from any adjacent street by one of the following.
  - a. A parapet wall or other architectural element that is compatible with the principal building on the parcel and of an allowed façade material.
  - b. An opaque fence or wall of a material compatible with the primary building on the parcel and of an allowed façade materials.
  - c. Opaque landscaping.

#### **E. Specific Uses Requiring Screening**

All major utility facilities, salvage yards, junk yards, and commercial outdoor storage shall be screened from view any adjacent street by a wood or metal fence (but not chain link), wall made of an approved façade material based on the use that the wall screens, or opaque landscaping.

### **6.16 Outdoor Lighting**

#### **A. Purpose**

The regulations in this section are intended to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.

#### **B. Applicability**

All outdoor lighting fixtures in all districts must meet the requirements of this section.

#### **C. Exempt Lighting**

The following lights and lighting systems are exempt from these requirements:

1. Interior lighting

2. Lighting for pools used at night
3. Underwater lighting used for the illumination of swimming pools and fountains
4. Temporary holiday lighting
5. Lighting required and regulated by the Federal Aviation Administration, or other federal or state agency
6. Emergency lighting used by police, fire, or medical personnel, or at their direction
7. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as natural gas
8. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less

#### **D. Prohibited Lighting**

The following lighting systems are prohibited:

1. Aerial lasers
2. Searchlight style lights (Temporary searchlights may be turned on for 8 hours within a 24-hour period and for no more than 3 consecutive days, once each calendar year.)
3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens, or intensity in any direction of 2 million candelas or more
4. Mercury vapor lamps

#### **E. Lighting Standards**

1. The level of lighting may not exceed 0.5 footcandles at the property line of any residential district.
2. All outdoor lighting fixtures other than those listed as exempt in subsection (C) of this section must meet the following criteria:
  - a. All light fixtures must be fully shielded as defined by the Illuminating Engineering Society of North America (IESNA) and must be installed and maintained so that the shielding is effective as described in this section for fully shielded fixtures.

- b. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half way between the vertical and the horizontal) when the source is visible from any lot with an occupied dwelling or a public street.
- 3. Strip or tube lights that outline windows, doors, roof lines, awnings, or other building features are prohibited. String lights may be used for decorative purposes as long as they do not so bright as to distract or be a nuisance to vehicular and pedestrian traffic or adjacent property owners. String lights must be low wattage and consist of individual bulb receptacles connected by electrical wires. String lights must use clear bulbs. that produce white light only. String lights must provide constant illumination and may not blinks or travel.
- iii. Off-site spill. The installation must also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design.
  - iv. Curfew. Field lighting for these outdoor athletic facilities must be turned off within 30 minutes after the last event of the night.
  - v. Setback. All light poles must be set back the greater of 50 feet or one foot for every foot in height from any right-of-way or property line of any lot with an occupied dwelling.
- 2. Gas station or drive-in establishment canopies and parking decks.

#### F. Specific Uses

All lighting not directly associated with the specific uses designated in this subsection must conform to the lighting standards described elsewhere in this section.

- 1. Outdoor sports, recreation fields, or performance areas. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas must meet the following requirements:
  - i. Luminaires. Facilities must utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not used, acceptable luminaires must include those which are provided with internal or external glare control louvers or lenses, are installed so as to minimize uplight and offsite light trespass and glare, and are installed and maintained so as to avoid aiming more than 2.5 times the mounting height.
  - ii. Illuminance. All lighting installations must be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
  - iii. Illuminance levels for the interior of parking decks, where interior lighting is visible from outside the structure, must conform to the IESNA recommendation (RP-20).
  - iv. Lights must not be mounted on the top or sides of a canopy and the sides of a canopy must not be illuminated.
- 3. Security lighting. Security lighting is lighting that provides a level of illumination to clearly identify persons or objects and creates a psychological deterrent to unwanted or unsafe activity in the area being protected.
  - i. Security lighting must be directed toward the targeted area, and not adjacent properties.
  - ii. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public

right-of-way, and the light must not be triggered by activity off the property.

#### 4. Architectural accent lighting.

- i. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.
- ii. Lighting fixtures must not generate glare or direct light beyond the facade onto a neighboring property, streets, or into the night sky.

#### 5. Parking lots serving non-residential uses.

- i. The minimum illumination level for a parking lot is 0.5 foot-candles at grade level and the ratio of the average illumination to the minimum illumination must not exceed 4:1.
- ii. Floodlights must be aimed or shielded to minimize uplight.
- iii. Light poles used in parking lots may not exceed 35 feet in height.

### 6.17 Parking and Loading

#### A. Applicability

##### 1. New Construction

Any new building or use must comply with the parking requirements of this section.

##### 2. Maintenance and Repair

An existing building or use may be repaired, maintained, or modernized without providing additional parking if

there is no increase in a building's floor area or a use's improved site area.

#### 3. Additions

When an existing building or use is increased in floor area by more than 200 square feet cumulatively since the effective date of this Development Code, parking is only required for the additional floor area.

#### 4. Change in Use

A change in use based on the uses as listed in the table in Sec. 5.2 must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.

### B. Parking Requirements

#### 1. Calculation of Required Parking Spaces

- a. Where a use is not specifically listed or only a broad use category is shown, the Planning Director must categorize the use in accordance with Sec.5.1C.
- b. When a site or lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use may be included in the calculation of parking requirements for any other use, except as allowed in subsection (C) of this section.
- c. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number.
- d. Unless otherwise noted, the parking requirement is based on the floor area of the building devoted to the use specified.
- e. Parking must also be provided for outdoor dining areas that exceed 25% of a restaurant's floor area.

### Required Vehicle Parking Spaces

RESIDENTIAL USES	Min. Parking Spaces Required
All household living, as listed below:	
Single-family detached dwelling	2 per dwelling
Single-family community	2 per dwelling
Stacked duplex	2 per dwelling
Townhouse	2 per dwelling



Townhouse community	2 per dwelling
Multi-family dwelling	1.3 per studio or one-bedroom dwelling
Multi-family dwelling (age 55+)	1.75 per two-bedroom dwelling
Multi-family dwelling (upper floor only)	2.3 per three or more bedroom dwelling
Manufactured home	2 per dwelling
Live-work	2 per dwelling
Short-term rental	1 per bedroom
All group living, as listed below:	
Boarding house	2 per room
Group residence	2 per room
Institutional living and care	0.4 per bed
Maternity supportive housing residence	2 per room
<b>COMMERCIAL USES</b>	<b>Min. Parking Spaces Required</b>
All indoor recreation, except as listed below:	2 per 1,000 sq. ft. of playing court, rink, spectator area, or similar areas, plus 5 per 1,000 sq. ft. of patron use areas
Bowling alley	
Fitness center or gym	
Theater (movie)	1 per 5 seats
Theater (live)	1 per 5 seats
All lodging, as listed below	1.1 per guest room, plus 1 per 5 seats in convention rooms or banquet rooms, plus 10 per 1,000 sq. ft. of restaurant
Bed and breakfast	
Hotel	
Extended stay hotel	
All medical, as listed below	
Medical office, dentist, or clinic	3 per 1,000 sq. ft.
Hospital	3 per 1,000 sq. ft.
Pain clinic	3 per 1,000 sq. ft.
Veterinary office, hospital, or clinic	2 per 1,000 sq. ft.
All office	3 per 1,000 sq. ft.
All outdoor recreation, except as listed below:	
Golf course	to be determined by the Planning Director based on the specific use and anticipated demand
Equestrian stable	
Race track	
Theater (drive-in)	
All retail, except as listed below	
Appliance store	
Building supply store	
Check cashing or title loans	
Firearm sales	2 per 1,000 sq. ft.
Furniture store	
Liquor store	
Pawn shop	
Vehicle parts store	
All personal service, except as listed below:	
Massage therapist	2 per 1,000 sq. ft.
Tattoo or body piercing	
Art gallery	2 per 1,000 sq. ft.
Auction house	1 per 5 seats
Bank or financial institution	3 per 1,000 sq. ft.
Bar, brew pub, distillery, or wine room	10 per 1,000 sq. ft.
Commercial forestry	none
Commercial kennel, pet grooming or training	2 per 1,000 sq. ft.
Commercial parking	n/a
Concentrated animal feeding operation	none
Cultivation of crops or raising of livestock	none

Day care center	2.5 per 1,000 sq. ft.
Day care home	3 per establishment
Event center, small	1 per 5 seats
Event center, large	1 per 5 seats
Funeral home or crematory	1 per 5 seats
Major utility facility	none
Minor utility facility	none
Movie or sound recording facility	1 per 1,000 sq. ft.
Pharmacy	2 per 1,000 sq. ft.
Plant nursery, lawn and garden supply	2 per 1,000 sq. ft.
Recreational vehicle (RV) park	1 per RV space (in addition to space provided for the RV itself)
Restaurant	
Restaurant (24-hour)	10 per 1,000 sq. ft.
Restaurant (drive-through)	
Restaurant (drive-in)	
Self-service storage facility	0.2 per 1,000 sq. ft.
Sexually oriented business	10 per 1,000 sq. ft.
Telecommunications facility	none
Vehicular as listed below:	
Car wash	2 per 1,000 sq. ft.
Gas station or charging station	2 per 1,000 sq. ft.
Large vehicle sales and service	1 per 1,000 sq. ft.
Truck parking	n/a
Truck stop	2 per 1,000 sq. ft.
Truck wash	2 per 1,000 sq. ft.
Small vehicle sales and service	1 per 1,000 sq. ft.
<b>INDUSTRIAL USES</b>	
All cottage industry	2 per 1,000 sq. ft.
All light industrial uses, as listed below:	
Airport or heliport	to be determined by the Planning Director based on the anticipated demand
Bus terminal	
Data center	2 per 1,000 sq. ft.
Distribution center or warehouse	0.5 per 1,000 sq. ft.
Dry cleaning or laundering plant	0.5 per 1,000 sq. ft.
Equipment rental	2 per 1,000 sq. ft.
Laboratory	3 per 1,000 sq. ft.
Light manufacturing or assembly	0.5 per 1,000 sq. ft.
Machine shop	1 per 1,000 sq. ft.
Industrial food production	0.5 per 1,000 sq. ft.
Printing and publishing	0.5 per 1,000 sq. ft.
Renewable energy facility	none
Welding shop	1 per 1,000 sq. ft.
All heavy industrial uses, except as listed below:	
Ammunition/explosives manufacturing or storage	
Asphalt or concrete plant	
Feed manufacturing	
Fertilizer manufacturing or storage	3 per 1,000 sq. ft. of office space plus 0.5 per 1,000 sq. ft. of other space types
Freight terminal or multimodal facility	
Hazardous waste treatment, handling, or disposal facility	
Impound lot	
Junk yard or salvage yard	



Lumber mill	
Mining and quarrying	
Petroleum or chemical refining	
Poultry processing plant	
Slaughter house	
Solid waste transfer station, recycling or materials recovery facility, or landfill	
<b>INSTITUTIONAL USES</b>	
Cemetery	
Club	to be determined by the Planning Director based on the anticipated demand
College or university	
Government facility	
Museum	2 per 1,000 sq. ft.
Place of worship	1 per 5 seats
Prison or correctional facility	to be determined by the Planning Director based on the anticipated demand
School	
<b>ACCESSORY USES</b>	
Accessory uses not listed below, as determined by the Planning Director	to be determined by the Planning Director based on the anticipated demand
Accessory dwelling	1 per dwelling
Aircraft landing area	none
Bee keeping	none
Car wash	none
Charging station for electric vehicle	none
Disaster shelter	none
Drive-through	none
Drive-in	none
Food truck (less than 30 total days in a calendar year)	none
Food truck (30 or more total days in a calendar year)	none
Garden or greenhouse	none
Guest quarters	1 per unit
Home-based business	1 space
Keeping of pets	none
Non-commercial keeping and raising of livestock, horses, or fowl	none
Outdoor display	none
Outdoor storage	none
Private recreational facility	to be determined by the Planning Director based on the specific use and anticipated demand
Religious accessory use	
Satellite dish	none
Small wireless facility	none
Solar panel or wind turbine	none
<b>TEMPORARY USES</b>	
Construction office and sheds	2 per 1,000 sq. ft.
Produce stand	2 per 1,000 sq. ft.
Real estate sales office	2 per 1,000 sq. ft.
Seasonal sales	0.5 per 1,000 sq. ft. of outdoor area
Temporary event	to be determined by the Planning Director based on the specific use and anticipated demand
Yard sale or garage sale	none

2. No parking is required within Downtown Overlay District Subdistricts 1 and 3 (D-1 and D-3).
3. The required parking spaces for single-family detached dwellings, single-family detached communities, and townhouses must be provided in a garage serving the individual dwelling.

#### **C. Shared Parking**

1. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition). The study must be provided in a form established by the Planning Director.
2. Reductions in the total number of required spaces for shared parking are not allowed unless the Planning Director determines a reduction is appropriate on a case-by-case basis using the ULI Shared Parking Model (latest edition).
3. Uses providing shared parking must either have mutually exclusive or compatibly overlapping normal hours of operation. The Planning Director will determine if the hours of operation are compatibly overlapping on a case-by-case basis using the ULI Shared Parking Model (latest edition).

#### **D. Location of Parking**

##### **1. On-Site Parking Required**

Required vehicle parking spaces must be located on the same lot or site that they are intended to serve, except as provided below.

##### **2. On-Street Parking**

- a. Where adjacent on-street parking spaces exist in a public street right-of-way or private street parcel, one on-street parking space may be substituted for each required on-site parking space, provided that the on-street space immediately abuts the subject property.
- b. Each on-street parking space may only be counted toward the requirement for one property. Where a space straddles

an extension of a lot line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.

- c. The Planning Director may determine that, to ensure future street capacity, the on-street parking credit may not be available.

#### **E. Remote Parking**

1. Required parking spaces may be located off-site, provided that the remote parking spaces are located within 500 feet of the primary entrance of the use served and are located within the same or more intense zoning district as the use served.
2. Applications for remote parking must submit all of the following:
  - a. A to-scale map indicating the location of all proposed parking spaces.
  - b. Written notarized consent of all property owners agreeing to the remote parking.
  - c. Lease agreements.
3. Lease agreements must be for a term of not less than 1 year to serve the use or uses proposed to be satisfied by the off-site leased parking. Each year the use is renewed (as shown by the renewed application for a business license), the applicant for the business license must show a current lease agreement for not less than 1 year for the necessary off-site parking. Lack of a current lease automatically terminates remote parking authorization.
4. The distances referred to above is measured by the most direct route of travel on the ground and are measured in the following manner:
  - a. From the front door of the principal structure on the applicant's property in a straight line to the nearest sidewalk, walkway, or street. Then, along a sidewalk, walkway, or street to the edge of the off-site parking area.

## F. Accessible Parking

Accessible parking spaces must be provided in accordance with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute.

## G. Parking Design

1. Access
2. Standard Driveway and Parking Space Dimensions

Standard driveways and parking spaces must meet the following dimensions. Accessible parking spaces must meet the requirements of the Americans with Disabilities Act (ADA). Dimensions other than those shown above may be approved by the Planning Director if prepared and sealed by a registered engineer in the State of Georgia with expertise in parking facility design. The Planning Director may also approve tandem parking spaces, but such spaces may not count toward the minimum number of required spaces unless associated with valet parking or a residential use.

Dimension	0° Parallel	30° Diagonal	45° Diagonal	60° Diagonal	90° Perpendicular
Space width	10 feet	9 feet	9 feet	9 feet	10 feet
Space length	20 feet	17.5 feet	17.5 feet	17.5 feet	20 feet
Single driveway aisle width	10 feet	15 feet	18 feet	18 feet	24 feet
Double driveway aisle width	20 feet	20 feet	22 feet	22 feet	24 feet

### 3. Electric Vehicle Charging Stations

- a. Charging stations are permitted in all parking lots.

## H. Paving Materials

- I. All off-street parking spaces and driveways for any use except single-family residential must be paved with a material approved by the Planning Director.

## J. Pedestrian Walkways

1. Pedestrian walkways must be provided in all parking lots with 20 or more spaces. Walkways must connect from the closest street sidewalk to the primary building entrance.
2. Walkways must be at least 5 feet wide and must include a landscape strip that is at least 5 feet wide on at least one side. This strip must be continuous (except where the walkway crosses internal driveways).
3. Where walkways cross internal driveways, pedestrian walkways must include raised

On-site parking must be arranged so that no vehicle is forced to back out onto a public street or forced to use a public street, not including an alley, to gain access from one parking aisle to another parking aisle. Interior driveways must connect each parking space with a public right-of-way.

walkways or decorative crosswalks or paving to slow traffic.

4. No parking space may be more than 150 feet from a pedestrian walkway or sidewalk.
5. Pedestrian walkways must have curbs to prevent vehicular encroachment.

## K. Loading

1. If determined necessary by the Planning Director, adequate space must be made available on-site for the unloading and loading of goods. Otherwise, on-site loading space is not required.
2. Except for areas specifically designated by the Town, loading and unloading is not permitted in a public street, not including an alley.
3. Loading areas must be located to the side or rear of buildings, and not between a building and a public or private street (not including an alley).

4. Loading areas must meet the screening requirements of Sec. 6.15C.
5. No loading area may be located so as to require servicing directly from a public street.

#### L. Prohibited Uses of Parking

The following are prohibited in required off-street parking areas:

1. The display for sale of all types of vehicles except for private individuals selling one personal vehicle from a residence or a licensed dealership.
2. The display, storage or sales of any goods or merchandise, except as part of an authorized farmers' market or temporary event.
3. Motor vehicle repair except for temporary repair to make the vehicle operable to move off-site.

#### M. Prohibited Vehicle Parking

1. In any residential district, the parking of any vehicle, boat, boat trailer, travel trailer, recreational vehicle, or abandoned vehicle in the front yard is prohibited unless it is parked on a driveway or in a carport or garage. No such vehicle may be used for living or sleeping purposes when parked or stored on a lot in any district.
2. Parking, storing, or maintaining any commercial vehicle, trailer over 24 feet in length, or school bus is allowed only in MD and I districts. Commercial vehicle is defined as any vehicle whose gross vehicle weight rating (GVWR) is over 26,000 pounds, or a trailer with a GVWR of over 10,000 pounds, including commercial tractor-trailers, dump trucks, wreckers, and construction equipment.

#### 6.18 Block Standards

1. Sites larger than 5 acres must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with a maximum block perimeter shown in the table below, as measured from intersecting centerlines of streets (not including alleys).

District	Max. Block Perimeter
D-1, D-3	1,000 feet
D-2	1,600 feet
MD, I	none
All other districts	2,400 feet

2. The Planning Director may modify the block perimeter requirements by administrative variance where slopes steeper than 25%, existing development, mature hardwood tree stands, stream buffers, cemeteries, open space, or easements would make the provision of a complete block infeasible.
3. There is no maximum block perimeter length when a block contains a park of at least one acre in size and when no other use is located in that block.
4. On block faces over 1,000 feet long, the Planning Director may, where pedestrian circulation patterns or public gathering places justify it, require pedestrian walkways or access easements through a block.
5. Within the D-1, D-2, and D-3 districts, dead-end streets are prohibited, except where approved by the Planning Director due to steep slopes in excess of 25%, existing development, mature hardwood tree stands, stream buffers, cemeteries, open space, or easements that make a connected street infeasible.
6. Stub-Out Streets

The following requirements apply to all new developments except single-family residential developments.

- a. Where a development abuts a parcel larger than 5 acres, stub-out streets within the development must be installed to meet the block standards of this section.
- b. The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated street is expected.
- c. Stub-out streets must be located so that the portion of the block perimeter located on the development does not

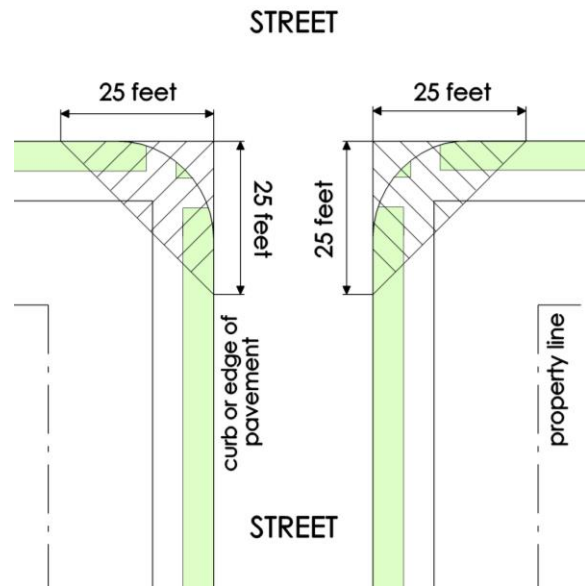
exceed 50% of the applicable block perimeter maximum.

- d. If a stub-out street exists on an abutting parcel, the street system of any new development must connect to the stub-out street to form a through street.
- e. The Planning Director may grant an administrative variance to eliminate the requirement for a stub-out street or require pedestrian and bicycle only access where steep slopes in excess of 25%, highways, waterways, tree conservation areas, stream buffers, cemeteries, open space, civic space, or easements would make the provision of a stub-out street infeasible.

#### 6.19 Visibility at Intersections

- 1. Except in districts with 0 foot setbacks, an unobstructed view must be provided at all intersections within a triangle formed by joining two points measured 25 feet from the intersection of the edge of pavement or curbs at the intersection of two streets.

- 2. Within this triangle there may be no sight obscuring walls, signs, fences, or foliage higher than 30 inches above grade, or in the case of trees, foliage lower than eight feet above grade. Height is measured from the top of the curb or, where there is no curb, from the edge of pavement.



## ARTICLE 7 SIGNS

### 7.1 Purpose

The intent of the regulations of this article is as follows.

- A. To regulate the erection and placement of signs in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians.
- B. To preserve the value of property on which signs are located and from which signs may be viewed.
- C. To maintain an aesthetically attractive town in which signs are compatible with the surrounding area.
- D. To maintain for the town's residents, workers, and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the town.
- E. To establish comprehensive sign regulations that effectively balance legitimate business and development needs with safe and aesthetically attractive environment for residents, workers, and visitors to the town.
- F. To provide fair and reasonable opportunities for the identification of businesses and to provide for the identification of the availability of products, goods, or services to promote economic vitality.
- G. To ensure the protection of free speech rights under the Georgia and United States Constitutions.
- H. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent, and aesthetic characteristics of the areas where the signs are to be located.
- I. To allow certain signs that are small, safe, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article but without a requirement for permits.
- J. To provide for temporary signs in certain circumstances.
- K. To place reasonable controls on nonconforming signs that are by definition

contrary to the public health, safety, and welfare while protecting the constitutional rights of the owners of nonconforming signs.

- L. To prohibit all signs not expressly authorized by this article, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this article.

### 7.2 Sign Permit Required

Except as specifically exempted from the provisions of this article, it is unlawful for any person to post, display, substantially change, or erect a sign without first having obtained a sign permit or any other permit required by this Development Code. A change in only the content of a sign without changes to the sign structure, height, type, or area does not constitute a substantial change.

#### A. Permits for Existing Signs

Existing signs that conform to the provisions of this article and would be required to obtain a permit under the regulations of this article must register with the Planning Director and pay a permit fee. Registration and payment of the fee must be completed within one year of the effective date of this article for all signs that do not have a valid permit issued under a previous sign ordinance. The information provided for registration will be the same information required for a new sign permit application. No permit fee will be required for the registration of existing signs that have a currently valid permit issued under a previous sign ordinance.

#### B. Owner's Consent Required

No sign may be permitted or posted on a property without the consent of the property's owner or authorized agent. If it is determined that a sign was erected on a lot pursuant to an alleged agent's incorrect representation that the record owner of the lot, in fact, gave permission for the erection of a sign, the permit for that sign will be revoked.

#### C. Permit Application Requirements

Sign permit applications must be filed by the sign owner or the owner's agent to the Planning Director on forms provided by the Town. The application must include all of the following.

1. The address of the property on which the sign is to be located.
2. The name(s) and address(es) of the owner(s) of the property on which the sign is to be located.
3. The written consent of the owner or the owner's agent granting permission for the placement and maintenance of the sign.
4. The name, address, telephone number, and business license number of the sign contractor.
5. A to-scale drawing showing the dimensions, materials, color, total sign area, and total sign frame and structure area.
6. An explanation of how the sign is to be mounted or erected, including necessary structural and construction details (or shop drawings) as appropriate.
7. Electrical plans showing how the sign is to be illuminated (if applicable).
8. A site drawing showing the area of the property, location of any existing buildings, and proposed sign location.
9. Any other information deemed necessary by the Planning Director to review the sign for compliance with the requirements of this article.
10. An agreement to indemnify and hold harmless the Town for all damages, demands, or expenses in any manner caused by the sign or sign structure. A certificate of liability insurance may be required prior to the issuance of a sign permit.
11. Each application must be accompanied by a fee determined by a schedule of fees adopted by the Town Council from time to time.

#### **D. Compliance With Other Permits**

The applicant must obtain all other permits or licenses required by Town ordinances, state law, or other regulations.

#### **E. Permit Decision Time Limit**

A sign permit must be issued or denied by the Planning Director within 30 days of the filing of a complete application, payment of the

appropriate fee, and compliance with all requirements of this Development Code. If the Town fails to act within this 30-day period, the permit will be deemed to have been approved. In the event that a permit application is denied, the Planning Director must provide the applicant a written denial, indicating the reason(s) for denial.

#### **F. Permit Time Limitation**

A sign permit becomes null and void if the sign for which the permit was issued is not completed and fully installed within six months after the date of issuance. No refunds will be made for fees paid for permits that expired due to failure to erect a permitted sign. If a person later desires to erect a sign at the same location, a new application must be processed and another fee paid.

#### **G. Enforcement**

If any sign is or is proposed to be erected, constructed, altered, maintained, converted, or used in violation of any provision of this article or any other applicable ordinance including, but not limited to, building and electrical codes, the Planning Director or their designee may issue a written notice to the owner of the sign. The owner will have 10 days in which to bring the sign into compliance. If the sign has not been brought into compliance within 10 days, the Town Manager may give the owner an additional 20 days to bring the sign into compliance. If not corrected during this additional 20-day period, the Planning Director or their designee may issue a citation or proceed with any other legal remedy.

#### **H. Signs in Right-of-Way**

The Planning Director, any Town employee, or any person contracting with the Town for such purpose may, without notice, remove and dispose of any prohibited sign, signal, device, or other structure erected, placed or maintained on the dedicated right-of-way of any public road. The removal and disposal of a prohibited sign, signal, device, or other structure will not preclude the prosecution of any person for erecting, placing or maintaining such item in the dedicated public right-of-way.



### 7.3 Nonconforming Signs

#### A. Findings

The Town finds that nonconforming signs may adversely affect the public health, safety, and welfare. Nonconforming signs may adversely affect the aesthetic characteristics of the town, may adversely affect public safety due to their visual impact on motorists, and may adversely affect public safety due to visual impact on motorists and the structural characteristics of said signs.

#### B. Unused Nonconforming Signs

Any nonconforming sign that is not used or leased for a continuous period of six months may not be reused for sign purposes unless and until it fully conforms with the terms and requirement of this article.

#### C. Changes to Nonconforming Signs

No structural repairs or changes in shape, size, or technology on any nonconforming sign are permitted except to make a nonconforming sign comply with all requirements of this article. Routine maintenance and changing of sign content is permitted as long as the maintenance or change does not result in or change the shape, size, or technology. Signs which are structurally unsound or present a hazard to persons or property must be removed within five days of notice by the Town. A nonconforming sign structure may not be replaced by another nonconforming sign structure or rebuilt after destruction by natural disaster or act of God except in conformity with all the requirements of this article.

#### D. Illegal Signs

Illegal signs must be removed within 30 days of notice by the Town.

### 7.4 Signs Not Requiring a Permit

The following types of signs do not require a sign permit or temporary sign permit from the Town in any zoning district.

#### A. Public Interest Signs

Sign in the public interest, erected by, or on the order of a public officer in the performance of their duties, including but not limited to public notices, safety signs, traffic

and street signs, traffic control devices, memorial plaques, and historical markers.

#### B. Street Address and Other Required Signs

Signs for the sole purpose of displaying street addresses, and other signs required by law.

#### C. Flags

Flags displayed on vertical or mast arm flagpoles and that meet all of the following requirements.

1. In any residential district, no flagpoles may exceed 25 feet in height or the height of the primary structure on the lot, whichever is less. In any other district, no flagpole may exceed the maximum height in that district or 60 feet, whichever is less.
2. All vertical flagpoles must be set back from all lot boundaries a distance which is at least equal to the height of the flagpole.
3. Flag dimensions must be proportional to the flagpole height such that the hoist side of the flag may not exceed 20 percent of the height of the flagpole.
4. No lot may have more than three flagpoles.
5. No flagpole may have more than two flags.
6. On officially designated Town, state, or federal holidays, the requirements of this subsection do not apply.

#### D. Signs in Residential Districts

One non-illuminated sign per lot no larger than 3 square feet per side and no taller than 3 feet.

#### E. Private Traffic Control Signs

Non-governmental traffic control signs located in or adjacent to parking areas and driveways and less than 6 square feet in area and 6 feet in height in industrial districts, and less than 3 square feet in area and 4 feet in height in all other districts.

#### F. Suspended Signs

In non-residential districts only, one suspended sign per establishment with an area less than 6 square feet per side.



### G. Window Signs

Window signs that do not exceed 25 percent of the individual window in which they are located.

### H. Historic Signs

Do not require a permit where the structure where the historic sign is to be located was built before 1950 and where a previous sign was located on the property before 1950. The historic sign's former existence, original design, original size, original color(s), original composition, and other original aesthetic qualities must be documented and shown to the Planning Director's satisfaction by photographs or other sufficient evidence as it existed before 1950. The new historic sign must be an exact replica of the pre-1950 sign that was located on the property.

### 7.5 Prohibited Signs

The following types of signs are prohibited everywhere in the Town:

- A. Signs that contain words, pictures, statements, or any other materials which are obscene, as defined by O.C.G.A. § 16-12-80, as amended.
- B. Signs that simulate an official traffic control device, warning sign, or regulatory sign, or which hide from view any street sign, traffic sign, traffic control device, or public interest sign.
- C. Signs that interfere with road visibility, or that obstruct or otherwise interfere with the safe and orderly movement of traffic, or that otherwise pose a hazard to traffic due to structural deficiencies in the sign.
- D. Signs attached to any gas station pump, bench, trash can, utility pole, street or traffic sign or pole supporting such signs, tree, rock, or other natural feature.
- E. Animated signs, including rotating or revolving signs.
- F. Air or gas actuated or filled signs.
- G. Changeable letterboard signs, except where accessory to a gas station or charging station and where used only for displaying fuel or charging prices.
- H. Electronic signs except where used for the purposes of individual customer transactions, or where accessory to a gas station or charging station and where used only for displaying fuel or charging prices with a fixed, nonintermittent, static message with no wipes, fades, flashes, or similar effects.
- I. Internally illuminated signs. Illuminated signs must use external lighting fixtures.
- J. Neon signs.
- K. Signs that obstruct any fire escape or any means of egress or ventilation, or that prevent free passage from one part of a roof to any other part thereof, including signs attached to any fire escape.
- L. Signs that cover and obscure windows, doors, cornices, or other architectural features.
- M. Signs that do not conform to applicable building and electrical codes.
- N. Any sign constructed of non-durable material including, but not limited to, paper, cardboard, fabric, or flexible plastic. This provision does not apply to flags, awning signs, or banners which are otherwise allowed by this article.
- O. Portable signs, except authorized A-frame signs.
- P. Search lights or beacons.
- Q. Signs attached to, painted on, or otherwise positioned in or on any vehicle or truck, whether having a current license or not, that is located in view of the street right-of-way when in a location or for a period of time that indicates that the use of the vehicle is for displaying the sign to passing motorists or pedestrians, except that such signs are allowed on a temporary basis in association with a temporary event permit.
- R. Signs which emit audible sound, odor, or visible matter.
- S. Any sign larger than 200 square feet.
- T. Signs located within a public right-of-way except for street signs, traffic signs, traffic control device, or public interest signs.
- U. Any sign that is structurally unsound or is a hazard to traffic or pedestrians.
- V. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or

neglected if it does not present a maintained, neat, and orderly appearance, which may be manifested by the following, including, but not limited to, rust or holes on or in the sign or sign structure; broken, missing, loose, or bent parts; faded or flaking paint; non-operative or partially non-operative illumination (including any light elements within legal non-conforming electronic signs); non-operative

mechanical devices; or missing letters in sign text.

W. Window shades used as signs

X. Illegal signs.

Y. Any sign attached to a telecommunication facility.

## 7.6 Allowed Signs

A. Signs are allowed by district as set forth in the table below. Specific requirements for each sign are shown on the following pages. All of the sign types shown in the table require a sign permit.

	Residential Districts <sup>a</sup>	Downtown Overlay District	All Other Districts <sup>b</sup> (NC and GC districts)	All Other Districts (OI, BP, MD, and I districts)
<b>Awning or Canopy sign</b>	Prohibited	Max. 1 per establishment	Max. 1 on each lot frontage (gas stations) Max. 1 per establishment (all other uses)	Max. 1 on each lot frontage (gas stations) Max. 1 per establishment (all other uses)
<b>Entrance sign</b>	Max. 2 signs allowed per entrance	Prohibited	Prohibited	Prohibited
<b>Ground sign within I-85 corridor</b>	Prohibited	Max. 1 per lot on lots that meet the requirements of subsection (B) below, otherwise prohibited	Max. 1 per lot on lots that meet the requirements of subsection (B) below, otherwise prohibited	Max. 1 per lot on lots that meet the requirements of subsection (B) below, otherwise prohibited
<b>All other ground signs</b>	Prohibited except for entrance signs	Max. 1 on each lot frontage	Max. 1 on each lot frontage	Max. 1 per building
<b>A-Frame sign</b>	Prohibited	1 per establishment	1 per establishment	Prohibited
<b>Pole sign</b>	Prohibited	Prohibited	1 per establishment on lots that meet the requirements of subsection (B) below, otherwise prohibited	Prohibited
<b>Projecting sign</b>	Prohibited	1 per establishment	1 per establishment	Prohibited
<b>Signs not requiring a permit</b>	see Sec. 7.4	see Sec. 7.4	see Sec. 7.4	see Sec. 7.4
<b>Temporary sign</b>	see Sec. 7.8	see Sec. 7.8	see Sec. 7.8	see Sec. 7.8
<b>Wall sign</b>	Prohibited	No max. number	1 per establishment, 1 per wall	1 per establishment, 1 per wall
<b>Window sign</b>	Prohibited	No max. number	No max. number	No max. number

<sup>a</sup> Includes residential portions of PUDs

<sup>b</sup> Includes non-residential portions of PUDs and MU districts

- B. In order to have a ground sign within the I-85 corridor or a pole sign, a lot must directly abut the right-of-way of Interstate 85 for at least 200 consecutive feet, the furthestmost portion of the lot must be located no more than 400 feet from the right-of-way of Interstate 85, and the lot must be at least 2 acres.

## 7.7 Sign Standards

Sign Type	Max. Height	Max. Area
Entrance sign	12 feet	32 sq. ft.
All other ground signs (OI, BP, MD, and I districts)	5 feet	10 sq. ft.
All other ground signs (in NC, GC, and DT districts on lots with a single business)	8 feet (for signs smaller than 64 sq. ft.) 10 feet (for signs 64 sq. ft. or larger)	40 sq. ft. (for buildings smaller than 10,000 gross sq. ft.) 48 sq. ft. (for buildings 10,000-50,000 gross sq. ft.) 64 sq. ft. (for buildings 50,001-100,000 gross sq. ft.) 96 sq. ft. (for buildings larger than 100,000 gross sq. ft.)
All other ground signs (in NC, GC, and DT districts on lots with multiple businesses)	10 feet (for signs less than 104 sq. ft.) 12 feet (for signs 104-144 sq. ft. or more) 16 feet (for signs 144 sq. ft. or larger)	48 sq. ft. (for buildings smaller than 10,000 gross sq. ft.) 80 sq. ft. (for buildings 10,000-50,000 gross sq. ft.) 104 sq. ft. (for buildings 50,001-100,000 gross sq. ft.) 112 sq. ft. (for buildings larger than 100,000 gross sq. ft.)
A-frame sign	4 feet	6 sq. ft. per side
Awning or canopy sign	n/a, min. height 8 feet	2 sq. ft. per establishment
Fueling/charging station sign	No taller than 2 feet above fuel pump or charging station	4 sq. ft. per pump or charging station
Pole sign <sup>a</sup>	80 feet	200 sq. ft.
Projecting sign	n/a, min. height 8 feet	9 sq. ft. per sign
Temporary sign	see Sec. 7.8	see Sec. 7.8
Wall sign (NC and GC districts)	No taller than the wall on which it is located	5% of area of wall where sign is located or 100 sq. ft. per building, whichever is less
Wall sign (OI, BP, MD and I districts)	No taller than the wall on which it is located	5% of area of wall where sign is located or 200 sq. ft. per building, whichever is less
Wall sign (DT districts)	No taller than the wall on which it is located	5% of area of wall where sign is located or 32 sq. ft. per building, whichever is less
Window sign	none	25% of the window in which the sign is located

<sup>a</sup> The furthestmost edge of the sign must be located within 100 feet of the right-of-way of I-85

### A. Sign Materials

Only high quality, durable materials such as wood, cementitious fiber, metal, masonry, or high-density urethane having the appearance of one of these materials may be used for signs except temporary signs.

### B. Ground Sign Standards

1. The structure, frame, and other area that supports and surrounds a ground sign but is not considered part of the sign based on the definition of sign in ARTICLE 2. The combined area of the structure, frame, and other area that supports and surrounds a ground sign must not exceed 50% of the total area of the sign.

2. The base of a ground sign must be constructed of or faced with one or more of the following materials.

- a. True masonry brick, including brick veneers, but not EIFS or precast concrete that simulates the appearance of brick.
- b. Stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone, or unpainted terra cotta.
- c. Stucco, including true cement stucco but not EIFS.

#### C. A-Frame Signs

May be displayed only during hours of operation. All A-frame signs must be located within 20 feet from the entrance to the establishment and may not obstruct vehicular or pedestrian traffic. In the Downtown Overlay District, A-frame signs may be placed on a public sidewalk only with written permission from the Town Manager. May not be made of corrugated plastic.

#### D. Wall Signs

Wall signs on buildings with multiple occupants may only be designed to attract attention to the occupant in the portion of the building on which they are located.

#### E. Window Signs

Except for street address signs, must be affixed to the inside surface of the window.

#### F. Street Address Signs

Numbers and letters must be no taller than six inches.

#### G. Sign Setbacks

All portions of any sign or sign structure must comply with the minimum setback and height restrictions provided in the table below.

Sign Height	Min. Setback
Less than 4 feet	5 feet
4-10 feet	10 feet
More than 10 feet	20 feet

#### 7.8 Signs Requiring a Temporary Sign Permit

The following types of signs require a temporary sign permit in all zoning districts.

#### A. Banners

1. Each temporary sign permit authorizes one banner at a time.
2. No more than one banner may be displayed per establishment.
3. A banner may be displayed for no more than 10 days at a time and for no more than four 10-day periods per calendar year.
4. No banner may be larger than 32 square feet.
5. No banner may be more than 5 feet in height above ground level.
6. Banners must be erected with supports or other means so that they do not sag.
7. Banners must be maintained in good condition.

#### B. Pennants, Feather Signs, Balloons, Streamers, or Other Wind-Activated Devices Other than Flags and Banners

1. Must not be displayed for more than four 10-day periods per calendar year.
2. No more than one sign of these types may be displayed per 100 feet of street frontage.

#### C. Other Temporary Signs

The following applies to temporary signs other than banners, feather signs, balloons, streamers, or other wind-activated devices.

1. Two signs are permitted per lot, except that corner lots may have two signs on each adjacent street.
2. Signs may not exceed 64 square feet in area.
3. Signs may not exceed 5 feet in height, or 10 feet in height for construction signs.
4. The signs may be attached to the exterior wall of a building, no higher than the top of the parapet or roof.
5. Signs may not be illuminated.
6. Signs must be rigid and may not be made of fabric or similar materials.
7. Sign faces must be constructed of materials that present a finished

appearance. Rough-cut plywood and plastic are not allowed.

8. Any sign frames must be made of painted or stained wood, anodized aluminum, or metal. Plastic frames are not allowed.
9. Signs must be maintained in good condition.
10. Construction signs may be erected no more than 15 days before the beginning of construction for which a valid permit has been issued and must be removed within 30 days following the opening of the development or business.
11. Temporary signs other than construction signs may be displayed for no more than 60 consecutive days. Additional posting time may be allowed by the Planning Director if the temporary activity on the site is continuing.

## **7.9 Master Signage Plans**

A master signage plan may be developed and approved by the Mayor and Council for any mixed-use development, or development over 50 acres except exclusively residential developments. The plan must illustrate each sign's form, height, area, color, and lighting. The plan must also identify the location of each sign. The approval of a master signage plan by the Mayor and Council supersedes the requirements of this article. The Mayor and Council have the authority to approve, deny, or modify the master signage plan. All signage not approved or identified in a master signage plan will be subject to the requirements of this article.

### **7.10 Downtown Overlay District Regulations**

- A. Signs made of corrugated plastic are prohibited.
- B. In D-1 and D-3 districts, roof signs up to 24 square feet in area are permitted only on structures with pitched roofs. The height of a roof sign may not extend more than 3 feet above the ridge line of the main roof structure.

## ARTICLE 8 SUBDIVISION AND DEVELOPMENT REQUIREMENTS

### 8.1 General

- A. Private subdivisions: The procedures for approval of private subdivisions are the same as those for subdivisions with public improvements.
- B. Improvements affecting any state or federal highway require the approval of the Georgia Department of Transportation and applicable county Public Works Department.
- C. The applicant is responsible for submitting plans to any required Town, County, State, or Federal agencies.
- D. Minor subdivisions are exempt from preliminary plat requirements, development plan requirements, evidence of project approval, and issuance of a development permit. Minor subdivisions are required to have a final plat.
- E. The Town Engineer and Planning Director shall have the authority to determine the applicability of the provisions of this article.
- F. All applicable design and improvement standards in this article shall be considered minimum standards.
- G. Whenever there is a discrepancy between the standards of this article and those contained in other official regulations, the most restrictive standard applies.
- H. When unique conditions and circumstances exist on a project, the developer's engineer may submit a request for design exception in a format provided by the Town Engineer. Design exceptions request should be identified as early as possible during the design process. The Town Engineer is the approval authority for design exceptions.
- I. Minor changes in construction plans caused by field conditions may be allowed at the direction of the Town Engineer with the cost of any changes to be paid by the developer. All changes must be documented as revisions to the approved development plans and correctly shown on the as-built surveys. Discrepancies between the as-built surveys and the approved development plans may result in delays in approving final plats or certificates of occupancy.

### 8.2 Sanitary Sewer & Water Requirements

- A. A sanitary sewer system is required with a service connection to the property line for each lot; except in cases where septic tanks are approved.
- B. When a public sewer line and adequate treatment capacity is available within 1,500 feet of a subdivision by gravity flow, the subdivision system must be connected to the public sewer system.
- C. When a public reuse water line is available within 1,500 feet of a subdivision, the subdivision must install a gray-water reuse system and connect to the public reuse line.
- D. Water mains for both domestic use and fire protection must be properly connected with the public water system. Lines must be constructed in such a manner as to adequately serve all lots shown on the subdivision plat. All lines must be installed in conformance with the Town of Braselton Water and Wastewater Standards.

### 8.3 Lot Design and Configuration

- A. Lot design must maintain a perpendicular or radial distance from the right-of-way as much as possible.
- B. Every lot must have frontage on a public or private street or open space. Any lot with frontage only on an alley does not meet this requirement.
- C. No townhouse lot outside of any Downtown Overlay District may front on any public street existing as of the date of adoption of this ordinance. Townhouse lots must front only on public or private streets internal to the development.
- D. Flag lots are allowed where the use of perpendicular or radial lot design cannot accommodate the proposed lot.
- E. No more than 4 lots shall fully abut the turnaround portion of a cul-de-sac.
- F. No more than 4 driveways shall connect to the turnaround portion of a cul-de-sac.

### 8.4 Preliminary Plat Approval

The Planning Director, Town Engineer, and all applicable Town, county, and state agencies



must review and approve all preliminary plat and development plans prior to the issuance of a development permit and prior to the initiation of any land disturbance or construction activities.

### **8.5 Preliminary Plat General Standards**

- A. The proposed name of the development and proposed street names may not duplicate or too closely approximate, phonetically, the name of any other development or street in the Town. The development may use letter designations in place of proposed street names at the option of the applicant.
- B. The preliminary plat must be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- C. The preliminary subdivision plat should be clearly and legibly drawn at a scale of 100 feet or less to 1 inch. It is recommended that sheets be no larger than 24 by 36 inches and no smaller than 17 by 22 inches; but the Planning Director may approve other sheet sizes and scales as appropriate.
- D. For properties over 100 acres, a smaller scale may be used where, in the judgment of the Planning Director, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information is provided for an adequate evaluation of the public and private improvements.

### **8.6 Preliminary Plat Requirements**

- A. Proposed name of development. If the proposed development is a private subdivision, "Private Subdivision" must be included in the title.
- B. Name and address of the property owner and developer.
- C. Name, address, and telephone number of the applicant.
- D. Name, address, and telephone number of the design professional.
- E. Survey showing all of the following:
  - 1. Boundary lines of the perimeter tract indicated by a heavy line, with lengths to the nearest one-hundredth of a foot and bearings to the nearest second, as well as

bearing and distance to designated tie point

- 2. Date of survey
- 3. North point
- 4. Graphic scale
- 5. Source of datum
- F. Contour lines drawn at intervals of not more than two feet. Contour lines must be based on field surveys or photogrammetric methods from aerial photographs or other datum approved by the Town Engineer. The basis for the topographic contours must be specified and dated.
- G. Proposed use(s) of the property.
- H. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- I. Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as major roads, railroads, etc. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
- J. Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.
- K. Existing zoning district of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- L. Delineation of required buffers, landscape areas, tree protection areas, river corridor buffers, and no-access easements, as applicable.
- M. Rezoning or special use application number, date of approval, and conditions of approval, as applicable. Variances obtained on the property by application number, date of approval, and conditions of approval, as applicable.
- N. Parcel data for abutting properties and properties immediately across a right-of-way, which must include the following: property

owner name, subdivision name, lot numbers, and lot lines.

- O. Natural features within, affecting or affected by the property, including wetlands, drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings. On all water courses entering or leaving the property, the direction of flow must be indicated. The 100-year flood plain and wetlands, if any, must be outlined. The location of the site within a protected groundwater recharge area must be noted if applicable.
- P. Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, town and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines, existing buildings to remain, and other features on the site. The proposed project layout including:
  - 1. Lot lines and street right-of-way lines with proposed street names or letter designations and right-of-way widths, along with all proposed yards and the proposed width of each lot.
  - 2. For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all required yards, outdoor storage areas, buffers, parking areas, driveways, curb cuts, and designated fire lanes.
- Q. The proposed phasing of the development if it is proposed to be built in sections, including unit numbers or divisions, if applicable.
- R. A statement as to the source of domestic water supply with general layout and associated easements.
- S. A statement as to the provision for sanitary sewage disposal with general layout and associated easements. For those properties that will not be served by a public sanitary sewerage system, written approval by the applicable County Department of Environmental Health must be submitted.
- T. The approximate location of proposed storm water detention facilities with general layout of stormwater drainage conveyances and

associated easements. See Sec. 11.4 for additional requirements.

- U. Date of plan drawing and revision dates, as appropriate.
- V. Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

## **8.7 Development Plan Requirements**

- A. Persons seeking to undertake development activity may not commence or proceed until development plans are approved and a development permit is issued by the Planning Director after all other departmental and agency approvals.
- B. The development plan must generally conform to the preliminary plat, if any, and may constitute only that portion of the approved preliminary plat which the developer proposes to construct at one time as a single unit, provided that the portion conforms to the requirements of this article and all requirements of this Development Code. If no preliminary plat was approved on the property, the development plan must include the entire property being developed within the same zoning district.
- C. The development plans for a project must conform in all respects with the requirements of this Development Code, and must contain each of the plans in this Section as appropriate to the project, including but not limited to:
  - 1. Information provided in preliminary plat
  - 2. Erosion and sedimentation control plan meeting the requirements of Sec. 11.4E and Sec. 11.4F.
  - 3. Grading plan, including all of the following:
    - a. Contour intervals
    - b. Maximum slope
    - c. Outline of areas required to remain undisturbed
    - d. Building pad grading
    - e. Embankment slopes
    - f. Grades of proposed roads and improved ditches



4. Stormwater management plan, including all of the following:
    - a. Location and size of all proposed drainage structures including detention ponds, catch basins, grates, headwalls, pipes, and any extension thereof, as well as energy dissipators, improved channels, and all proposed drainage easements to be located outside street right-of-way lines.
    - b. Profiles of all storm drainage pipes and the slope of receiving channels. The hydraulic grade line must be shown on all profiles of pipes for the required design flow. On storm drainage profiles, a pipe chart must be shown which includes pipe numbers, pipe sizes, pipe materials, pipe slopes, pipe length, contributing drainage area, design flow, design storm frequency, runoff coefficient, velocity, and hydraulic grade lines of the design storm event.
    - c. Profiles of all open channels and ditches including Manning's normal depth and velocity of the design storm. On storm drainage profiles, an open channel chart must be shown including open channel numbers, conveyance size, lining material, length, channel slope, contributing drainage area, design storm frequency, runoff coefficient, and velocity.
    - d. Hydrologic and hydraulic calculations used in determining size of drainage conveyance systems, including map of all contributing drainage basins and acreages.
  5. Street improvement plan
  6. Buffer and screening plan
  7. Water and sewer plan
  8. Floodplain management plan (if applicable)
  9. Tree preservation and planting plan
  10. Street lighting plan
- D. Street improvement plan (must be prepared under the supervision of a professional engineer and bear their stamp):
1. Center line profiles and typical street sections of all proposed streets are required. Profiles must be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections must be provided for street widenings.
  2. Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes must be indicated on the road profile.
  3. Center line profiles covering streets that are extensions of existing streets must include elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by this Development Code for street improvements, but no less than 200 feet.
  4. All plan elevations must be coordinated and sited into U.S. Coast and Geodetic Survey or Georgia Department of Transportation benchmarks where feasible or into reference monuments established by the Federal Emergency Management Agency.
  5. A street striping plan, showing striping in accordance with the Manual on Uniform Traffic Control Devices, latest edition as published by the Federal Highway Administration, must be prepared for any street newly constructed or widened to 4 or more lanes.
- E. Utility Plans
1. Sewage disposal plan: If connection to a public system is proposed, sewage disposal plans are to include:
    - a. Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the Town Engineer.
    - b. For projects approved by the Town Council to be served by on-site sewage disposal systems, location of septic

tank, extent of drain field and attendant structures, location and results of percolation tests or soil data test locations, and other information must be shown as required by the applicable County Department of Environmental Health.

2. Domestic water supply plan: For projects to be served by public water, the domestic water supply plan must depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the Town Engineer.
  - a. Domestic water supply and/or distribution systems must be designed and built in accordance with the latest edition of Town's Water and Wastewater Standards as well as the Rules for Safe Drinking Water: Chapter 391-3-5, Revised June 1989 or latest edition, Georgia Environmental Protection Division.
  - b. Public water service must be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,000 feet of the development.
3. Fire hydrants are required in all developments served by a public water system. Hydrant spacing must follow the specifications of the Town or the applicable water service provider. Hydrant placement must be approved by the applicable County Fire Department. A hydrant must be located every 500 feet or at every intersection, whichever is closer.
4. Sanitary sewer and domestic water capacity must be demonstrated to the satisfaction of the Public Works Director in accordance with established codes prior to the issuance of land disturbance and building permits. The developer is responsible for providing and paying for necessary water and sewer extensions including the addition of necessary capacity required to serve the development.

## 8.8 Evidence of Project Approval

Each development plan must carry the following certificates printed or stamped on the plat.

- A. Signed approval from the applicable County Environmental Health Department (if septic tanks are allowed by the County).
- B. Certificate of Project Approval, to read as follows:

### CERTIFICATE OF PROJECT APPROVAL

All applicable requirements of the Town of Braselton Development Code relative to the project approval having been fulfilled, approval is hereby granted by the Town Public Works Director, subject to further compliance with all provisions of the Development Code.

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Town Public Works Director (or designee)

Date \_\_\_\_\_

This Certificate of Project Approval expires 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not commenced.

- C. Signature of Owner and Developer of the Development.
- D. Signature of the Planning Director with the following notation:

### CERTIFICATE OF PLANNING APPROVAL

All applicable Planning and Zoning requirements of the Town of Braselton Development Code relative to the project approval have been fulfilled, approval is hereby granted by the Planning Director.

## 8.9 Issuance of Development Permit

- A. Upon approval of a preliminary plat, site plan and development plans, the Planning Director and Town Engineer may issue a Development Permit authorizing development activities to begin based on the approved documents. A development permit is an official authorization permitting clearing, grubbing, grading, and/or construction of storm drainage facilities, utilities, access drives, streets, parking, and other improvements exclusive of buildings. A permit authorizing clearing, grubbing, and grading may be issued

by the Planning Director prior to the issuance of a development permit based on approval of a grading plan, soil erosion and sedimentation control plan, and hydrology study by the applicable Soil and Water Conservation District.

- B. Development permits for subdivisions expire if the development activity described in the permit is not begun within 12 months of the date of issuance. Renewal of the permit after expiration must be in accordance with the requirements of this Development Code.
- C. Model home construction may be allowed prior to final plat approval after a building permit is obtained with the following requirements:
  - 1. Access to the home(s) must be adequate to accommodate the general public and emergency service vehicles.
  - 2. All storm water, roads, and improvements have been installed and inspected.
  - 3. Addresses have been issued by the appropriate agency/county.
  - 4. A final certificate of occupancy may not be issued until final plat is approved and recorded.
- D. Prior to the issuance of a development permit for any construction other than a single-family residential structure, a review and approval of all development and construction plans must take place. No clearing, grubbing, or grading may be undertaken until a permit has been approved.
- E. The Planning Director must issue a Development Permit before the Building Official issues any type of building permit.
- F. If the applicant does not begin any site development activities within 12 months of the date of issuance of the development permit, then the development permit is null and void. However, the development permit may be reissued under the development requirements in place at the time that the original permit was approved.

#### **8.10 Final Subdivision Plat Approval**

- A. Prior to submission of a final subdivision plat, either:

- 1. For minor subdivisions, the Town Engineer must certify that all lots are adequately served by existing streets and public utilities; or,
- 2. Except for minor subdivisions, all of the stormwater drainage and management facilities; water and sewer utilities; private utilities (power, gas, cable, etc.); signs, striping, and traffic control devices; street base, and curbing construction required for final plat approval must be properly installed and completed and, for those required improvements not yet completed (grassing, required landscaping, sidewalks, etc.) a performance bond must be filed by the subdivider.
- 3. Prior to submission, the applicant must provide all of the following to the Town Engineer and all other applicable departments and agencies:
  - a. As-built surveys for all public improvements required by this Article.
  - b. A developer must maintain and keep in good repair all improvements required under this article and constructed by him or her from the date of completion and acceptance of the work by the Town for a period of 18 months for water, sanitary sewer, and reuse water system improvements, and for a period of 24 months for streets, drainage, and all other improvements. In the event that the development has not completed at least 90 percent build-out by the end of the original guarantee period, the guarantee must be renewed in 18-month intervals until 90 percent build out is achieved.
  - c. Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, maintenance surety for all public improvements required under this article must be provided by the developer, and performance surety must be provided for all required improvements not yet completed.

- B. Application for a final subdivision plat approval must be made to the Planning Director. The application must include all of the following:

1. A properly completed application form, as furnished by the Planning Department, requesting final subdivision plat review.
  2. A number of prints of the final subdivision plat drawing to be determined by the Planning Director prepared in conformance with the specifications in this Section.
  3. Payment of all applicable final subdivision plat application, review, and recording fees, as established by the Town Council from time to time.
- C. The Planning Director, Town Engineer, and all other applicable departments and agencies must review the application for completeness. Incomplete applications will be returned to the applicant.
  - D. Following receipt of the application, the Town Engineer must inspect the development and indicate on the drawing or in writing all comments related to compliance with this Development Code. The Planning Director must inspect the final plat for all zoning requirements.
  - E. The owner is responsible for compliance with all codes, regulations and zoning requirements, and for the satisfaction of all the noted and written comments by all applicable departments and agencies. Resubmission of all revised drawings must be made to the applicable departments and agencies.
  - F. When all of the requirements of this Development Code, and any conditions of zoning approval, have been met, the Public Utilities and Planning Director must certify approval with signature and date on the plat.
  - G. **CERTIFICATE OF FINAL PLAT APPROVAL** stamped or printed on a reproducible copy of the final subdivision plat. The applicant with the Planning Director and Public Utilities Director approval must then record the plat, with the Clerk of Superior Court. An executed original of the approved drawing must be transmitted to the applicant.
  - H. After the final plat is recorded, the lots may be sold and building permits on the lots may be obtained.

### **8.11 General Plat Standards**

- A. The final subdivision plat must be drawn on an appropriate material and sheet size using minimum line weights and letter heights as required by Georgia law for the recording of maps and plats (O.C.G.A. § 15- 6-67), and as acceptable to the Clerk of Superior Court.
- B. The final plat must be based on a certified boundary survey delineating the entirety of the property contained within the final plat and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey must have an accuracy of no less than 1 in 10,000 feet.
- C. The final plat must substantially conform to the development plan and may constitute only that portion of the approved development plan which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of this development code, and that portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the development plan requires revision and reapproval of the development plan.

### **8.12 Final Plat Requirements**

The final subdivision plat must contain the following information:

- A. All data required by Georgia law pertaining to the recordation of maps and plats (O.C.G.A. § 15-6-67).
- B. Name of the subdivision unit number, land district, and land lot number. If the development is a private subdivision, "Private Subdivision" must be included in the title.
- C. Name, address, and telephone number of owner of record, and the subdivider (if not the owner).
- D. Name, address, and telephone number of each professional firm associated with the portion of the subdivision within the final plat (engineer, surveyor, landscape architect, etc.).
- E. Date of plat drawing, graphic scale, north arrow; notation as to the reference of bearings to magnetic, true north or grid north, and indication whether bearings shown are calculated from angles turned.

- F. Case number and date of approval for any applicable rezoning, special use permit, variance, modification, or waiver affecting the property.
- G. Location and dimension of any buffer, landscape strip, special setback, no-access easement, etc.
- H. Boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-hundredth foot and bearings to the nearest second. Bearing and distance to designated tie point must be shown. The plat must have a closure precision of 1 foot in no less than 10,000 feet.
- I. Location and size of all drainage pipe, location and extent of stormwater management facilities, the location and size of all public water mains and fire hydrants, the location and size of all public sanitary sewer lines and manholes and the location, dimensions, and purpose of any easements, including construction or slope easements if required.
- J. Street and alley names including both the name and the suffix such as "Street," "Avenue," etc.
- K. Name of the former subdivision if any or all of the property has been previously subdivided and recorded on a final plat.
- L. Location sketch of tract showing major surrounding features.
- M. Lot lines with dimensions to the 1/100 (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners.
- N. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way.
- O. Lots or sites numbered in numerical order and blocks lettered alphabetically. Numbers or letters should not be duplicated in multiple phases within the same development.
- P. Location, dimensions, and purpose of all easements, including drainage or slope easements, if required, and any areas to be reserved, donated, or dedicated to public use.
- Q. Location of any areas to be reserved, donated, or dedicated to public use with notes stating their purpose and limitations. Location of any areas to be reserved by private deed covenant for common use of all property owners or dedicated to a homeowners association.
- R. If covenants are separately recorded provide a statement as follows: This plat is subject to the covenants set forth in the separate document(s) attached hereto dated \_\_\_\_\_, which hereby become a part of this plat, and which were recorded \_\_\_\_\_ and signed by the owner.
- S. Documentation of the property owners association, homeowners' association, or equivalent body, unless not required by Sec. 3.1.
- T. The extent of any floodplains.
- U. The street address number of each lot, as assigned by the local government.
- V. The width and the former widths, if pertinent, of all rights-of-way adjacent to or crossing the property or adjacent to any point of reference.
- W. Street center lines showing angles of deflection and standard curve data including radii, length of arcs and tangents between curves, point of curvature (PC) and point of tangency (PT). Curve data is required for all curves of greater than ten degrees on new roads. Chord distances and directions must be given for irregular curves on preexisting roads.
- X. The location and width of all sidewalks and multi-use trails.
- Y. All land lot lines, land district lines, land section lines, and town and county boundaries intersecting or adjacent to the surveyed property must be indicated by lines drawn upon the plat with appropriate words and figures.
- Z. Plats must show the state plane coordinates of at least two permanent monuments thereon, when a United States Coastal and Geodetic Survey monument is within 500 feet of any point on the property platted, or any point of reference shown thereon. Accurate location, material, and description of monuments and markers (all monuments must be in place prior to approval of the final plat).

AA. A statement of how all tree plantings and sidewalk construction will take place during the construction of individual houses.

BB. Certificates and statements specified in Sec. 8.15.

CC. All other notes or notations required by the Town Engineer.

### **8.13 Utility Easements**

Whenever it is necessary or desirable to locate a public utility line outside of a street right-of-way, the line must be located in an easement dedicated to the Town (or other appropriate public entity) for such purpose.

A. Utility easements for electric and telephone service lines, sewage lines, water lines, or other similar utilities located along rear lot lines or side lot lines or passing through a lot must be at least 20 feet wide, and may be required to be wider depending on the depth of cut to maintain a 1:1 open cut slope. When warranted, temporary construction easements widths may be required by the town. Pressurized water, sewer, or reuse lines proposed between residential buildings must be platted in common area no less than 30 feet wide and not on any part of an individual residential lot.

B. Easements for sanitary sewers may be required by the Town Engineer for future extension of lines, whether or not the subdivision or development is currently proposed to be served by public sewer.

C. No structure may be built on a utility easement.

D. Utility easements for private utilities should be avoided except in cases where no other satisfactory arrangements can be provided for the installation of private utilities.

### **8.14 Private Subdivision Document Requirements**

In addition to all other requirements of this section, private subdivisions must comply with the following:

A. As part of any final subdivision plat submission, the following documents must be filed for approval with the Planning Department as a part of the development plan:.

1. The form of all agreements between the developer and property owners relative to development standards and property ownership and common area ownership and maintenance.

2. The form of all agreements between and among individual property owners relative to the ownership and maintenance of privately owned properties and common areas.

3. Certification by the design professional that all improvements have been installed in accordance with the requirements of this Development Code.

B. The following language must appear on the plats, deeds, and covenants to be recorded which concern the subdivision: "Required notice to all subsequent property owners: The grantee herein recognizes that any and all means of ingress and egress to the property conveyed hereby, and any water or sewer utilities servicing the property which are provided by the grantor or their successors or assigns are considered to be private facilities not maintainable by any local government. Therefore, the property owner hereby agrees that he or she will be responsible for their share of the upkeep and maintenance of said private facilities, holding the Town of Braselton completely harmless of any necessity for such upkeep and maintenance. Town of Braselton has no responsibility to build, improve, maintain, or otherwise service the private streets, stormwater management facilities, stormwater pipes or culverts, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or parcels for private streets shown on this plat." A copy of the covenants as recorded must be provided to the Planning and Development Department prior to issuance of any building permits.

C. A private maintenance covenant must be recorded with the Clerk of the Superior Court.

D. All private streets and alleys must be located on separate parcels with the same widths as public street rights-of-way consistent with the requirements in Sec. 9.3.

E. The purchaser a lot must sign an acknowledgement of maintenance



responsibilities for the private street and/or alley.

### 8.15 Surveyor and Owner Certificates

Each final subdivision plat must carry the following certificates printed or stamped on the plat and signed and dated in black ink.

- A. Surveyor's certificate, to read and be completed as follows:

#### SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision and that all monuments shown thereon actually exist.

The field data upon which this plat is based has a closure precision of one foot in \_\_\_\_\_ feet, and an angular error of \_\_\_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule.

This plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet.

By (name):

\_\_\_\_\_  
Registered Georgia Land Surveyor No.

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Telephone Number:

\_\_\_\_\_  
Date:

- B. Surveyor's seal. The original final subdivision plat drawing must bear the original signature, in black ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.
- C. Owner's certificate for public subdivisions, to read and be completed as follows, and signed in black ink on the original drawing:

#### OWNER'S CERTIFICATE

State of Georgia

County of \_\_\_\_\_

The undersigned certifies that he or she is the owner of the land shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Town of Braselton.

The owner further acknowledges this plat and allotment to be their free act and deed, and dedicates to the Town forever all areas shown or indicated on this plat as street rights-of-way and water and sewerage system improvements and easements as depicted on the as-built surveys for this subdivision, approved on \_\_ (date) \_\_.

Owner's \_\_\_\_\_ name:

Owner's \_\_\_\_\_ address:

\_\_\_\_\_  
Date \_\_\_\_\_

(Owner's signature)

D. Owner's Certificate for privately maintained subdivisions, to read and be completed as follows, and signed in black ink on the original drawing:

#### OWNER'S CERTIFICATE

State of Georgia County of \_\_\_\_\_

The undersigned certifies that he or she is the owner of the land shown on this plat and that the plat and the private improvements contained therein or associated therewith meet all applicable requirements and standards of the Town of Braselton.

The owner further acknowledges this plat and allotment to be their free act and deed, and dedicates to the homeowner's association, or other private entity, forever all areas shown or indicated on this plat as private street parcels and water and sewerage system improvements and easements as depicted on the as-built surveys for this subdivision, approved on \_\_ (date) \_\_.

Owner's name:

\_\_\_\_\_  
Owner's address:

Date\_\_\_\_\_

(Owner's signature)

#### **8.16 Health Department Certification and Public Utility Dedication**

- A. For lots not served by public sewer, certification by the applicable County department must be provided stating that the sewerage systems installed or proposed to be installed fully meets the requirements of the department's regulations. The applicable department or agency certification statement must include written notice that each lot not on public sewer must have a septic tank permit prior to the start of construction. For developments with public sewerage and public water systems this certification may be omitted, but approval by the Town Engineer is required with a statement that public utilities are available to the development.
- B. Public Utility Dedication must read as follows: "Sanitary sewer piping, water system piping and appurtenances thereof, along with water and sewer easements shall be dedicated to the Town of Braselton after the date of acceptance by the Town of Braselton with a 18 month warranty by the developer for materials and installation defects or until 75% of the dwellings within the development are constructed from the date of this approval, whichever occurs later."

#### **8.17 Certificate of Final Subdivision Plat Approval**

The following must be stamped or printed on the final subdivision plat for execution upon its approval by the Planning Commission.

##### **CERTIFICATE OF FINAL PLAT APPROVAL**

All applicable zoning and subdivision requirements of the Town of Braselton having been fulfilled by this plat, the Town of Braselton Planning Director hereby approves this plat for recordation by the Clerk of Superior Court.

\_\_\_\_\_  
Date\_\_\_\_\_

(Signature of Planning Director or Designee)

##### **CERTIFICATE OF PUBLIC WORKS APPROVAL**

All applicable requirements and standards of the Town of Braselton for water, sewer, stormwater, and streets having been represented as being fulfilled by this plat and the related as-built surveys approved on \_\_\_\_\_ (date) \_\_\_\_\_, the Town of Braselton Public Works Director hereby recognizes the owner's offer of dedication of street rights-of way, water improvements and easements, and sewerage improvements and easements shown thereon and on said as-built surveys on behalf of the Town, subject to maintenance and guarantee by the owner for at least 18 months or until 75% of the dwellings within the development are constructed from the date of this approval, whichever occurs later.

\_\_\_\_\_  
Date\_\_\_\_\_

(Signature of Public Works Director or Designee)

\*The type of improvements and infrastructure to be dedicated to the Town may differ from project to project. The language of the Certificate of Public Works Approval, Owner's Certificate, and the Public Utility Dedication note can be amended, as deemed necessary, for specific projects and plats to reflect this variation.

If dedication of right-of-way or other land to the Town is required by this code, acceptance by the Town is contingent on the developer submitting a metes and bounds description of the required right-of-way and transferring title to the land by deed to the Town prior to issuance of building permits.

##### **Required Access**

- A. A publicly approved street meeting the requirements of this article must serve every development and every lot within a subdivision.
- B. Every subdivision must have access to the public street system via a paved street. Subdivisions containing more than 200 lots must have at least two points of access.
- C. When land is subdivided into parcels larger than ordinary building lots, those parcels must be arranged and designed to allow for the opening of future streets and to provide



access to those areas not presently served by streets.

- D. No subdivision or development may be designed in a way that would completely eliminate street access to abutting parcels.
- E. Where, in the opinion of the Town Engineer or Planning Director, it is necessary to provide for street access to abutting property, proposed streets must be extended by dedication of right-of-way to the boundary of such property through the development.
- F. Where an arterial street abuts or is included in a residential subdivision, the responsible engineer may limit access to the arterial street. Lots that abut the arterial street must be provided with another means of access, such as with reverse frontage lots, a separate street parallel to the arterial street, or a loop street or cul-de-sac.

#### **8.18 Guarantee in Lieu of Completed Improvements**

No final subdivision plat may be approved by the Planning Director or accepted for recordation by the Clerk of Superior Court until one of the following conditions has been met:

- A. All required improvements have been constructed or funded in a satisfactory manner and approved by the Town Engineer, or
- B. Upon approval by the Mayor and Council, the owner has bonded or provided a letter of credit from a bank in good standing to an amount of 110% of the estimated cost of installation of the required improvements, and has approved an executed contract for installation of the improvements by a qualified contractor. The executed contract must call for completion of the improvements at least 1 year after approval of the final plat or until at least 75% of the dwellings within the development have been issued certificates of occupancy. The performance bond or letter of credit must be filed to warrant to the Town that all improvements and installations required for the final plat approval, but not yet completed, must comply with all of the following:
  - 1. Be conditioned upon the faithful performance by the principal, being the subdivider, owner, or developer of all work

required to complete all improvements and installation for the development, or approved portion thereof, in compliance with this Development Code and all other rules and regulations within a specified time, not to exceed 12 months, unless an extension for additional time is granted.

- 2. Be payable to, and for the indemnification of, the Town.
  - 3. Be with surety by a company entered and licensed to do business in the State of Georgia.
  - 4. Be in a form acceptable to the Town Attorney.
- C. The topcoat of asphalt may be withheld from application, upon approval by the Town Engineer, until the bonding time is complete and application for bond release is made. At such time, the developer must apply the topcoat, provided that the requirements of this Development Code are met. A one-year warranty bond must be provided for the asphalt topping.

#### **8.19 As-Built Data**

- A. Upon completion of the development activity as authorized by the development permit and prior to final inspection, the owner must submit to the Town Engineer for review and approval a complete set of record drawings showing "as-built" conditions prepared by the design professional of record who prepared the original plans, or a professional land surveyor, engineer, or landscape architect licensed in the State of Georgia. These drawings must show the following:
  - 1. Street centerlines and rights-of-way lines.
  - 2. Drainage system pipes, manholes and channels, including finished elevations.
  - 3. Storm water detention facilities including finished elevations.
  - 4. Sanitary sewer system (if any) including finished elevations.
  - 5. Water system and reuse water system (if any) including finished elevations.
  - 6. All other information as required by the Town Engineer.

- B. The as-built data must be certified and sealed by the design professional of record or other professional preparer, subject to the tolerances of accuracy indicated in the certification.

#### **8.20 Inspections and Responsibility During Construction**

- A. The developer and their Design Professional of Record have full responsibility for quality control and inspection during construction to ensure substantial conformance with the approved construction plans, Town standards, Town regulations, and generally accepted construction practices. Town personnel are only providing construction observation to intermittently check the adequacy of the developer's quality control and inspection.
- B. Any construction issues requiring an interpretation and/or change in the plans, standards, and/or regulations are to be resolved by the Design Professional of Record and presented to the Town Engineer for written concurrence or approval. Any design changes must be revised on the construction plans and issued as a change to the approved construction plans.
- C. Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural landscape buffers or stream buffers, must be designated by survey stakes, flags, ribbon, or other appropriate markings and must be inspected and approved by the Town Inspector prior to the commencement of any clearing or grading activities.
- D. Requests for inspections must be made by the owner or contractor to the Town Public Works Department in accordance with the listing of inspection responsibilities established by Town. Requests must be made at least 24 hours prior to when the inspection is needed. Inspections must be made and passed prior to continuation of further activity or proceeding into new phases. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:
  - 1. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control

measures and protective devices for undisturbed areas. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.

- 2. Upon completion of street grading, inspection and approval must be complete prior to trenching or continuation with subgrade preparation.
- 3. Upon installation of storm drainage pipe, detention, or other storm water facilities.
- 4. Street curbing and gutter (if provided). Inspection must be requested after the forms or string line have been set. Street width and vertical and horizontal alignment may be spot-checked.
- 5. Sub-grade of streets. The sub-grade may be roll tested.
- 6. Street base. The base may be string-lined for depth and crown. The street base will be tested for depth and compaction in accordance with Sec. 9.11 and may be roll-tested, at the discretion of the Town Engineer.
- 7. For asphalt paving, the temperature of the material will be monitored, the asphalt will be tested for depth and compaction in accordance with Sec. 9.11, and may be roll-tested, at the discretion of the Town Engineer.

#### **8.21 Acceptance of Public Improvements**

- A. If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed during the maintenance period for the subdivision while bonding instruments are still in effect.
- B. Prior to end of the maintenance period, a final acceptance inspection of the public improvements must be conducted by the Town.
- C. The owner must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. All deficiencies must be corrected during the performance and maintenance bond period.

D. Upon certification by the Town Engineer that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the Town Council must

accept the public improvements into perpetual maintenance. This certification and final acceptance can occur after a minimum one year after final plat, or final infrastructure is installed, whichever occurs last.

## ARTICLE 9 STREET DESIGN AND CONSTRUCTION

### 9.1 General

- A. The Town Engineer is authorized to modify the standards in this article when, in his or her professional judgement, the modification is necessary and will not hinder the public health, safety, and general welfare.

### 9.2 Construction Details

- A. The Standard Design Specifications of the Town of Braselton, also referred to in this Development Code as "standard details," as adopted by the Town Council from time to time, are incorporated into this Development Code as though set forth within the body of this Development Code. In the case of a conflict between the standard design specifications and the text of this Development Code, the text of this Development Code shall control.

1. Traffic signs and street striping. The installation of all traffic control signs and street striping shall be governed by the standards contained in the "Manual on Uniform Traffic Control Devices", latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation, and the Non-Interstate Signage and Marking Design Guidelines published by the Georgia Department of Transportation. Any traffic sign or post not conforming to Town standards will be considered decorative. Any decorative sign or post must be approved by the Town Engineer prior to construction plan approval.
2. Georgia DOT design standards and standard construction specifications. Unless otherwise specially set forth in this Development Code or the Standard Design Specifications of the Town of Braselton, the design and all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest driveway encroachment design regulations and standard specifications for the construction of roads and bridges of the Georgia Department of Transportation.

3. AASHTO design standards. Design criteria and standards not specifically set forth herein shall conform to the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets.

### 9.3 Street Design Requirements

#### A. Street Types

All new streets must be designed in accordance with one of the street types in this section except where alternate designs (including the use of one-way streets) are authorized by approval of both the Town Engineer and the Planning Director.

#### B. Private Street Standards

1. All new streets must be public streets or private streets built to the standards of this Development Code.
2. Private streets (except alleys) must be located on a separate parcel owned by the property owners association for the development. Private streets may not be located on easements. An access easement must be recorded with each lot's deed to grant the right of access to every lot served by the street, as well as the right to place public and private utilities in the street parcel.
3. Easements for alleys must have the same width as the required right-of-way width for public alleys.
4. The Town will not maintain roadways, signs, or drainage improvements on private streets. The property owners association must provide all maintenance activities as well as related actions to ensure compliance with Town's NPDES permit for stormwater discharges.
5. Any gate across a private street that limits access must provide unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Accessibility to gated communities must comply with all standards and requirements of the County Fire Chief for access activation.

### **C. Streetscape Improvements**

1. Where a new development abuts an existing street, the streetscape requirements of this article must be met along the side of the street abutting the development.
2. For those properties for which inadequate right-of-way exists to install the improvements specified in this article, additional right-of-way may be dedicated to the applicable jurisdiction in order for the improvements to be installed. If such right-of-way is donated, the required parking lot setback may be reduced by an amount equal to additional right-of-way donated. In no case may the parking lot setback be less than 5 feet.
3. Where streetscape improvements are installed on private property, appropriate easements must be provided to ensure adequate access. Any such easement agreements must be approved by the Town Manager.

### **D. Developments Abutting Existing Narrow Streets**

Where a proposed development abuts an existing street that is narrower than would be required by this section, the developer must dedicate additional right-of-way to meet one-

half of the minimum right-of-way requirement for the applicable street type, as measured from the center of the existing right-of-way or the center of the existing street, whichever is greater. The Town Engineer may also require additional right-of-way to be dedicated for any turn lanes, deceleration lanes, and acceleration lanes required by the Town or GDOT.

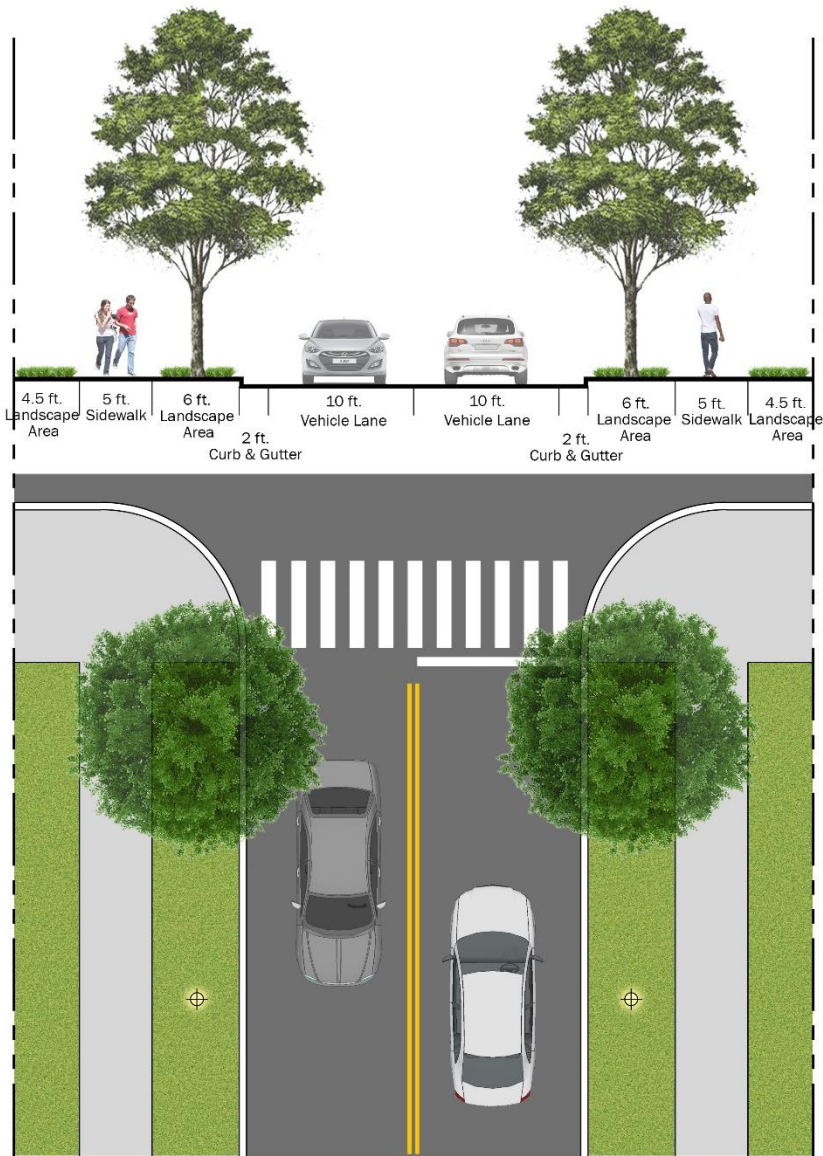
### **E. Medians**

Medians may be added to any street section and will result in an increased right-of-way width. Vertical or high back six-inch concrete curb are required around all medians. Medians must be either designed to slope toward the outside curb of a street or provide gutters and an adequate drainage system within the median.

### **F. Landscape Strip**

All required landscape strips must be planted with a combination of shrubs, perennials, groundcovers, and grass, as approved by the Planning Director. Where parallel parking spaces are provided along non-residential streets, the adjacent landscape strip must be paved for at least 18 inches (measured from the face of curb) and provide intermittent strips of pavement at least 24 inches wide to allow pedestrian access to the sidewalk.

# G. Local Residential Street (No Parking)

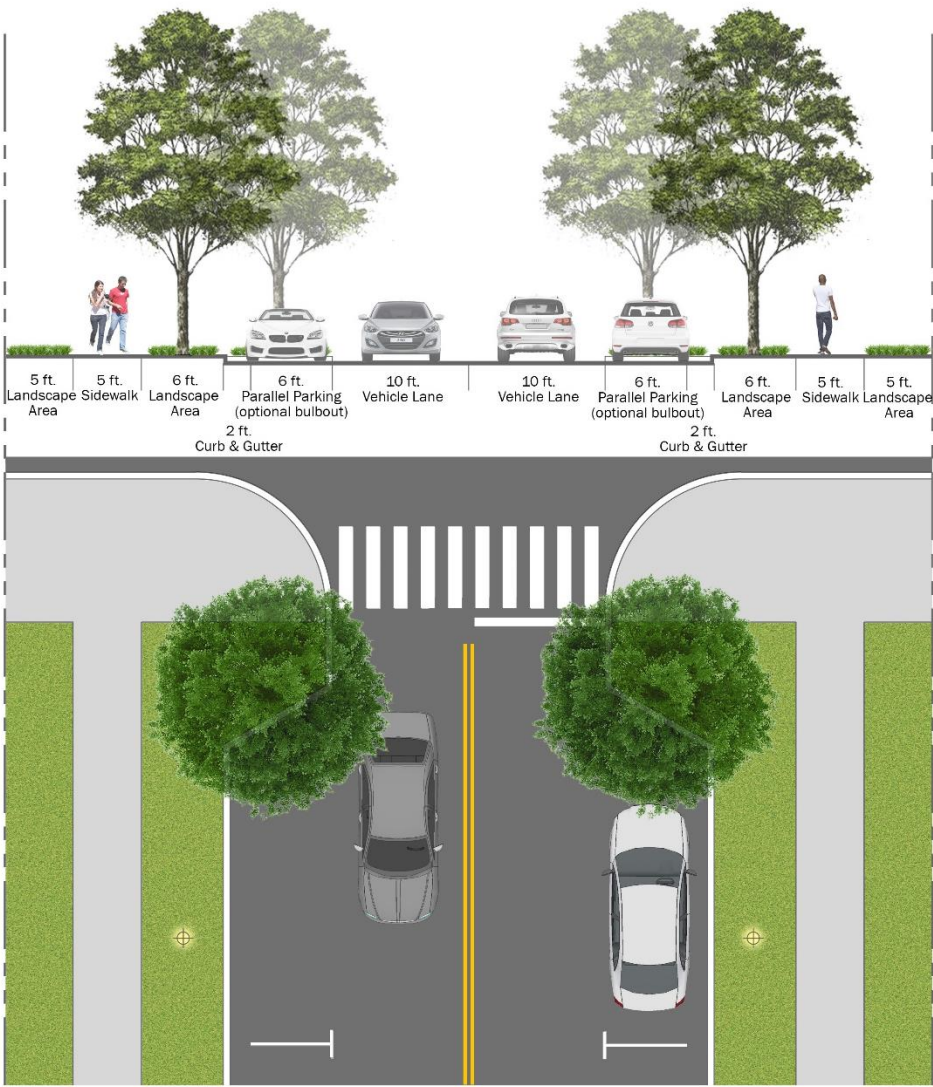


55 FOOT RIGHT-OF-WAY (not to scale)



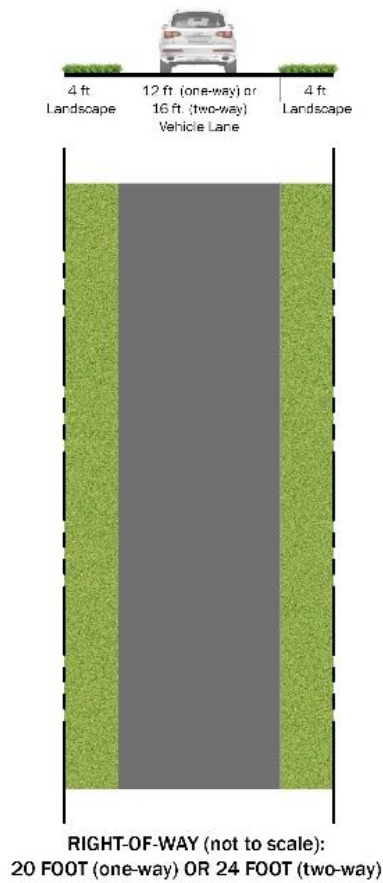
**H. Local Residential Street (Parallel Parking)**

Parallel parking may be provided on one or both sides, but must be provided on all block faces with townhouses.



68 FOOT RIGHT-OF-WAY (not to scale)

## I. Residential Alley

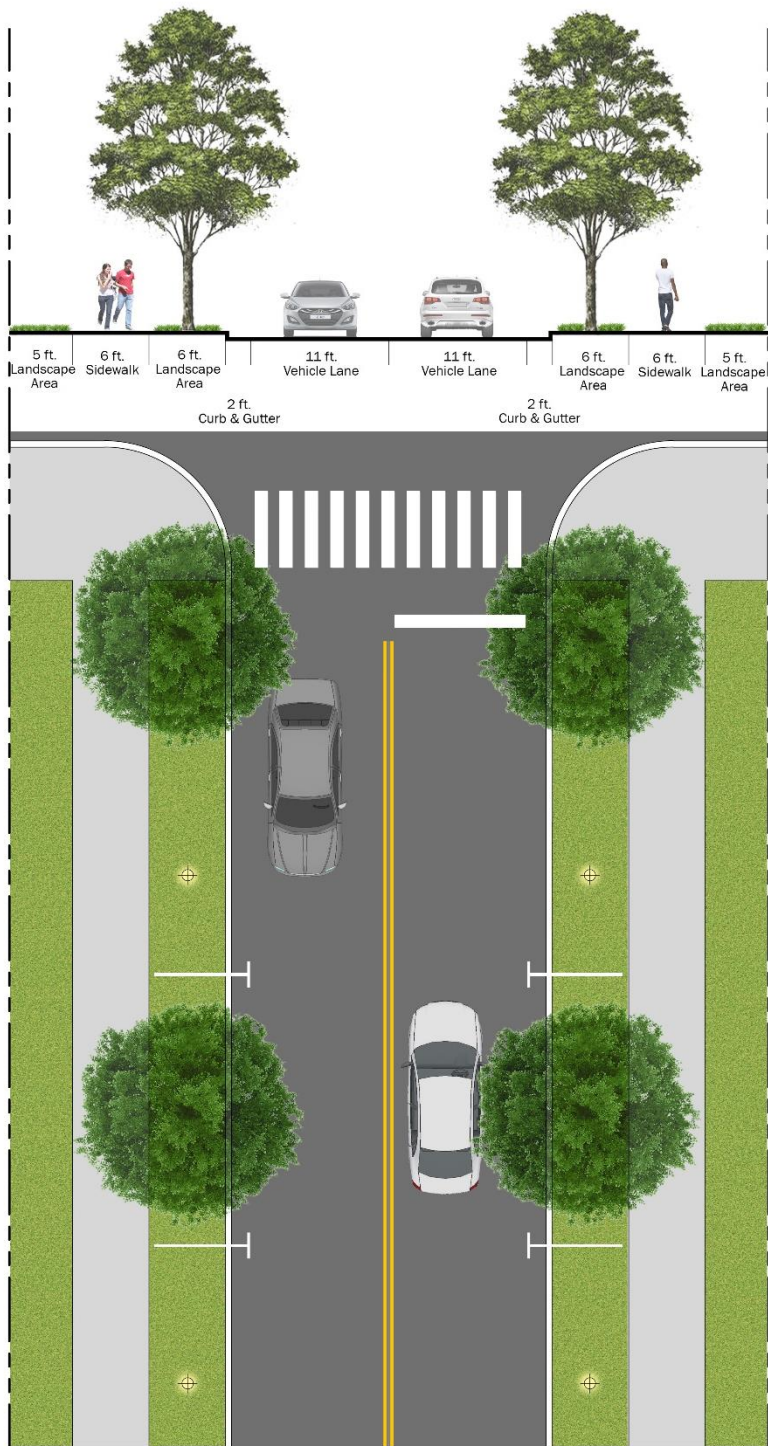




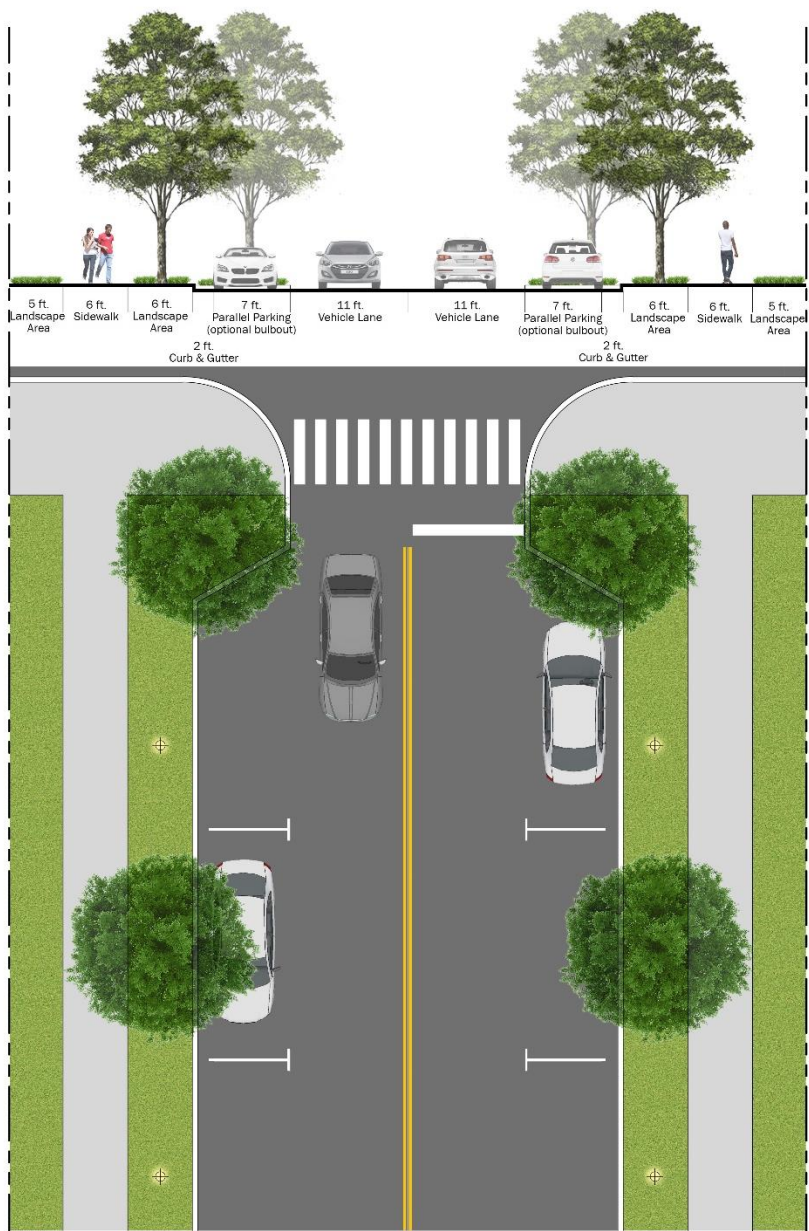
#### **J. Commercial Street/Residential Boulevard**

The required boulevard width and type is based on projected average daily traffic count (ADT) as follows. The applicant must provide a traffic study to forecast the projected average daily traffic count (ADT) based on the reallocation of existing traffic from adjacent streets as well as the expected traffic generation of the proposed development and any other new developments along the new street. Pavement and right-of-way widths must match those in the proposed sections that follow. Medians are encouraged. Parallel parking is required on all boulevard sections except those that immediately abut single-family detached dwellings.

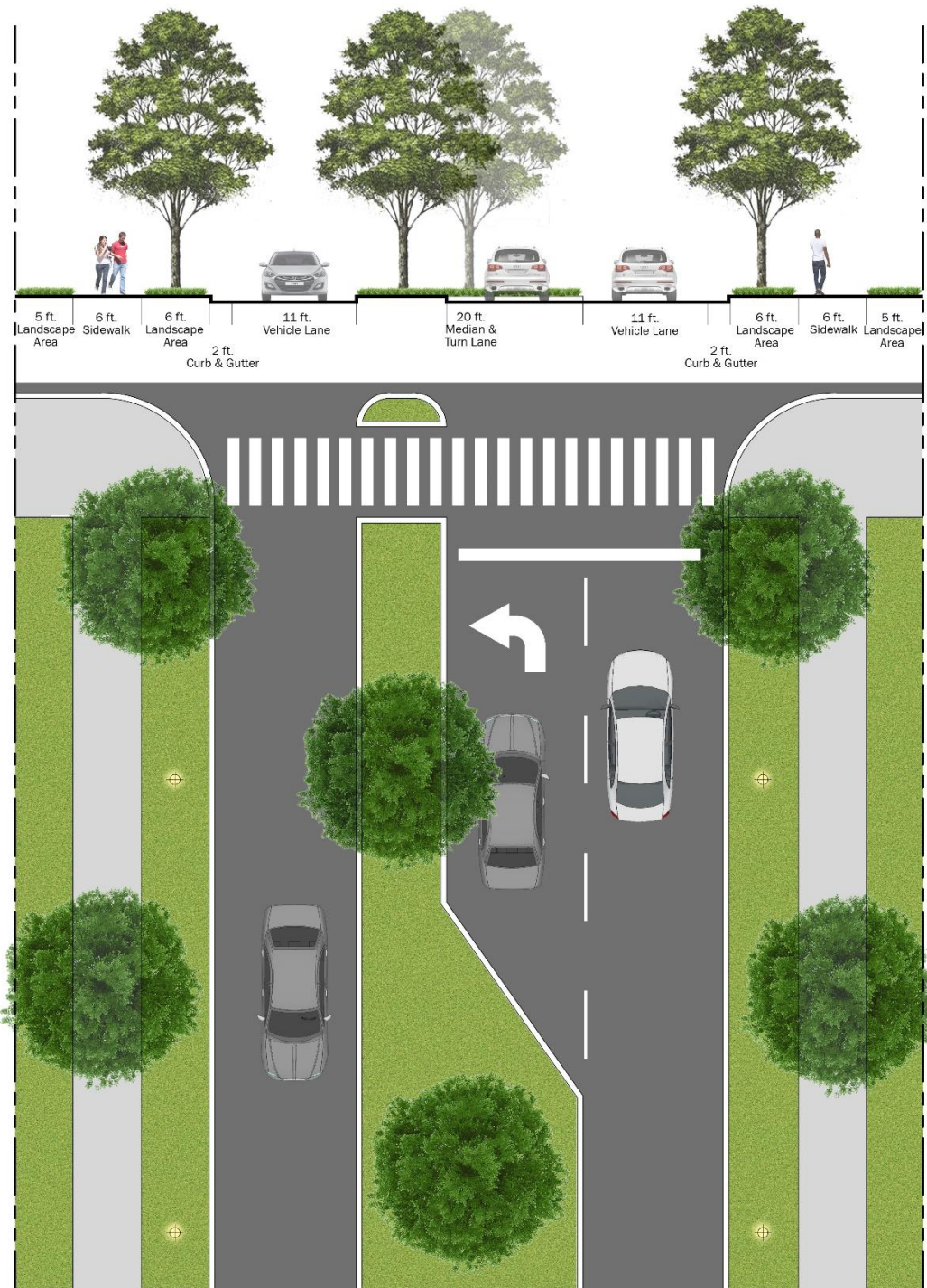
1. Where the projected average daily traffic count is between 2,500 and 15,000, a 2-lane boulevard is required, with or without a median, and with or without parallel parking.
2. Where the projected average daily traffic count is more than 15,000, a 4-lane boulevard is required, with or without a median, and with or without parallel parking.



60 FOOT RIGHT-OF-WAY (not to scale)

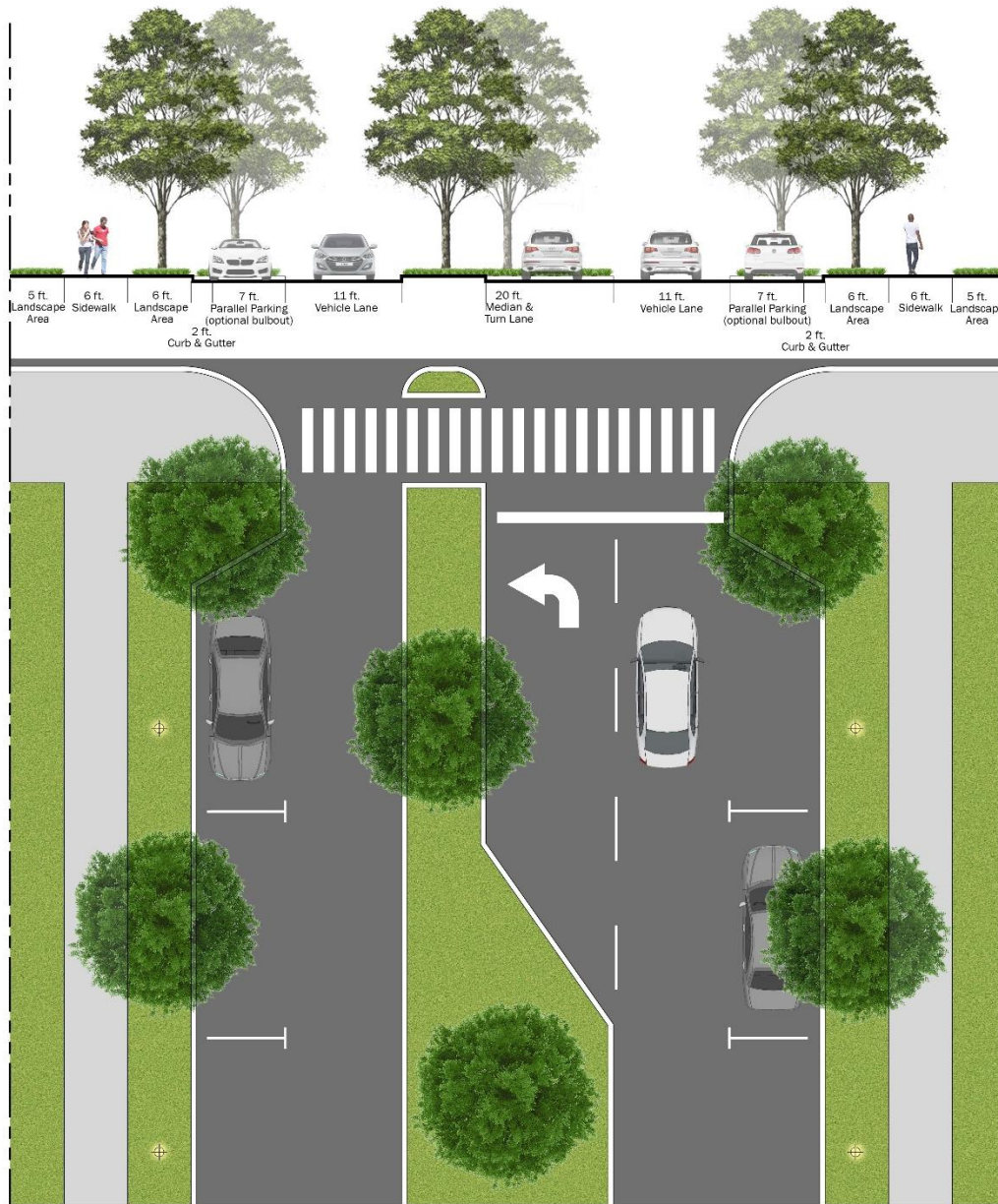


74 FOOT RIGHT-OF-WAY (not to scale)



80 FOOT RIGHT-OF-WAY (not to scale)





94 FOOT RIGHT-OF-WAY (not to scale)

## K. Multi-Use Trail

Multi-use trails may be provided in dedicated rights-of-way or easements independent of streets. Where trails meet a street, a 5-foot flare must be provided, with a ramp to the street and bollards spaced 7 feet apart to block motorized traffic except golf carts. For new developments that abut any state route, the required 6-foot sidewalk provided adjacent to the development must be constructed as a 10-foot wide multi-use trail.



## 9.4 Streetscape Elements

### A. Street Trees

1. Either large or small street trees or a mix of both must be planted in all medians and required landscaped strips.
2. Large trees must be planted with an average spacing of 40 feet on center and must be of a species listed in Sec. 6.11A.
3. Small trees must be planted with an average spacing of 20 feet on center and must be of a species listed in Sec. 6.11A.
4. No more than 25 (or 25 percent of the total number, whichever is greater) of the trees installed may be of any one genus.
5. No more than 25 percent of the street trees used in a single development may be small trees.

### B. Street lights

1. Street lights for vehicles and pedestrians must be installed in the landscape strip along all streets, with a spacing approved by the Planning Director. Pole height may not exceed 25 feet. Street lights must conform with the official street light details available on the Town's website.
2. The cost of installing and operating approved street lights on any public street must be paid through a financial method approved by the Town Council. The costs of all other lighting must be borne by the developer or property owner.

3. When 75% of the platted lots in a development have received a certificate of occupancy, the homeowners' association, developer, or other appropriate entity may petition the Town to assume financial responsibility of the cost of operating the street lights. Nothing in this section obligates the Town to assume financial responsibility for the maintenance or operation of any street lights.
4. The Town is authorized to levy and collect a special assessment or fee per individual lot within a development to defray the cost of electricity and any associated administrative costs. Town staff are authorized to implement an efficient manner of collection and to create any necessary forms, documents, or procedures to collect assessments or fees.

### C. Street Furniture

1. Street furniture is encouraged to be provided where appropriate, especially along commercial streets. The required landscape area is the appropriate place to install benches, trash and recycling receptacles, bicycle racks, and other street furniture. Street furniture must be selected from the Town's approved list, which is available from the Planning and Development Department. Alternate furniture may be approved on a case-by-case basis by the Planning Director.

2. Maintenance of trash and recycling receptacles, including emptying, repair, and replacement, is the full responsibility of the adjacent property owner.

#### D. Curb and Gutter

1. Curb and gutter are required for all street types except for alleys, which must provide engineered shoulders and bioswales or other appropriate drainage. Where sidewalks or other streetscape elements are installed along an existing street, curb and gutter must also be installed unless the Town Engineer deems it not necessary. Vertical or highback six-inch concrete curbs are required. Gutters must have a minimum overall width of 24 inches.

#### E. Crosswalks

All intersections must provide crosswalks that connect to sidewalks in all quadrants. Crosswalks must be marked with high-reflectivity thermoplastic paint, brick pavers, or concrete pavers.

	Min. Grade	Max. Grade	Design Speed	Min. Stopping Sight Distance	Min. Centerline Radius	Min. Pavement Radius at Intersections	Min. Length of Tangent Between Reverse Curves
Commercial Street/ Residential Boulevard	1.5%	10%	35 mph	360 feet	500 feet	30 feet	200 feet
Local Residential Street	1.5%	12%	25 mph	155 feet	100 feet	30 feet	100 feet
Cul-de-sac	1.5%	5%	none	none	40 feet	30 feet	none

#### B. Minimum Cul-de-Sac and Alternate Turnaround Specifications

1. The distance between the curb or edge of pavement and the right-of-way within a cul-de-sac must be at least as wide as the same distance along a given street prior to entering the cul-de-sac. All streets greater than 150 feet must have an acceptable turnaround that meets fire access codes.
2. Maximum length: 1,000 feet.
3. Minimum right-of-way radius: 60 feet
4. Minimum pavement radius (or width where an island is provided): 40 feet

## 9.5 Other Street Design Requirements

### A. Design Speed and Grade

1. All new streets must be designed consistent with the requirements in the following table, except when the Town Engineer and Planning Director approve streets with lower design speeds. All new streets must incorporate traffic calming and design elements from the National Association of City Transportation Officials (NACTO) Urban Street Design Guide in order to achieve the designated design speed.
2. Grades less than the minimum grade may be approved by the Town Engineer based on adequate engineering design and record drawings provided after construction to establish that the street will drain.

5. Islands are allowed in cul-de-sacs provided that the designer or engineer submits evidence that there would be no problems or difficulty with access by or operation of public safety vehicles and school buses.
6. Alternate turnaround designs that meet fire access codes may be approved by the Town Engineer on a case-by-case basis with appropriate justification.

## 9.6 Curb Cuts and Intersection Spacing

### A. Residential Curb Cuts

On residential lots, one curb cut for a driveway is allowed subject to the following conditions. The Town Engineer may also approve a

second driveway curb cut. Shared driveways between adjacent residential lots are encouraged. They must meet the width and other requirements of this section and must have a permanent cross-access easement.

1. The property meets the minimum lot width for the district in which it is located; and
2. The minimum requirements for sight distance have been met.
3. When a lot has multiple frontages, the driveway cut(s) must be located on the street with the lowest traffic count.
4. Circular driveways may be permitted if sight distance requirements can be met for both entrances. Circular driveways may also connect multiple frontages if sight distance requirements can be met for both entrances and both streets are of the same street type.

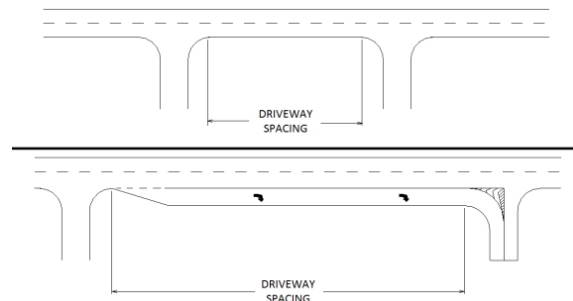
#### B. New Street and Nonresidential Curb Cuts

Curb cuts for nonresidential driveways and proposed new streets are allowed subject to the following conditions:

1. The applicant is encouraged to conduct traffic studies as needed to identify geometric and operational facilities that will be needed to satisfy the access/egress requirements of the site. The Town may require a traffic impact study for any site estimated to generate more than 500 gross daily trips using ITE Trip Generation Rates, or along corridors with substantial existing development and/or adjacent to a street with an existing average daily traffic (ADT) count greater than 25,000 vehicles per day.
2. All traffic impact studies must be conducted under the supervision of a Professional Engineer licensed in Georgia, must be stamped and signed by the engineer, and must contain a certification page.
3. The engineer must certify whether the proposed development, as shown in a preliminary site plan to be included with the impact study, conforms to the spacing and geometric design criteria as specified in this section. If the proposed development does not comply, the traffic

engineer should indicate the reasons for nonconformity and the Town may consider allowing the noted exceptions.

4. Driveways should be spaced so that drivers can perceive and react to the conditions at each intersection in succession. Spacing between driveways must be at least equal to the distance traveled, at the posted speed limit, during the normal perception and reaction time plus the distance traveled as the vehicle decelerates to a stop. Each driveway or intersection also requires storage space for vehicles waiting to enter. The distance between intersections should be long enough to provide this storage, allowing each intersection to have its functional boundary separated from those of the next intersection.



Posted Speed Limit	Min. Driveway Spacing
25 mph	125 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet
60 mph	450 feet
65 mph	550 feet

5. A traffic engineering report is required for the placement of any new street. This must be conducted under the supervision of a Professional Engineer licensed in Georgia, must be stamped and signed by the engineer, and must contain a certification page. At a minimum, it must include an analysis and recommendation based on design speed and geometry, existing and proposed traffic volumes, future projects in the area, and allowance for adequate storage lengths. The Town may request

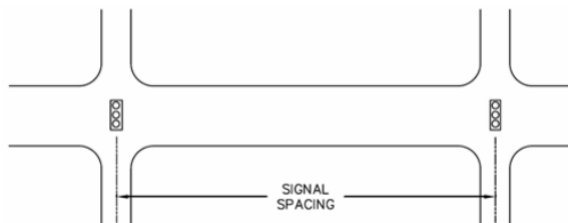


additional documentation or analysis on an individual basis.

6. The following table shows a good rule for spacing of intersections.

Type of Street	Min. Intersection Spacing
Major Arterial	300-500 feet
Minor Arterial	100-300 feet
Collector	100-200 feet

7. The desirable traffic signal spacing shown in the following table is indicative of conditions that normally offer better signal progression for arterial traffic flow. It is recognized that under certain conditions, better operation may result from the introduction of access points with less spacing if the alternative forces high volumes of traffic to an adjacent intersection. Consideration should be given to developing multiple access strategies to a site, including access to adjacent signalized intersections. When the applicant can show through an alternatives analysis that better traffic operations can be achieved with tighter signal spacing, the Town will consider an exception to the table below.



Street Context	Traffic Signal Spacing	
	Minimum	Desirable
Rural	1,320 feet	2,640 feet
Urban	1,000 feet	1,320 feet

- C. Required minimum distance between a nonresidential driveway and a street intersection.

Posted Speed Limit	Min. Distance Between Intersection and Driveway
25 mph	125 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet

55 mph	350 feet
60 mph	450 feet
65 mph	550 feet

1. The minimum distance between nonresidential driveway cuts is measured along a right-of-way line from its point of intersection with the nearest right-of-way of any existing pavement edge to the nearest pavement edge of the proposed nonresidential driveway. If a proposed driveway is on the opposite side of an existing street intersection or nonresidential driveway, the centerline of the proposed driveway or street must be aligned with the existing driveway or street or shall be offset the distances shown above.
2. Exceptions. In case where it is determined that for technical or legal reasons these provisions for access cannot be met, the number and location of curb cuts must be considered by GDOT or by the Town Engineer and the Planning Director, as appropriate.

#### D. Required Access Points

1. The minimum number of driveways or streets connecting to public streets is required as shown in the following table, unless otherwise prohibited by GDOT. Where a development has frontage on multiple public roads, access points should be provided on more than one road.
2. The maximum number of driveways serving a non-residential development may not exceed one for each 400 feet of road frontage. This is not intended to be a spacing standard, but rather an expression of the total number of driveways that are allowed per development.

Type of Development	Minimum Number of Access Points
Non-residential or mixed uses, 49 or fewer parking spaces	1
Non-residential or mixed uses, 50-299 parking spaces	2
Non-residential or mixed uses, 300-999 parking spaces	3

Non-residential or mixed uses, 1,000 or more parking spaces	4
Residential, 99 or fewer dwellings	1
Residential, 100-399 dwellings	2
Residential, 400 or more dwellings	3

### 9.7 Interparcel Access

For all parcels used for non-residential uses along arterial or collector streets, internal vehicular circulation areas must be designed and installed to allow for cross-access between abutting parcels.

1. Vehicle cross-access may not be gated.
2. When an abutting lot is vacant or already developed, a stub for a future cross-access connection must be provided at the point where the connection to the abutting parcel is expected to occur in the future.
3. If a cross-access driveway stub exists on an abutting parcel, the internal vehicular circulation area must connect to the stub to form a cross-access connection.
4. When cross-access for vehicles is deemed impractical by the Planning Director based on topography, the presence of natural features, or vehicular safety factors, relief from the requirement for cross-access may be granted by administrative variance. Bicycle and pedestrian connections must be provided between abutting parcels when cross-access relief is granted.
5. Property owners who establish cross-access easements must comply with all of the following:
  - a. Allow pedestrian and vehicular access to all properties on the same block face as the property owner establishing the cross-access. Pedestrian and vehicular access is contingent upon the granting of reciprocal vehicular, bicycle and pedestrian access rights to the granting property.
  - b. Record an easement allowing cross access to and from properties served by the cross-access easement.

- c. Record a joint maintenance agreement requiring each property owner to maintain the vehicular, bicycle, and pedestrian access areas on their lot.
- d. Contain a provision prohibiting the erection of fences, walls, and other obstructions that prevent the use of vehicular, bicycle and pedestrian access ways.
- e. Include a statement that the cross-access agreement is conveyed with the land, is binding on all successors, heirs, and assignees, and that the easement rights are perpetual.
- f. The cross-access agreement must be signed by all of the owners of the granting property.

### 9.8 Deceleration and Acceleration Lanes

#### A. Deceleration Lanes and Left Turn Lanes

1. A deceleration lane must be provided for any driveway or street connecting a development with more than 20 dwellings or more than 50,000 gross square feet of non-residential building area to a collector or arterial street.
2. The minimum length for deceleration lanes at all new street locations must be as shown in Chapter 4 of GDOT's Driveway and Encroachment Control Manual, except that either the Town Engineer or the GDOT's district traffic and safety engineer, as applicable, may specify longer or shorter deceleration lanes based on grade, distance from an intersection, design speed, etc. The Town Engineer determines the need for and design specifications for acceleration lanes along Town streets.
3. When traffic studies are conducted, the length of full-width lane needed for storage should be determined. If the length of full-width storage is greater than the length of full-width storage shown in the table, the longer length should be provided.
4. The example shown in Chapter 4 of GDOT's Driveway and Encroachment Control Manual has straight-line tapers. These are acceptable, but other designs may also be used, including the following: partial tangent tapers, symmetrical reverse curve,

and asymmetrical reverse curve. See latest edition of AASHTO Green Book for details.

5. Deceleration lanes must follow the standards included in Chapter 4 of GDOT's Driveway and Encroachment Control Manual. Additional right-of-way to accommodate the deceleration lane and a shoulder must be dedicated by the developer to the Town. Associated drainage improvements as deemed necessary by the construction of the deceleration lane are also required.
6. Where a driveway or street is proposed to connect to a street with an existing or proposed median, and the developer is approved by the Town or GDOT (as applicable) to construct a median break to serve the development, a left turn lane leading to the median break must be provided by the developer meeting the design standards of the Town or GDOT.
7. Other project access improvements may be required upon the recommendation of the Planning Director to ensure adequate site access, pedestrian access, convenience, and safety to the motoring public.
8. The developer must relocate public or private utilities and drainage structures, if necessary to accommodate the deceleration lane.

#### **B. Acceleration Lanes**

Acceleration lanes are generally not provided streets with posted speed limits of 35 mph or less. Acceleration lanes may be required at locations where grade, sight distance or traffic is such that the Town Engineer determines they are needed. When operating speeds on the street are 55 mph and above, full-width acceleration lanes designed to meet the AASHTO minimum length should be considered.

#### **C. Driveway Spacing and Design**

Driveways and curb cuts accessing a state route must be permitted through the Georgia Department of Transportation and must meet all applicable Georgia Department of Transportation design standards in addition to the following requirements. No building permit

for a driveway may be issued until GDOT approval has been obtained by the applicant.

1. Driveways on the same side of a public street must be spaced at least 200 feet apart, as measured between driveway centerlines.
2. No driveway may be located within 150 feet of an intersecting arterial or collector street, or within 100 feet of an intersecting local street, as measured between driveway and street centerlines.
3. Out parcels with less than 200 feet of street frontage are restricted to internal access only.
4. Driveways must intersect streets at an angle between 75 and 105 degrees.
5. Driveways that intersect a collector or arterial street at a traffic signal must provide at least two outbound lanes and one inbound lane.
6. Required driveway widths are as follows.
  - a. Single-family, two-family, or townhouse dwelling: 11 feet, or wider where necessary to accommodate two vehicles without encroaching on the setback
  - b. All other uses: 12 feet for one lane, 24 feet for two lanes, 36 feet for three lanes, or 48 feet for four lanes
7. Curb cuts for individual dwellings are prohibited on arterial and collector streets. This requirement does not apply to single-family dwellings that are part of a subdivision with 3 or fewer lots.
8. Except for single-family and two-family residences, driveway grades must conform to all applicable requirements of the Georgia Department of Transportation Design Standards. For single-family and two-family residences, driveway slope may not exceed 17 percent within 10 feet of the edge of pavement of the street.
9. Slope of the land for 50 feet upstream and downstream of any driveway culvert may be no steeper than 33 percent for maintenance purposes.
10. Driveways on streets without medians should align with driveways (if any) on the

opposite side of the street. Driveways on streets with medians should align with median breaks. Where this is not possible, a right-in-right-out only driveway may be provided.

11. Driveways may be paved with decorative materials such as stamped concrete or pavers, but decorative materials are not allowed for any portion of a driveway within a public street right-of-way or private street parcel.
12. Driveway construction and materials are the responsibility of the applicant for the permit. All work must be in conformity with the permit as granted and is subject to inspection by the Town Engineer. Use of the driveway or issuance of permits for the property served by the driveway is not allowed until such compliance is met.

### **9.9 Sight Distance and Alignment**

- A. All driveways must be located, and all streets must be aligned so as to provide at least the horizontal and vertical sight distances determined by the methods found in the latest edition of A Policy on Geometric Design of Highways and Streets (AASHTO). This includes, but is not limited to, stopping sight distance, passing sight distance, decision sight distance, intersection sight distance, and intersection skew angles. Geometric design must meet the intent for at least the design speed and design vehicle.
- B. The methods contained within the latest edition must be used to determine the required sight distance and must be provided to the Town for documentation. The Town Engineer may consider an exception to the required sight distance on an individual basis where the applicant can show, through analysis, that acceptable operations can be achieved.
- C. Streets and driveways must align with the intersecting street as close to 90 degrees as possible. A minimum skew angle of 85 degrees may be used and anything less must be approved by the Town. Right turn bays must be aligned at a minimum angle of 60 degrees from the centerline of the street onto which the vehicle will be turning.

- D. In approaches to intersections, there must be a leveling of the street at a grade not exceeding 4 percent for a distance of not less than 50 feet from the nearest right-of-way of the intersecting street.

### **9.10 Street Names**

- A. Street names may not be similar, duplicate, nor sound similar to the names of existing streets in the Town. Hyphenating, dividing one word into two words, affixing “Drive” for “Road”, etc., or other manipulations of an existing street name do not constitute an acceptable street name. Similar sounding names are unacceptable regardless of spelling.
- B. The Town’s established residential street numbering system must be used for every residential and nonresidential subdivision.
- C. Every building must be assigned and display a property number. Property numbers must be so located and of such a size as to be visible from the street. If a mailbox is located at the street, the mailbox must have the property number affixed thereto with numbers measuring at least 3 inches in height.
- D. It is unlawful for any person to alter, deface or take down any property number placed in accordance with this provision except for repair or replacement.
- E. Where the continuation of any street or the design and construction of a new street results in the creation of a four-way intersection, the new or continued street must have the same name for its entire length unless otherwise prohibited by law.

### **9.11 Construction Requirements**

#### **A. Shoulder Requirements**

1. The street right-of-way must be graded at least 8 feet, as measured from the back of the curb on both sides of the street, to provide space for installation of utilities, to prevent the encroachment of driveways into the street, and to provide proper sight distances along curved streets.
2. Shoulders must be sloped and backfilled as necessary following paving and curb and gutter installation. All curbs and gutters must be backfilled. All eroded areas must be reconstructed to the

original final grade. Re-grass is required for bare spots, areas of insufficient stand and reconstructed areas.

#### **B. Sub-Surface Drainage Systems**

Sub-surface drainage installations may be required by the Town Engineer to provide a stable sub-surface and base for fills and base course construction over wet weather springs, soft spots, swamps, and other unsuitable soils. The Town Engineer may require the owner to have a soil analysis and drainage design performed by the Design Professional of Record if these conditions are encountered.

#### **C. Drainage During Construction**

Provisions must be made to drain low points in street construction when final paving is delayed. A break in the berm section is required when the curbing has not been constructed. Drainage under the curb to side slopes after installation is required, using minimum four-inch diameter pipe sections. Vegetated or stabilized swales should be considered for managing road construction runoff. Swales must be constructed in accordance with the Georgia Stormwater Management Manual.

#### **D. Cuts, Fills, and Subgrade**

Cuts, fills, and subgrades are subject to approval by the Town Engineer. The Town Engineer may vary the required slope and may specify any improvements necessary to protect community assets and to reduce the potential undue deterioration of street improvements. The developer will be guided by the following general requirements:

1. Slope maximums must be at a ratio of 3 feet horizontal distance to 1 foot rise (3:1). No slope line may extend closer than 8 feet to back of curb or 15 feet to edge of pavement on uncurbed sections. Minimum shoulder cross slope must be ½-inch fall per running foot.
2. All slopes must be adequately planted with approved vegetation. A suitable mulch of straw, hay, etc. may be used.
3. The developer is responsible for any erosion that occurs before the expiration of the maintenance period.

4. Compaction must be 95 percent by Modified Standard Proctor Density Test. Subgrade compaction will be field tested through the use of a roll test, as specified in this article.
5. All organic and other unsuitable materials located within the proposed roadbed and 2 feet on either side of the back of curb or edge of pavement must be removed prior to subgrade preparation.
6. Fill must be placed in uniform, horizontal layers not more than 8 inches thick (loose measurement). Moisture content must be adjusted as necessary to compact material to 95 percent of maximum dry density except for the top 12 inches, which must be compacted to 100 percent of maximum dry density.
7. Backfill behind curbs must be free of organic material (roots, trunks, etc.), stone, broken concrete, etc. Topsoil and other similar unsuitable soil types removed from the roadbed may be utilized for shoulder construction, but not for fill construction, beyond 8 feet on either side of the back of curb or edge of pavement. The use of topsoil within 8 feet of the back of curb or edge of pavement is limited to a maximum depth of 6 inches.
8. Cut and fills may extend beyond the right-of-way as required, but a slope easement must be provided for maintenance purposes. Trees outside of the graded right-of-way with driplines extended into the right-of-way may be removed at the direction of the Town Engineer or Planning Director. Tree removal will be decided on a case-by-case basis due to public safety concerns, potential interference with public infrastructure, or the survivability of the tree.
9. Sub-base stabilization may be required by the Town Engineer if necessary to allow safe access of construction vehicles and equipment.
10. Shaping and backfilling of shoulders, ditches and slopes must be accomplished to final grade lines following the installation of underground utilities by the owner. Care must be taken to fill and compact settled or eroded areas.

11. Grassing of all cleared portions of the shoulders and slopes must be accomplished immediately following the achievement of final grade lines. If limitations require the application of temporary vegetative cover, the owner must make contractual provisions for re-grassing with permanent cover. Requirements for grass species, mixture, fertilizer, and application methods in each individual subdivision must be in accordance with the Georgia Soil and Water Conservation Commission standards for critical areas. Bermuda grass is required during the season from May through September and as permanent grass species.
12. Conduits for utility crossings must be installed before subgrade inspection. Conduits must be indicated on the construction plans. No bores will be allowed for utility distribution/transmission systems after subgrade inspections or paving operations without prior approval of the Town Engineer.
13. All manhole covers must be flush with top of intermediate pavement course if there is a delay in applying the final surface course. Manhole covers will be required to be adjusted flush when final surface course is installed.

#### E. Temporary Surface

When a street is to be used for construction traffic before paving is completed, a layer of stone (except crusher run) must be laid as a traffic surface. This material may not be used as a part of the base material. It must either be worked into the subgrade or removed before the base course is set up for paving.

#### F. Street Base

	Street Serving an Industrial Use (Any traffic volume)		Street Serving Any Other Use Average Annual Daily Traffic Volume	
		2,501-9,999	251-2,500	250 or less
Graded Aggregate Base Course	10 inches	8 inches	8 inches	6 inches
Asphalt Binder Course	9 inches	4 inches	2½ inches	2 inches
Surface	1½ inches	1½ inches	1½ inches	1½ inches

1. The base course must consist of graded aggregate of a minimum compacted thickness placed on a stabilized subgrade in accordance with these specifications and in conformity with the lines, grade, and typical cross-section as shown on the drawings approved by the Town. Tolerance is +/-0.10 foot. Base course depth requirements vary based on street type.
2. Base course materials.
  - a. All materials must be secured from Georgia Department of Transportation approved sources.
  - b. All aggregate material must meet the GDOT requirements as contained in Section 800 for Group I or II; and Class A or B.
  - c. Graded Aggregate must consist of hard, durable particles of fragments of stone, and stone mortar, and must be graded as specified by GDOT for road base construction.
3. All base course material must be deposited and spread by means of spreader boxes, approved mechanical equipment, or from moving vehicles equipped to distribute the material in a uniform layer.

#### G. Required Base and Pavement Thickness

1. The following table determines the minimum thickness for each layer of the pavement structure based on the type of street. The pavement structure for development entrances is based on the classification of the adjacent mainline roadway. The use of reclaimed asphalt pavement (RAP) is not permitted on initial construction of roadways. Binder course may use RAP with prior approval of the Town Engineer.

2. Alternative pavement structures may be considered by the Town Engineer for approval for non-local streets or streets with unusual or poor subgrade conditions. Unusual or poor subgrade conditions are defined as soil structures with a modulus of subgrade reaction of less than or equal to 100 psi/inch, or a soil structure that is not stable after conventional compaction techniques. Structures must be designed by a registered professional engineer, licensed in the state, in accordance with AASHTO and GDOT design policies and procedures. Design data and calculations must be provided with any alternative design. The design professional must consult with the Town Engineer for the appropriate design methodology and factors to be used in the design process.
3. Pavement mix design(s) must be provided to the Town for approval at least 2 weeks prior to paving.
4. The Town reserves the right to require depth testing on base materials. Asphalt cores may be taken at random locations at five hundred foot intervals at the discretion of the Town Engineer. Any area found deficient must be brought up to the required thickness prior to placing any additional layer of material. All asphalt core holes must be filled with hot mix asphalt of similar grade prior to final acceptance.

#### **H. Roll and Compaction Testing**

1. Both the subgrade and base course will be load tested when required by the Town Engineer with a minimum 18 ton hauling capacity tandem dump truck (fully loaded) or an equivalent. The test will cover the material thoroughly to assure a maximum tolerance of a ½-inch settling and the absence of any cracking or pumping, prior to all paving. This test must be witnessed by the Town Engineer or his or her designee.
2. All testing must be scheduled with the Town Engineer at least 24 hours in advance. Compaction testing may not be performed until the surface/material is to the lines and grades shown on the plans. Once an embankment, subgrade, or base

course has been certified, then that material may not be disturbed, or additional testing will be required. All areas or sections of the subgrade and base course that do not pass compaction testing must be corrected. Once the developer makes all necessary corrections, it is their responsibility to schedule any subsequent test. All certifications provided must contain all test data and results to support certification.

#### **I. Sidewalks**

1. Sidewalks must be 4 inches thick and constructed of Class "B" concrete with a 28 day strength of 2,500 psi.
2. Sidewalks must be sloped at ¼ inch per foot toward the street.
3. Sidewalks constructed adjacent to storm drain structures must be flush with the concrete top of storm drain lid.

#### **J. Substandard Streets**

No development will be approved if the street providing access to the property is substandard. A street is considered substandard if it fails to satisfy current Town specifications and/or AASHTO standards. If a developer wishes to provide access to the property at his or her own expense, the following apply:

1. The street must be upgraded to a paved street from the project entrance to the nearest standard paved road along the primary route of access. Improvements must, at a minimum, result in a full-section street meeting all applicable requirements of this article.
2. Additional right-of-way and paving may be required as needed to meet minimum Town standards for a local residential street.
3. The developer must design the road and provide the labor, equipment, and materials required for street and drainage improvements.
4. All right-of-way required for off-site improvements must be acquired by the developer and deeded to the Town at time of final plat approval.



5. If the Town desires the street to be improved to a standard greater than a local street, the Town must pay the cost of the additional right-of-way, materials, and labor.

#### **K. Seasonal Limits**

No street construction material may be deposited or shaped when the subgrade is frozen or thawing at any depth or during unfavorable weather conditions including rain of any intensity. Paving material installation is subject to the temperature and weather conditions in GDOT construction standards. The time period from December 1 to March 1 will require special construction procedures unique to the individual site and weather conditions. The contractor or developer must consult with the Public Works Department prior to conducting any street construction work during this period.

#### **9.12 Street and Traffic Signs**

Developers are responsible for placing street signs and traffic signs in accordance with these regulations. All required signs must be in place prior to the occupancy of any structure.

- A. A street name sign must be installed for every street at an intersection. Standard street name signs must comply with the latest edition of the Manual of Uniform Traffic Control Devices. Street signs for private streets must specify that the street is private. All streets must be signed at each intersection so as to identify all streets in each approach to the intersection.
- B. All streets must be designated by name on a metal street sign post with metal nameplates set one above the other. The bottom of the lowest sign must be 7 feet above grade. Signs must be visible for both pedestrian and vehicular traffic. At cross-street intersections, two sign posts must be located diagonally across the intersection from each other. Only one street sign post is required at T intersections.
- C. Immediately after paving a street in an uncompleted subdivision, the developer must barricade or install proper signage and striping at the intersection with existing streets.

- D. Traffic control devices, including signs, signals, street markings, etc., must be installed by the developer. The type and location of traffic control devices must be designed and installed in conformity with the latest edition of the Manual of Uniform Traffic Control Devices.

#### **9.13 Grassing of Shoulders**

The developer is responsible for providing adequate and effective ground cover on the shoulders of the roads as early in the construction process as possible. The requirements for the erosion and sediment control plan (see Sec. 11.4E and 11.4F) include information on vegetation types and planting dates. Temporary ground cover is permissible within the limits of the erosion and sediment control plan; however, in no case will rye grass be accepted as permanent ground cover.

#### **9.14 Utility Requirements**

- A. In order to promote uniformity in installation and more effective and less damaging maintenance, a uniform system for locating utilities is hereby established. Applicable utilities and their locations must be noted on subdivision construction plans. For new developments, all new and existing utilities must be located (or relocated) underground. Development plans and final plats must include a right-of-way cross section detail that illustrates all utility locations in relation to the street, sidewalks, and other right-of-way improvements.
- B. Utility lines must be located in accordance with typical street cross sections provided in the Town of Braselton Water and Wastewater Standards. Underground utilities must be installed with the same surface compaction as for the roadway.
- C. Design criteria for storm drain facilities must conform to accepted engineering practices and guidance documents. Pipe materials must conform with the requirements of Sec. 11.4Q.
- D. All fire hydrants, transformer boxes and pedestals, and other public or private utility structures placed above ground within a public street right-of-way or private street easement must be located at least 6 feet from the back of the street curb (or edge of



pavement) and must not encroach upon the sidewalk.

- E. The right-of-way must be cleared and rough graded the full width prior to any utility installation.
- F. Underground utilities must be placed in the ground before the base material is in place, or the pipes must be bored if installed after street construction. The facilities for underground utilities must be in place prior to surfacing of streets.
- G. All trenches must be thoroughly compacted in six-inch layers with mechanical compacting equipment.
- H. Any disturbance or construction in the completed (seeded and/or sodded) right-of-way by a public utility such as power, gas, phone and cable must be repaired or replaced with the specified materials as called for in the initial improvements.
- I. If utility services are installed after a street has been paved, they must be installed by boring under the street. Note that this applies only to services and not the distribution system for the development.
- J. When existing base or pavement must be broken to install utility services, or for any other purpose, the subdivider or utility company is financially responsible for repairing the pavement. The pavement must be repaired with a patch in accordance with standards developed by the Town Engineer, and in accordance with all other specifications of this Article.
- K. No existing Town street or road may be open cut unless unusual circumstances warrant it.
- L. All utility construction plans within Town right-of-way must be reviewed and approved by the Town Engineer.
- M. If a pavement cut is approved, all trenches must be backfilled and compacted the same day the trench is opened. Trenches under the paving must be returned to 95 percent compaction. The backfill in all such ditches must be thoroughly compacted in 6-inch lifts, the subgrade must be brought to the required lines, grades, and typical street section required.

#### **9.15 Landscape Islands/Traffic Dividers**

- A. Where a landscape island or traffic divider is planned (such as at the entrance to a development), the right-of-way must be the normal right-of-way width plus the width of the landscape island or traffic divider at the connecting public road.
- B. The landscape island or traffic divider must be delineated with curb and gutter regardless of whether curb and gutter is required in the remainder of the development.
- C. The landscape island or traffic divider must not be more than 100 feet long and must not be more than 16 feet in width from back of curb to back of curb.
- D. No trees or plants may be placed in the landscape island or traffic divider that will block site view of oncoming traffic. Any object encroaching into the right of way or obstructing to the view of oncoming traffic must be removed or trimmed.

#### **9.16 Street Drainage**

- A. All new streets constructed within the Town except those constructed to serve subdivisions in which all lots are 5 acres or larger must have curbs and gutters. Curbs must be high back unless otherwise approved by the Town Engineer. Curbs must be 6 inches high and gutters must measure 24 inches from face of gutter to back of curb.
- B. Curb inlets must conform to the Georgia Department of Transportation (GDOT) specifications. Spacing of inlets may not exceed 500 feet on a continuous grade and must be sized to intercept a minimum of 85 percent of the stormwater runoff in the gutter section. Inlets must be located to prevent stormwater from crossing an intersection. Inlets located in a sag must be sized to prevent gutter spread from covering more than half the width of the adjacent travel lane during the 25-year storm event. If grates are proposed for inlet devices, bars must be perpendicular to the road and must not pose a hazard to bicycle traffic. In any case, throat height may not exceed 8 inches.
- C. All new bridges must be constructed of concrete unless otherwise approved by the Town Engineer. They must have a deck width equal to the width of the approach street

including any sidewalks, and be designed for a minimum HS 20-44 design load. For bridges crossing streams with a regulatory floodway, the bridge must span the floodway and have three feet of freeboard. For streams without a regulatory floodway, the bridge must be designed to convey a 100- year storm with three feet of freeboard and create no more than a foot of backwater.

### **9.17 Bridges and Dams**

#### **A. Private Dams on Streets**

The following do not apply to a dam behind which no permanent pool of water is maintained under normal operations, subject to the approval of this exemption by the Town Engineer.

1. Design. All dam design must be certified with the proper seal by a Professional Engineer currently registered in the State of Georgia, and identified by the engineer as Category I or Category II.
2. Structural. The design of any dam over 5 feet in height on a street must be certified by a Structural Engineer currently registered in the State of Georgia, and the structural design must be based on soil tests certified by a Geotechnical Engineer currently registered as a Professional Engineer in the State of Georgia.
3. Other criteria. Any engineer responsible for the design of a dam must be knowledgeable of the criteria contained in the Georgia Safe Dams Act, Georgia Department of Natural Resources "Rules for Dam Safety" publication, and the U.S.D.A. Soil Conservation Service's Technical Release No. 60 "Earth Dams and Reservoirs." All design must be in accordance with the applicable requirements in each of these publications.
4. Construction supervision and inspection. Private dams with streets on them must be constructed according to the engineer's certified plans, and inspected by the engineer or a qualified representative of the design engineer.
5. Access. All developments must have access to a paved public street

independently of the street on a private dam.

6. Ingress/egress. No street on a private dam is allowed to serve as the sole means of access to a subdivision or part of a subdivision.
7. Public use. No street on a private dam may be accepted by the Town as a public street.

#### **B. Private Bridges on Roadways**

1. Design. Private bridge design must be certified by a professional engineer currently registered in the State of Georgia.
2. Structural. The design of any private bridge must be certified by a structural engineer currently registered in the State of Georgia, and the structural design must be based on soil tests certified by a geotechnical engineer currently registered as a professional engineer in the State of Georgia.
3. Construction supervision and inspection. Private bridges must be constructed according to the engineer's certified plans and inspected by the engineer or a qualified representative of the design engineer.
4. Access. All developments must have access to a paved public street independently of the street over a private bridge.
5. Ingress/egress. No street over a private bridge is allowed to serve as the sole means of access to a subdivision or part of a subdivision.
6. Public use. No street over a private bridge may be accepted by the Town as a public street.
7. Signs. All private bridges accessed by automobiles must be properly posted with reflective standard metal traffic control signs from a sign vendor authorized by the Town. One sign must be posted at each end of the bridge. The signs must be placed no more than 10 feet in front of the bridge and must be at least 24 x 36 inches in size. Each sign must read: "private way, not maintained by Town," or similar wording approved by the Town.

8. Vehicle use and weight restriction signs. All private bridges accessed by automobiles must be tested and certified by a structural engineer currently registered in the State of Georgia for a maximum permitted weight restriction or tonnage limit. The bridge must be properly posted with a reflective standard metal traffic control sign from a sign vendor authorized by the Town. One sign must be posted at each ends of the bridge. The signs must be placed no more than 10 feet in front of the bridge and must be at least 24 x 36 inches in size. The sign must conform with Georgia Department of Transportation specifications for weight limit signs.
9. Vehicle use and approaches to private bridges. Any private bridge proposed for use by automobiles must be connected by a public or private street with a public street. There must be a grade change between the public street and private drive over the private bridge. A ramp or speed bump must be constructed at an 8% slope to separate the public right-of-way from the private bridge or dam.
10. Traffic safety. All private bridges must utilize appropriate safety features such as guardrails to prevent persons or vehicles from accidentally running off the bridge.
11. Street names. Street names must change when crossing a private bridge, such that the street name on one side of a bridge is different from the street name on the other side of the bridge.

#### **C. Final Plats With Private Bridges or Dams**

Notes required. All final plats for subdivisions that contain a private bridge or a street over a private dam must clearly delineate on the plat: "TOWN OF BRASELTON IS NOT RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE BRIDGE OR PRIVATE DAM AND THE OWNER SHALL HOLD THE TOWN HARMLESS AND INDEMNIFY IT AGAINST ANY LOSS OR CLAIM RESULTING FROM USE OF THE PRIVATE BRIDGE OR PRIVATE DAM."

#### **D. Ownership and Maintenance**

Any private bridge or street over a private dam used by more than one individual must be owned and maintained through a legal entity such as a tenancy in common or a property owners organization pursuant to a declaration of restrictions or protective covenants for a subdivision. Documentation and disclosure of ownership and maintenance must be provided at time of final plat approval.

#### **E. Insurance Coverage**

Any private bridge or street over a private dam used by more than one individual must be covered by a liability insurance policy for the bridge or dam owners. This policy must address any compensation recoverable by a person who has sustained an injury, either to his or her person or property, through the act or default of the owners of the bridge or dam. Documentation of the policy must be provided to the Town at time of final plat approval. Coverage must be maintained and reviewed annually. Coverage must have a minimum of \$1,000,000.00 liability with an insurance company licensed to do business in the State of Georgia.

#### **F. Exemptions**

This section applies to any private bridge or private dam on a street except for the following:

1. Private bridges or dams used solely in conjunction with agricultural practices.
2. Private bridges or dams reasonably expected to serve no more than one dwelling.
3. Surface mining, as defined in O.C.G.A. 12-4-72, granite quarrying, and land clearing for such quarrying.
4. Construction or maintenance projects undertaken or financed in whole or in part by the Georgia Department of Transportation, by any county, or by the Town.
5. A private dam exempted from the provisions of this section by the Town Engineer.

## ARTICLE 10 EROSION AND SEDIMENTATION CONTROL

### 10.2 Purpose

To provide for the health, safety, and welfare of the public and a healthy economic climate within the Town of Braselton and the region, it is essential that the quality of public water supplies be assured. The installation and use of measures to prevent, mitigate, and manage soil erosion sedimentation and stormwater provides means by which to prevent harmful impacts to the natural environment. Pursuant to O.C.G.A. Section 12-7-2, it is therefore declared the policy of this Town and the intent of this article to strengthen and extend the present erosion and sediment control activities and programs of this Town and to provide for the establishment and implementation of a comprehensive soil erosion and sediment control program to conserve and protect the land, water, air, and other resources of this Town. This article may not be varied by the Town of Braselton except where the O.C.G.A., EPD, or U.S. Environmental Protection Agency allows for variances or exceptions.

### 10.3 Definitions

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

**Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

**Certified personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

**Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).

**CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert International, Inc., which is also referred to as CPESC or CPESC, Inc.

**Cut:** A portion of land surface or area from which earth has been removed or will be removed by

excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

**Department:** The Georgia Department of Natural Resources (DNR).

**Design professional:** A professional licensed by the State of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert International, Inc. Design professionals must practice in a manner that complies with applicable Georgia law governing professional licensure.

**Director:** The Director of the Environmental Protection Division or an authorized representative.

**Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.

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

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

**Erosion, sedimentation, and pollution control plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, which includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in Sec. 11.4E and 11.4F.

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

**Final stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or

greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual for Erosion and Sediment Control in Georgia (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

**Finished grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Grading:** Altering the shape of ground surfaces to a predetermined condition. This includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof and includes the land in its cut or filled condition.

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

**Land-disturbing activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in Sec. 11.4D.5.

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

**Local issuing authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

**Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

**Natural ground surface:** The ground surface in its original state before any grading, excavation, or filling.

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

**Notice of intent (NOI):** A notice of intent form provided by EPD for coverage under the State General Permit.

**Notice of termination (NOT):** A notice of termination form provided by EPD to terminate coverage under the State General Permit.

**Operator:** The party or parties that have: (1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (2) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

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

**Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

**Phase or phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

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

**Properly designed:** Designed in accordance with the design requirements and specifications contained in the Manual for Erosion and Sediment Control in Georgia (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the

Commission up until the date of submittal of a Notice of Intent.

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

**Sediment:** Solid material, both organic and inorganic, which is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

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

**Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the applicable Soil and Water Conservation District.

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

**State general permit:** The National Pollution Discharge Elimination System (NPDES) general permit or permits for Stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

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

**Structural erosion, sedimentation and pollution control practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing

the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

**Trout streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at [www.epd.georgia.gov](http://www.epd.georgia.gov). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but which are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

**Vegetative erosion and sedimentation control measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover, or (2) Temporary seeding, producing short-term vegetative cover; or (3) Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

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

#### 10.4 Exemptions

This article applies to any land-disturbing activity undertaken by any person on any land except for any of the following:

- A. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968."
- B. Granite quarrying and land clearing for quarrying.
- C. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion.
- D. The construction of single-family detached dwellings, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence must conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family detached dwelling construction covered by the provisions of this paragraph, there must be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity may be constructed between the dwelling and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone must be at least 50 horizontal feet, and no variance to a smaller buffer may be granted. For secondary trout waters, the buffer zone must be at least 50 horizontal feet, but the Planning Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer must be at least 25 horizontal feet, and no variance to a smaller buffer may be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph are enforced by the Local Issuing Authority.
- E. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.
- F. Commercial forestry, provided that when exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Sec. 10.5C.15 and 10.5C.16, no other land-disturbing activities, except for normal forest management practices, are allowed on the entire property upon which the commercial forestry practices were conducted for a period of three years after completion of such commercial forestry practices.
- G. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture.
- H. Any project involving less than one acre of disturbed area; provided, however, that this exemption does not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein may prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by this section.
- I. Construction or maintenance projects, or both, undertaken or financed in whole or in



part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land are subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit must be submitted to the Local Issuing Authority, the Local Issuing Authority must enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations are subject to the same penalties as violations by permit holders.

- J. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority must enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and

violations are subject to the same penalties as violations by permit holders.

- K. Any public water system reservoir.

## **10.5 Minimum Requirements Using Best Management Practices**

### **A. General Provisions**

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sec. 10.5B and Sec. 10.5C. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES General Permit.

### **B. Minimum Requirements/BMPs**

- 1. Best management practices as set forth in this subsection and subsection (C) are required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Planning Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control



in Georgia specified in O.C.G.A. 12-7-6 subsection (b).

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph does not apply to any land disturbance associated with the construction of single-family dwellings which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
  3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act," for each day on which such failure occurs.
  4. The Planning Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbance activities occur.
  5. The LIA may set more stringent buffer requirements than stated in C 15, 16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities require, as a minimum,

protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

11. Cuts and fills may not endanger abutting property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Sec. 10.5B.2;
15. Except as provided in paragraph (16) of this subsection, and Sec. 11.2G, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Planning Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Planning Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," remain in force unless a variance is granted by the

Planning Director as provided in this paragraph. The following requirements apply to any such buffer:

- a. No land-disturbing activities may be conducted within a buffer and a buffer must remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - b. The buffer does not apply to stream crossings for water or sewer lines, provided that they occur at an angle (as measured from the point of crossing) within 25 degrees of perpendicular to the stream, that they cause a width of disturbance of not more than 50 feet within the buffer, and that adequate erosion control measures are incorporated into the project plans and specifications and are implemented.
16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less have a 25 foot buffer or they may be

pipelined, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Planning Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements apply to such buffer:

- a. No land-disturbing activities may be conducted within a buffer and a buffer must remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - b. The buffer does not apply to stream crossings for water or sewer lines, provided that they occur at an angle (as measured from the point of crossing) within 25 degrees of perpendicular to the stream, that they cause a width of disturbance of not more than 50 feet within the buffer, and that adequate erosion control measures are incorporated into the project plans and specifications and are implemented.
- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. will prevent any Local Issuing Authority from

adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sec. 10.5B and Sec. 10.5C.

- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another neither constitutes proof of nor creates a presumption of a violation of the standards provided for in this article or the terms of the permit.

## **10.6 Application/Permit Process**

- A. The property owner, developer, and designated planners and engineers must design and review before submittal the general development plans. The Local Issuing Authority must review the tract to be developed and the area surrounding it. They may consult this Development Code and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

### **B. Application Requirements**

1. No person may conduct any land-disturbing activity within the jurisdictional boundaries of the Town of Braselton without first obtaining a permit from the Planning Director to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
2. The application for a permit must be submitted to the Planning Director and must include the applicant's erosion, sedimentation, and pollution control plan with supporting data, as necessary. Said plans must include, as a minimum, the data specified in Sec. 10.6C. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbance activity proposed will be carried out in such a manner that the provisions of Sec. 10.5B and Sec. 10.5C will be met. Applications for a permit will not be accepted unless accompanied by 4 copies of the applicant's erosion, sedimentation, and pollution control plans. All applications must contain a certification stating that the plan preparer or the

designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees may not exceed \$80.00 per acre of land-disturbing activity, and these fees must be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees must be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied must be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 must be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
4. Upon receipt of an application and plan for a permit, and upon review by the Local Issuing Authority for compliance with applicable local regulations, the Local Issuing Authority must refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District must approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days will be considered an approval of the pending plan. The results of the District review must be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Sec. 10.5C.15 and 10.5C.16. have been obtained, all fees have been paid, and bonding, if required, has been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority must

approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days is considered an approval of the revised plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land disturbance activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions do not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

#### **C. Plan Requirements**

1. Plans must be prepared to meet the minimum requirements as contained in Sec. 10.5B and Sec. 10.5C, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this article. The plan for the land-disturbing activity must consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including streets, constructed waterways, sediment control and storm water management facilities, local

ordinances, and state laws. Maps, drawings, and supportive computations must bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbance activity must meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Georgia Soil & Water Conservation Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

2. Data required for site plan includes all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Georgia Soil & Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

#### **D. Permits**

1. Permits must be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit must include conditions under which the activity may be undertaken.
2. No permit may be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this article, any variances required by Sec. 10.5C.15 and 10.5C.16 have been obtained, bonding, if required, has been obtained, and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial must be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority are subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the Division must enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit is required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or their successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or their successor in title is in violation of this article. A holder of a permit must notify any successor in title to him or her as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

#### **10.7 Inspection and Enforcement**

- A. The Town of Braselton will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority must regulate primary, secondary, and tertiary permittees as such terms are defined in the state general permit. Primary permittees are responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees are responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees are responsible for installation and maintenance where the tertiary permittee is

conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply may be served upon that person. The notice must set forth the measures necessary to achieve compliance and must state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, they will be deemed in violation of this article.

- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Town of Braselton has the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person may refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Georgia Soil & Water Conservation Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.
- E. The District or the Georgia Soil & Water Conservation Commission or both must semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Georgia Soil & Water Conservation Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Georgia Soil & Water Conservation Commission must notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but is limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division must notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified will have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division may revoke the certification of the county or municipality as a Local Issuing Authority.

## **10.8 Penalties and Incentives**

### **A. Failure to Obtain a Permit for Land-Disturbing Activity**

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this article without first obtaining said permit, the person is subject to revocation of their business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

### **B. Stop Work Orders**

- 1. For the first and second violations of the provisions of this article, the Planning Director or the Local Issuing Authority may issue a written warning to the violator. The violator will have five days to correct the violation. If the violation is not corrected within five days, the Planning Director or the Local Issuing Authority may issue a stop work order requiring that land-disturbing activities be stopped until



necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Planning Director or the Local Issuing Authority may issue an immediate stop work order in lieu of a warning.

2. For a third and each subsequent violation, the Planning Director or the Local Issuing Authority may issue an immediate stop work order.
3. All stop work orders are effective immediately upon issuance and remain in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Planning Director, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order may be issued by the Local Issuing Authority or by the Planning Director. Such stop work orders apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

#### **C. Bond Forfeiture**

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply must be served upon that person. The notice must set forth the measures necessary to achieve compliance with the plan and must state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, they will be deemed in violation of this article and, in addition to other penalties, will be deemed to have forfeited their performance bond, if required. The Local Issuing Authority may call the bond or any part

thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

#### **D. Monetary Penalties**

Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Planning Director issued as provided in this article are liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any Town charter to the contrary, municipal courts are authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this article is authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues is a separate violation.

#### **10.9 Education and Certification**

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity must meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Georgia Soil & Water Conservation Commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, must have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Georgia Soil & Water Conservation Commission present on



site whenever land-disturbing activities are conducted on that site. A project site must herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel (a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission) on site may contract with certified persons to meet the requirements of this article.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee must meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and is required to meet any educational requirements that exceed those specified in said paragraph.

#### **10.10 Appeals**

##### **A. Administrative Remedies**

The suspension, revocation, modification, or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; entitles

the person submitting the plan or holding the permit to a hearing before the Zoning Board of Appeals within 30 to 60 days after receipt by the Local Issuing Authority of written notice of appeal.

##### **B. Judicial Review**

Any person aggrieved by a decision or order of the Local Issuing Authority, after exhausting their administrative remedies, may have the right to appeal to the Superior Court of the County in which the subject property is located.

#### **10.11 Liability**

- A. Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article relieves any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
- B. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another neither constitutes proof of nor creates a presumption of a violation of the standards provided for in this article or the terms of the permit.
- C. No provision of this article may permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved there under or pollute any Waters of the State as defined thereby.

## ARTICLE 11 STREAM BUFFERS AND OTHER ENVIRONMENTAL REGULATIONS

### 11.2 Stream Buffer Protection

#### A. Findings

The Town Council of the Town of Braselton finds that buffers adjacent to streams provide numerous benefits, including:

1. Protecting, restoring, and maintaining the chemical, physical, and biological integrity of streams and their water resources.
2. Removing pollutants delivered in urban stormwater.
3. Reducing erosion and controlling sedimentation.
4. Protecting and stabilizing stream banks.
5. Providing for infiltration of stormwater runoff.
6. Maintaining base flow of streams.
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
8. Providing tree canopy to shade streams and promote desirable aquatic habitat.
9. Providing riparian wildlife habitat.
10. Furnishing scenic value and recreational opportunity.
11. Providing opportunities for the protection and restoration of greenspace.

#### B. Purpose

It is the purpose of these regulations to protect the public health, safety, environment, and general welfare; to minimize public and private losses due to erosion, siltation, and water pollution; and to maintain stream water quality by provisions designed to create buffer zones along the streams of the Town of Braselton for the protection of water resources and to minimize land development within such stream buffers by establishing buffer zone requirements, and by requiring authorization for any such activities.

#### C. Definitions

**Impervious cover:** Any manmade paved, hardened, or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads,

decks, swimming pools, and any concrete or asphalt.

**Permit:** A permit issued by the Town of Braselton for undertaking any land development activity.

**Stream protection area:** The combined areas of all required stream buffers and setbacks applicable to a stream.

**Setback:** The area established by Sec. 11.2G extending beyond any stream buffer applicable to the stream.

**Stream:** Any stream beginning at either the location of a spring, seep, or groundwater outflow that sustains streamflow; or a point in the stream channel with a drainage area of 25 acres or more. Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the Town of Braselton may require field studies to verify the existence of a stream. The cost of these required studies must be paid by the property owners.

#### D. Applicability

1. This article applies to all land development activity on property containing a stream protection area.
2. After the effective date of these regulations, they will apply to new subdividing and platting activities. Any land development activity within a buffer established by this article or any impervious cover within a setback established by this article is prohibited unless a variance is granted in accordance with Sec. 11.2H.
3. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state, or federal regulations.
4. This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of

this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment must take precedence.

#### **E. Grandfathering**

These regulations do not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of these regulations.
2. Existing development and on-going land disturbance activities, including but not limited to existing agriculture, commercial forestry, landscaping, gardening, and lawn maintenance, except that new development or land disturbance activities on such properties are subject to all applicable stream buffer requirements.
3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval, or has been submitted for approval as of the effective date of this ordinance.
4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

#### **F. Exemptions**

The following specific activities are exempt from this section. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one of the following:
  - a. A stream crossing by a driveway, transportation route or utility line.

- b. Public water supply intake or public wastewater outfall structures.
- c. Intrusions necessary to provide access to a property.
- d. Public access facilities that must be on the water including boat ramps, docks, unpaved walking trails leading directly to the river, fishing platforms and overlooks.
- e. Unpaved walking trails.
- f. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance must be at least 25 feet from the top of the bank. This includes impervious cover necessary for the operation and maintenance of the utility, including but not limited to manholes, vents, and valve structures. This exemption shall not be construed as allowing the construction of roads, multi-use trails, or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in subsection F(1) above.
3. Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
4. Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents, and valve structures.
5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it must report such work to the Town of Braselton on the next business day after commencement of the work. Within 10 days thereafter, the person must apply for a permit and

perform such work within such time period as may be determined by the Town of Braselton to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability, or water quality of the stream protection area.

6. Commercial forestry. If such activity results in land disturbance in the stream buffer that would otherwise be prohibited, then no other land disturbance activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the stream buffer.
7. Local governments may exempt those structures existing, under construction, or for which a complete application for a land disturbance permit, building permit, or similar government approval has been submitted as of the effective date of the ordinances adopted pursuant to this rule, or on which construction will commence no later than one year following the date of the adoption of the ordinances required pursuant to this rule. However, any modification or expansion of such existing structure which results in a net increase in the structure footprint or of the impervious surface area within the buffer will subject the structure to the applicable criteria hereunder. Further, local governments may exempt parcels with one single-family detached dwelling, provided that this exemption does not apply to parcels that are subdivided into lots after the effective date of ordinances adopted pursuant to this rule.
8. After the effective date of the ordinance, the local government will have one year to implement the stormwater ordinance and two years to design and implement a Division-approved public education program and a Division-approved monitoring program. The local jurisdiction must submit a report on the aforementioned activities to the Division and get approval from the Division to proceed with buffer reductions.

#### **G. Stream Buffer and Setback Requirements**

All land development activity subject to this article must meet the following requirements and the requirements of Sec. 11.3:

1. An undisturbed natural vegetative buffer must be maintained for 50 feet, measured horizontally in all directions, on both banks (as applicable) of the stream as measured from the point where vegetation has been wrested by normal stream flow or wave action.
2. An undisturbed natural vegetative buffer must be maintained for 150 feet, measured horizontally, on both banks (as applicable) of the Mulberry River as measured from the point where vegetation has been wrested by normal stream flow or wave action.
3. An additional setback must be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover is prohibited. Grading, filling, and earthmoving must be minimized within the setback.
4. No septic tanks or septic tank drain fields are permitted within the stream buffer or the setback.

#### **H. Variances**

Variances from the stream buffer and setback requirements in subsection (G) of this section may be granted in accordance with the following provisions:

1. The Zoning Board of Appeals of the Town of Braselton may grant a variance from the stream buffer and setback requirements in this article, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
2. Except as provided above, the Zoning Board of Appeals of the Town of Braselton may grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Zoning Board of Appeals. The Town of Braselton must give public notice of each such public hearing in a newspaper of

- general circulation within the local jurisdiction. The Town must require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign must be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.
3. The applicant must bear the burden of proof when the Zoning Board of Appeals is asked to consider a variance.
  4. Variances will be considered only in one or more of the following cases:
    - a. A parcel platted prior to the effective date of these regulations.
    - b. A property with a shape, topography, or other physical conditions that prevents land development consistent with these regulations unless a stream buffer variance is granted.
    - c. Unusual circumstances when strict adherence to the requirements of the article would create an extreme hardship.
  5. Variances will not be considered when, following adoption of this article, actions of any property owner of a given property have created conditions of a hardship on that property.
  6. At a minimum, a variance request must include the following information:
    - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
    - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
    - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the stream buffer and setback. The exact area of the stream buffer to be affected must be accurately and clearly indicated;
    - d. Documentation of unusual hardship should the stream buffer be maintained;
    - e. At least one alternative plan, which does not include a stream buffer or setback intrusion, or an explanation of why such a site plan is not possible;
    - f. A calculation of the total area and length of the proposed intrusion;
    - g. A stormwater management site plan, if applicable; and,
    - h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
  7. The following factors will be considered in determining whether to issue a variance:
    - a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
    - b. The locations of all streams on the property, including along property boundaries;
    - c. The location and extent of the proposed stream buffer or setback intrusion;
    - d. Whether alternative designs are possible which require less intrusion or no intrusion;
    - e. The long-term and construction water-quality impacts of the proposed variance;
    - f. Whether issuance of the variance is at least as protective of natural resources and the environment.
- I. Additional Information Required for Development on Stream Buffer Properties**
- Any permit applications for property requiring stream buffers and setbacks must include all of the following:
1. A site plan showing all of the following:
    - a. The location of all streams on the property.
    - b. Limits of required stream buffers and setbacks on the property.

- c. Stream buffer topography with contour lines at no greater than five-foot contour intervals.
  - d. Delineation of forested and open areas in the stream buffer.
  - e. Detailed plans of all proposed land development in the stream buffer and of all proposed impervious cover within the setback.
2. A description of all proposed land development within the stream buffer and setback.
  3. Any other documentation that the Town of Braselton may reasonably deem necessary for review of the application and to ensure that the stream buffer requirements are addressed in the approval process.

All stream buffer and setback areas must be recorded on the final plat of the property following plan approval.

#### **J. Responsibility**

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this article relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor does the issuance of any permit hereunder serve to impose any liability upon the Town of Braselton or its officers or employees, for injury or damage to persons or property.

#### **K. Inspection**

The Town may cause inspections of the work in the stream buffer or setback to be made periodically during the course thereof and must make a final inspection following completion of the work. The permittee must assist the Town in making such inspections. The Town of Braselton has the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the stream protection area.

No person may refuse entry or access to any authorized representative or agent who

requests entry for purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper, or interfere with any such representative while in the process of carrying out official duties.

#### **L. Violations and Enforcement**

Any action or inaction which violates the provisions of this article or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below may not prevent such equitable relief.

#### **M. Notice of Violation**

If the Town determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this article, it may issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured the appropriate permit, the notice of violation should be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation must contain all of the following:

1. The name and address of the owner or the applicant or the responsible person.
2. The address or other description of the site on which the violation is occurring.
3. A statement specifying the nature of the violation.
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan, or this article and the date for the completion of such remedial action.
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.
6. A statement that the determination of violation may be appealed to the Town by filing a written notice of appeal within thirty

days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient).

#### N. Penalties

In the event that the remedial measures described in the notice of violation have not been completed by the date set forth in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Town of Braselton must first notify the applicant or other responsible person in writing of its intended action, and must provide at least ten days (except that in the event that the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) to cure the violation. In the event that the applicant or other responsible person fails to cure the violation after the notice and cure period, the Town may take one or more of the following actions or impose any one or more of the following penalties.

1. **Stop Work Order:** The Town of Braselton may issue a stop work order to the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided that the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy:** The Town of Braselton may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit:** The Town of Braselton may

suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided that the permit may be reinstated (upon such conditions as the Town may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure the violations.

4. **Civil Penalties:** In the event that the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the Town of Braselton deems appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the Town has taken one or more of the actions described above, the Town may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
5. **Criminal Penalties:** For intentional and flagrant violations of the requirements of this article, the Town of Braselton may issue a citation to the applicant or other responsible person, requiring such person to appear in Braselton Municipal Court to answer charges for such violation. Upon conviction, such person may be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation occurs constitutes a separate offense.

#### O. Administrative Appeal

Any person aggrieved by a decision or order of the Town of Braselton, may appeal in writing within 10 days after the issuance of such decision or order to the Planning Director and is entitled to a hearing before the Zoning Board of Appeals within 60 days of receipt of the written appeal.



## **P. Judicial Review**

Any person aggrieved by a decision or order of the Town of Braselton, after exhausting all administrative remedies, has the right to appeal de novo to the Superior County Court.

### **11.3 Mulberry River Water Supply Watershed Protection**

Minimum criteria for large water supply watersheds.

- A. A large water supply watershed has 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- B. The stream corridors of a large water supply watershed tributary to the water supply intake have no specified minimum criteria for protection, except the stream corridors of the perennial tributaries of a water supply reservoir in a large water supply watershed, which are protected as described in (C) below.
- C. The corridors of all perennial streams in a large water supply watershed tributary to a water supply reservoir within a seven mile radius of the reservoir boundary are protected by the following criteria:
  1. A buffer must be maintained for a distance of 100 feet on both sides of the stream as measured from the point where vegetation has been wrested by normal stream flow or wave action.
  2. No impervious surface may be constructed within a 150 foot setback area on both sides of the stream as measured from the point where vegetation has been wrested by normal stream flow or wave action.
  3. Septic tanks and septic tank drain fields are prohibited in the setback area of 2. above.
- D. The remainder of a large water supply watershed tributary to the water supply intake has no specified minimum criteria for protection, except that new facilities, located within seven miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, must perform their operations on impermeable surfaces having

spill and leak collection systems as prescribed by the Department of Natural Resources.

- E. The water supply reservoirs in large water supply watersheds will be managed as follows.

1. The owner of a water supply reservoir must develop a reservoir management plan for approval of the Department of Natural Resources. If the Department owns the reservoir, the plan must be prepared in cooperation with the local governments using the reservoir.
2. A reservoir management plan must address the recreational use of the reservoir and the maintenance of a buffer around the reservoir.
  - a. Any recreational uses must take into consideration the protection of the water quality of the reservoir for drinking water purposes. Any of the following recreational uses are permissible in the reservoir management plan if the water quality of the reservoir is adequately protected.
    - i. Swimming
    - ii. Fishing
    - iii. Boating
    - iv. Docks
    - v. Public access
    - vi. Adjacent property owner access
  - b. The reservoir management plan must include a buffer that must be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance must be specified in the reservoir management plan. Allowable disturbances may include public and/or private access to the reservoir and/or the buffer via docks, trails, and similar amenities provided that these disturbances are addressed in the reservoir management plan.
  - c. Reservoir owners may adopt buffers of differing sizes than in b. above upon approval of the Department of Natural Resources.

## 11.4 Stormwater Management

### A. Purpose and Intent

The purpose of this section is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment, and general welfare of the public; and protect water and aquatic resources. Additionally, the Town of Braselton is required to comply with several state and federal laws, regulations, and permits, and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

### B. Adoption and Implementation of the GSMM, Conflicts and Inconsistencies

1. In implementing this section, the Town of Braselton uses and requires compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the Georgia Stormwater Management Manual (GSMM) as well as all related appendices.
2. This section is not intended to modify or repeal any other section of this Development Code, ordinance, rule, regulation, or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the Town of Braselton MS4 permit and this section, the provision from the MS4 permit applies. In the event of any conflict or inconsistency between any provision of this section and the GSMM, the provision from this section applies. In the event of any other conflict or inconsistency between any provision of this section and any other ordinance, rule, regulation, or

other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment applies.

### C. Applicability Criteria

The requirements of this section apply to any of the following activities:

1. New development that creates or adds 5,000 square feet or more of new impervious surface area or that involves land disturbance activity of 1 acre of land or more.
2. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or more of new impervious surface area or that involves land disturbance activity of 1 acre or more.
3. New development and redevelopment if it is part of a subdivision or other common plan of development, and the sum of all associated impervious surface area or land disturbance activities that are part of the subdivision or other common plan of development meets or exceeds the thresholds in (1) and (2) above.
4. Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot.
5. Road, sidewalk, or multi-use trail projects that exceed the threshold in (1) or (2) above.

### D. Exemptions

The requirements of this section do not apply to any of the following activities:

1. Land disturbance activity conducted by local, state, authority, or federal agencies solely to respond to an emergency need to protect life, limb, or property, or conduct emergency repairs.
2. Land disturbance activity that consists solely of cutting a trench for utility work and related pavement replacement.
3. Land disturbance activity conducted by local, state, authority, or federal agencies whose sole purpose is to implement stormwater management or environmental restoration.

4. Repairs to any stormwater management system deemed necessary by the Town Engineer.
5. Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Sec. 11.4C.1 or 11.4C.2.
6. Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Sec. 11.4C.1 or 11.4C.2.
7. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits.
8. Road, sidewalk, or multi-use trail projects being constructed by Town of Braselton to the extent the Town Engineer determines that these stormwater management standards may be infeasible to apply, all or in part, for any portion of the project. For this exemption to apply, an infeasibility report must first be submitted to the Town Engineer with adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the Town Engineer.

#### **E. Stormwater Management Standards**

The following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2.

1. Design of Stormwater Management System: The design of the stormwater management system must be in accordance with the applicable sections of the GSMM as directed by the Town Engineer. Any design that proposes a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
2. Natural Resources Inventory: Site reconnaissance and surveying techniques

must be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, must include, at a minimum (as applicable):

- a. Topography (minimum of 2-foot contours) and areas with slopes greater than 15%.
  - b. Natural drainage divides and patterns.
  - c. Natural drainage features such as swales, basins, and depressional areas.
  - d. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas, and river corridors.
  - e. Predominant soils, including erodible soils and karst areas.
  - f. Existing predominant vegetation including trees, high quality habitat, and other existing vegetation.
3. Better site design practices for stormwater management: Stormwater management plans must preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.
  4. Stormwater runoff quality/reduction: Stormwater runoff quality/reduction must be provided by using the following:
    - a. For development with a stormwater management plan submitted before November 16, 2020, the applicant may choose either (i) Runoff Reduction or (ii) Water Quality.
    - b. For development with a stormwater management plan submitted on or after November 16, 2020, the applicant must choose (i) Runoff Reduction and additional water quality are not required. To the extent that (i) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then

(ii) Water Quality applies for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

i. Runoff Reduction. The stormwater management system must be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

ii. Water Quality. The stormwater management system must be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

Stormwater Credits for Nonstructural Measures. The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under this subsection. The applicant may, if approved by the Town Engineer, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the GSMM, Volume 2. Downspout disconnect credit may not be taken for lots less than 1 acre.

c. If a site is determined to be a hotspot, the Town may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

5. Stream channel protection: Stream channel protection must be provided by using all of the following three approaches:

a. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event.

b. Erosion prevention measures such as energy dissipation and velocity control.

c. Preservation of any applicable stream buffer.

6. Overbank flood protection: Downstream overbank flood protection must be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

7. Extreme flood protection: Extreme flood protection must be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

8. Downstream analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis must be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

9. Stormwater management system inspection and maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the Town, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, must have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment

sites must prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan must be written in accordance with the requirements of Sec. 11.4F.

**F. Pre-Submittal Meeting, Concept Plan, and Stormwater Management Plan Requirements**

1. Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the Town. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the Town when applying for a Determination of Infeasibility through the Practicability Policy.
2. The stormwater concept plan must be prepared using the minimum following steps:
  - a. Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
  - b. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flood protection, and extreme flood protection (GSMM Section 2.2).
  - c. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
3. The stormwater concept plan must contain all of the following:

- a. The common address and a legal description of the site.
- b. A vicinity map.
- c. Existing conditions and proposed site layout mapping and plans (recommended scale of 1 inch = 50 feet), which illustrate at a minimum the following:
  - i. Existing and proposed topography (minimum of 2-foot contours).
  - ii. Perennial and intermittent streams.
  - iii. Mapping of predominant soils from USDA soil surveys.
  - iv. Boundaries of existing predominant vegetation and proposed limits of clearing and grading.
  - v. Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, and other setbacks such as drinking water well setbacks, septic setbacks, etc.
  - vi. Location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.
  - vii. Existing and proposed utilities (water, sewer, gas, electric, etc.) and easements.
  - viii. Preliminary estimates of unified stormwater sizing criteria requirements.
  - ix. Preliminary selection and location, size, and limits of disturbance of proposed BMPs.
  - x. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains.
  - xi. Flow paths.
  - xii. Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage.

- xiii. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
- 4. The stormwater management plan must contain the items listed below and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (c), (d), (e), and (f) must be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)
  - a. Natural resources inventory
  - b. Stormwater concept plan
  - c. Existing conditions hydrologic analysis
  - d. Post-development hydrologic analysis
  - e. Stormwater management system
  - f. Downstream analysis
  - g. Erosion and sedimentation control plan
  - h. BMP Landscaping plan
  - i. Inspection and maintenance agreement
  - j. Evidence of acquisition of applicable local and non-local permits
  - k. Determination of infeasibility (if applicable)
- 5. For redevelopment and to the extent that existing stormwater management structures are being used to meet stormwater management standards, the following must also be included in the stormwater management plan for existing stormwater management structures:
  - a. As-built drawings
  - b. Hydrology reports
  - c. Current inspection of existing stormwater management structures, with deficiencies noted
  - d. BMP Landscaping plans

## **G. Application Fee**

Each land development application must be accompanied by a fee determined by a schedule of fees adopted by the Town Council from time to time. Payment must be made before the issuance of any land disturbance permit or building permit for the development.

## **H. Application Procedures**

Land development applications are handled as part of the process to obtain a land disturbance permit or building permit as applicable. Before any person begins development on a site, the owner of the site must first obtain approval based on the following procedure:

1. File a land development application with the Town with all of the following supporting materials:
  - a. The stormwater management plan prepared in accordance with Sec. 11.4F.4.
  - b. A certification that the development will perform in accordance with the stormwater management plan once approved.
  - c. A Preliminary Determination of Infeasibility, if applicable, prepared in accordance with the practicability policy.
  - d. An acknowledgement that applicant has reviewed the Town of Braselton's form of inspection and maintenance agreement, and that applicant agrees to sign and record the inspection and maintenance agreement before the final inspection.
2. The Town Engineer must inform the applicant whether the application and supporting materials are approved or disapproved.
3. If the application or supporting materials are disapproved, the Town Engineer must notify the applicant in writing. The applicant may then revise any item not meeting the requirements of this section and resubmit for the Town Engineer to again consider and either approve or disapprove.

4. If the application and supporting materials are approved, the Town of Braselton may issue the associated land disturbance permit or building permit, provided that all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in approved applications becomes the approved stormwater management plan.

**I. Compliance with the Approved Plan**

1. All development must be consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and be conducted only within the area specified in the approved stormwater management plan.
2. No changes may be made to an approved stormwater management plan without review and advanced written approval by the Town Engineer.

**J. Inspections During Construction**

Periodic inspections of the stormwater management system during construction must be conducted by Town staff or conducted and certified by a professional engineer who has been approved by the Town. Inspections must use the approved stormwater management plan for establishing compliance. All inspections must be documented with written reports that contain the following information:

1. The date and location of the inspection.
2. Whether the stormwater management system is in compliance with the approved stormwater management plan.
3. Variations from the approved stormwater management plan.
4. Any other variations or violations of the conditions of the approved stormwater management plan.

**K. Final Inspection, As-Built Drawings, Delivery of Inspection and Maintenance Agreement**

Upon completion of the development, the applicant is responsible for all of the following:

1. Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved

stormwater management plan and associated hydrologic analysis. The required certification must include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests must be performed by a qualified person and submitted to the Town with the request for a final inspection. The Town must perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

2. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer.
3. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan.
4. Delivering to the Town a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

**L. Violations and Enforcement**

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection will constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit or the underlying building. To address a violation of this section, the Town has all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in this Development Code.



#### **M. Maintenance of Systems Predating Current GSMM**

Any stormwater management systems approved and built based on requirements predating the current GSMM and that are not otherwise subject to an inspection and maintenance agreement must be maintained by the owner so that they perform as they were originally designed.

#### **N. Inspection and Maintenance Agreements**

1. The owner must execute an inspection and maintenance agreement with the Town obligating the owner to inspect, clean, maintain, and repair the stormwater management system, including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement must be the form provided by the Town. After the inspection and maintenance agreement has been signed by the owner and the Town, the owner must promptly record the agreement at the owner's cost in the property record for all parcel(s) that make up the site.
2. The inspection and maintenance agreement must identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the agreement. The owner must update the point of contact from time to time as needed and upon request by the Town. Upon any sale or transfer of the site, the new owner must notify the Town of Braselton in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date will, following 30 days' notice, constitute a failure to maintain the stormwater management system.
3. The inspection and maintenance agreement must run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
  - a. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the

inspection and maintenance agreement. The parties must record and provide written notice and a copy of such assignment agreement to the Town.

- b. In the absence of a recorded assignment agreement, all owners of the site are jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

#### **O. Right of Entry for Maintenance Inspections**

The terms of the inspection and maintenance agreement must provide right of entry for the Town for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the Town has the right to enter and make inspections pursuant to Sec. 13.6B.

1. Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected and/or sampled must be promptly removed by the owner or operator at the written or oral request of the Town and must not be replaced. The costs of clearing access must be covered by the owner or operator.
2. Vehicular access to every stormwater facility must be provided directly from an abutting street, or by access easement between the facility and the nearest street. This easement must be cleared of any trees and shrubs, must be unpaved and no less than 20 feet wide, and must have a maximum grade of 12%.
3. If the Town or its agent, has been refused access to any part of the premises from which stormwater is discharged, and the Town is able to demonstrate probable cause to believe that there may be a violation of this section; or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued under the provisions of this section; or to protect the

overall public health, safety, environment, and welfare of the community; then the Town may seek a search warrant from any court of competent jurisdiction.

4. In the event that a discharge constitutes an immediate danger to public health or public safety, the Town or its agent, is authorized to enter the subject property without giving prior notice and to take any and all measures necessary to abate the violation and/or restore the property. The Town is authorized to seek costs of the abatement from the owner or operator.

**P. Owner's Failure to Maintain the System**

The terms of the inspection and maintenance agreement must establish what constitutes a failure to maintain a stormwater management system and the enforcement options available to the Town. If a site was developed before the requirement to have an inspection and maintenance agreement, or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

1. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed constitutes and must be addressed as a violation of, or failure to comply with, owner's property maintenance obligations consistent with this Development Code.
2. To address a failure to maintain the stormwater management system, the Town has all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

**Q. Other Design and Construction Standards**

1. Any required retention and/or detention areas must be incorporated into the common areas of the residential development
2. Fences a minimum of 4 feet in height with a minimum 8 foot wide gate are required on all detention ponds where:

- a. The sides of the pond have a slope greater than 3 horizontal to 1 vertical, or
  - b. The depth of water in the pond is greater than 3 feet at one hour after the duration of any storm event up to the 50-year event.
3. Drainage easement requirements. The minimum easement width for an open ditch where a pipe is feeding into the ditch is determined as follows:

Pipe Size Feeding Into Ditch	Min. Drainage Ditch Easement Width
15 to 30 inches	20 feet
36 to 66 inches	30 feet
72 inches and greater	40 feet

- a. Where a subdivision is traversed by a watercourse, drainage way or stream, there must be a drainage and access easement conforming substantially with the lines of the watercourse, and enough additional width to be adequate for drainage and maintenance, taking into account possible future development of higher land in the same drainage area, in accordance with the table above, or bank plus 20 feet. The drainage way must be piped when the Town Engineer finds that it is a hazard or that a continual maintenance problem might exist.
  - b. If the drainage way is piped, the easement width is calculated as the pipe diameter plus two feet plus two times the depth, rounded up to the nearest five-foot interval, but may be no less than 20 feet wide.
4. Stormwater inlets must be designed and located so as not to exceed a maximum gutter spread width of half the travel lane based on flow data calculations for the 10-year storm event.
  5. Pipe size is determined by utilizing the Rational Method or the Soil Conservation Service Method (TR-55) to compute peak runoff. A 25-year storm event will be used to determine all pipe sizes. Hydraulic grade line may not exceed 90% of the diameter of the pipe. All culverts under roadways

- must be sized based on a 50-year storm event.
6. Manning's equation must be used to evaluate hydraulic capacity and velocity of flow within the storm drainage system. Required storm pipes must be designed to maintain a water flow velocity greater than or equal to 3 feet per second. The hydraulic analysis of culverts must be based on Federal Highway Administration engineering practice and take into account the inlet geometry, slope, size, roughness, and approach or tailwater conditions. Stormwater inlets must be designed in accordance with Federal Highway Administration engineering practice and constructed in compliance with GDOT construction standards and conform with GDOT Standard 1033, 1034, and 1019. Drainage calculation and design data are required for all stormwater conveyance systems and structures. All drainage structures must be constructed of reinforced precast concrete, four feet diameter or larger. All 1033D and 1034D drainage structures must require a reinforced precast "Round to Square" adapter for additional throat support. All junction boxes must include precast adapters and heavy duty traffic rated ring and covers. All manholes must include approved steps, spaced 12 inches on center vertically, aligned with manhole cover to allow safe access by maintenance personnel. All structures must have paved inverts.
  7. Pipe penetration of structures may not exceed 50% of inside wall perimeter .
  8. All drainage ditches that are between building lots must be piped to the rear property line.
  9. The minimum cross drain diameter must be 15 inches.
  10. Minimum pipe cover must be 24 inches.
  11. In all instances, depth requirements must meet or exceed manufacturer's guidelines.
  12. Materials and installation.
    - a. Pipes.
      - i. Pipe material must be determined based on type of installation, as set forth in the table below. All pipes must be new and unused.
      - ii. The gauge or class of pipe used must be determined by acceptable methods using H-20 highway loading, and must meet GDOT specifications. The Town Engineer must inspect the pipe before installation to assure that it is free of cracks or damage. All damaged, used, or "second" quality pipe must be refused and immediately removed from the job site.
    - b. Joints and installation.
      - i. Reinforced concrete pipe joints must be properly constructed to prevent exfiltration.
      - ii. The use of O-rings or sealants may be required, depending on pipe design.
      - iii. All storm sewer piping must be constructed in a linear approach with no vertical or horizontal variance from the approved design.
      - iv. High density polyethylene (HDPE) and corrugated metal pipe (CMP) must be joined by manufacturer's recommended pipe banding materials. All trench lines must be thoroughly compacted prior to pipe installation. HDPE pipe will require special bedding and installation in strict accordance with manufacturer's specifications and as directed by the Town Engineer.
  - c. Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Corrugated Steel AASHTO M-36			Corrugated Aluminum AASHTO M-196 Aluminum Alloy CMP	Plastic AASHTO M-294 Corrugated HDPE Smooth Lined	Reinforced Concrete Box Culvert Per GDOT Standards
	Reinforced Concrete Pipe (RCP)	Aluminized Type II CMP	Bituminous Coated CMP			
Longitudinal Grade < 10%	Yes	Yes	Yes	Yes	Yes <sup>a</sup>	–
Longitudinal Grade Over 10%	No	Yes	Yes	Yes	Yes <sup>a</sup>	–
Cross Drain < 250 ADT	Yes	No	No	No	No	–
Cross Drain < 250 ADT	Yes	No	No	No	No	–
Cross Drain Flowing Stream Application	Yes	No	No	No	No	–
Cross Drain Flowing Stream Application	<sup>b</sup>	No	No	No	No	Yes

Conditional Uses:

<sup>a</sup> Corrugated high density polyethylene pipe smooth lined type "S" must be manufactured and installed in strict compliance with the manufacturer's recommendation. Special backfill and bedding are required per the direction of the Town Engineer. Prior approval of the Town Engineer is required.

<sup>b</sup> Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances based on the Town Engineer's assessment of existing conditions and future maintenance requirements.

<sup>c</sup> The addition of a type "A" full bituminous coating with paved invert is required for this application. (AASHTO M-190)

<sup>d</sup> Requires approval of Town Engineer based on assessment of existing conditions and future maintenance requirements.

13. Only reinforced concrete pipe may be used within street right-of-way on arterial roads. Reinforced concrete pipe must be used on all cross drains crossing under the roadway for major and minor collectors. Concrete pipe may not be used on grades exceeding 10%. Metal pipe may be used within the rights-of-way of local streets and for driveway culverts. Metal pipe must either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating or corrugated aluminum alloy pipe (AASHTO M-196).

14. Unless otherwise specifically set forth in this article, all of the materials, methods of construction, and workmanship for the work covered in reference to stormwater drainage construction must conform to the latest standard specific specifications of the Georgia Department of Transportation.

15. Pipe installation must conform to GDOT Standard Specifications for construction of roads and bridges. Before any traffic over a storm drain is allowed, the developer must provide an adequate depth and width

of compacted backfill to protect the structure from damage or displacement. The developer must remove any debris or silt that constricts the flow through a pipe as necessary to maintain drainage. All pipe structures must be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion must be repaired or corrected at the developer's expense.

a. Trench construction for storm drainage pipe must be in accordance with State Highway Standard 1030D (or most current) or as directed by the Town Engineer.

b. Storm drainage pipe must be bedded in Type 57 gravel where wet conditions are encountered.

c. Backfilling of trenches must be accomplished immediately after the pipe is laid. The fill around the pipe must be placed in layers not to exceed 6 inches with each layer being thoroughly compacted. All material must have an in-place density of 98%

modified proctor to a depth of 6 inches below the finished grade, and 95% modified proctor at depth greater than 6 inches below the finished grade. Compaction requirements must be attained by the use of mechanical methods. Each layer of backfill must be placed loosely and thoroughly compacted in place.

- d. All backfill must be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Backfill material must be capable of being compacted by mechanical means and must have no tendency to flow or behave in a plastic manner under the tamping blows.
  - e. Material deemed by the Town Engineer as unsuitable for backfill purposes must be removed and replaced with selected backfill material.
  - f. Water is not permitted to rise in trenches that are not backfilled after the pipe has been placed.
16. Field changes. Minor changes to approved construction plans because of field conditions must be documented as revisions to the approved development plans and correctly shown on the as-built drawings. Discrepancies between the as-built drawings and the approved development plans may result in delays in approving final plans or certificates of occupancy until the discrepancies are resolved.
17. End walls. All culverts must have end walls or flared end sections constructed in accordance with GDOT Specifications and the GDOT Manual on Drainage Design for Highways. All flared end sections under or adjacent to roadways with a posted speed in excess of 25 mph must be safety end sections per GDOT standards.
18. Catch basins and storm sewer structures.
- a. All catch basins and storm sewer structures must be designed and constructed in compliance with GDOT

Specifications and conform with GDOT Standard 1033D, 1034D, or 1019.

- b. The use of a Standard 1019 is excluded from turnarounds and the low point of sag vertical curves draining more than 300 feet of gutter. Drainage calculations and design data are required for the use of a Standard 1019.
  - c. All drainage structures must be constructed of reinforced precast concrete, 4 foot diameter or larger.
  - d. All 1033D and 1034D drainage structures require a reinforced precast "Round to Square" adapter for additional throat support.
  - e. All junction boxes must include precast adapters and heavy duty traffic rated ring and covers. All junction boxes must include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel.
  - f. All storm sewer structures must be reinforced precast or poured in place reinforced concrete. Masonry structures are not allowed unless authorized in writing by the Town Engineer.
  - g. No length of pipe may exceed 200 feet without intermediate structures.
  - h. In certain instances where rolled curb is utilized, the Town Engineer may require the use of 1033F and 1034F catch basins.
  - i. All structures must have poured inverts to minimize accumulation of water and sediment in the structure.
  - j. All structure covers must be cast to read "Storm Sewer, Dump No Waste - Drains to Stream."
- R. Easements.
- 1. Drainage easements must be provided where a development is traversed by or contains a natural or manmade water course, impoundment, detention pond, floodplain, natural stream or channel. It must conform substantially to the limits of

- such natural drainage feature, but may be not less than 20 feet in width.
2. For manmade channels or drainage pipes, drainage easement widths are calculated as the pipe diameter plus two feet plus two times the depth, rounded up to the nearest five-foot interval, but may be no less than 20 feet wide. Easement lines at stream crossings must encompass the full extent of the culvert including maintenance area and any area required for access.
  3. The owner of property containing a drainage easement may not allow or cause to be deposited any material which causes a physical obstruction, including, but not limited to: structures; landscaping; fences; yard waste such as grass clippings, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system unless approved by the Town Engineer. All drainage easements must be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch, or other facility contained within the easement. The property owner must remove any such materials existing prior to, or installed after, the effective date of this ordinance.
  4. Easements for storm pipes, swales, ponds and other stormwater management facilities must be located within open or common space owned and maintained by a property owners' association.
  5. Drainage easements for improved ditches, pipe construction, and detention facilities must be cleared, opened, and stabilized with erosion control measures at the time of development to control surface water runoff.
  6. Drainage easements outside of the street right-of-way must be clearly defined on the final subdivision plat. The property owner is required to keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner may not alter any drainage improvements without prior written approval from the Town Engineer.
  7. Overlapping easements. Easements for water, sanitary sewers, and drainage purposes may be combined, with the approval of the Town Engineer, but must provide at least 7½ feet of pipe separation unless required otherwise by this code.
  8. Easements for water, sewer, reuse or stormwater outside of the right of way must be platted in open space owned and maintained by a property owners' association and may not be part of any residential lot.

## S. Definitions

The following definitions apply to this section. Other terms used but not defined in this section should be interpreted based on how those terms are defined and used in the GSMM and the Town of Braselton MS4 permit.

**Best management practice (BMP):** Structural devices used to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

**BMP landscaping plan:** A design for vegetation and landscaping that is critical to the performance and function of stormwater best management practices (BMP), including how the BMP will be stabilized and established with vegetation. It includes a layout of plants and plant names (local and scientific).

**Channel:** A natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

**Detention:** The temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

**Detention facility:** A structure designed for the storage and gradual release of stormwater runoff at controlled rates.

**Extreme flood protection:** Measures taken to prevent adverse impacts from large storm events with a return frequency of 100 years or more.

**Flooding:** A volume of surface water that exceeds the banks or walls of a BMP or channel and overflows onto adjacent land.

**GSMM:** The latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

**Hotspot:** A land use or activity that has the potential to produce higher than normal levels of pollutants in stormwater runoff. Hotspots may include gas stations, vehicle service, industrial uses, material storage sites, waste transfer facilities, and commercial parking lots with high-intensity use.

**Inspection and maintenance agreement:** A written agreement providing for the long-term inspection, operation, and maintenance of a stormwater management system and its components on a site.

**New development:** Land disturbance activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

**Overbank flood protection:** Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (flow events that exceed the capacity of the channel and enter the floodplain).

**Post-construction stormwater management:** Stormwater best management practices used on a permanent basis to control and treat runoff once construction has been completed.

**Post-development:** The conditions anticipated to exist on site immediately after completion of the proposed development.

**Practicability policy:** The latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

**Pre-development:** The conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted establish pre-development conditions.

**Pre-development hydrology:** For new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development. For redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve

number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

**Previously developed site:** A site that has been altered by paving, construction, and/or land disturbance activity.

**Redevelopment:** Structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbance activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

**Routine maintenance:** Activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

**Site:** An area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

**Stormwater management system:** The entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

## 11.5 Wetlands Protection

### A. Purpose

The purpose of these requirements is to promote wetlands protection by withholding land use and building permits in areas designated as wetlands until a jurisdictional wetland determination is completed, and by establishing permitted and prohibited uses within wetlands.



## **B. Wetlands Shown in Comprehensive Plan**

Wetlands shown in the Comprehensive Plan do not necessarily represent the boundaries of jurisdictional wetlands and cannot serve as a substitute for a jurisdictional wetland determination or a delineation of wetland boundaries as required by Section 404 of the Clean Water Act, as amended. No action by the Town of Braselton pursuant to these regulations relieves the landowner or applicant from federal or state permitting requirements. The Comprehensive Plan map may be amended as more detailed information regarding the exact location and boundaries of wetlands becomes available. Not all wetlands in the Town of Braselton may be shown within Comprehensive Plan and the omission of wetlands from the Comprehensive Plan does not relieve the applicant or property owner from compliance with applicable laws regarding wetlands.

## **C. Protected Wetlands, Restrictions**

Within any protected wetlands area, the following apply:

1. Alteration or degradation proposed within 50 feet of a protected wetland mapped on the National Wetland Inventory Map requires a jurisdictional determination of a protected wetland requires prior approval by the U.S. Army Corps of Engineers under Section 404 of the federal Clean Water Act. The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a public interest review. Most activities in wetlands will require a Section 404 permit from the Corps of Engineers. If wetlands are altered or degraded, mitigation to offset losses will be required as a condition of a Section 404 Permit. Under current federal policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-

term adverse impacts or net loss of wetlands. Section 401 of the Clean Water Act requires certification by the State for any permit issued under Section 404. Other state and federal laws are also applicable to wetlands and wetlands protection.

### **2. Prohibited Uses**

- a. Receiving areas for toxic hazardous waste or other contaminants.
- b. Hazardous or sanitary waste landfills.

### **3. Allowed Uses**

The following uses are allowed unless prohibited in the applicable zoning district.

- a. Commercial forestry
- b. Wildlife and fisheries management
- c. Recreation
- d. Wastewater treatment
- e. Natural water quality treatment or purification
- f. Other uses permitted under Section 404 of the federal Clean Water Act

## **11.6 Wellhead Protection Plan**

Braselton has adopted a Wellhead Protection Plan. For security purposes, this plan may not be included in this Development Code. The Braselton Wellhead Protection Plan is on file at Town Hall and may be viewed by submitting a written request to the Town Manager. Permission to view this document by the Town will be based on the criteria of holding a specific property interest within the wellhead protection area. The Town Manager has sole discretion as to the particular sections of the document that may be viewed by the requesting party.

## ARTICLE 12 TELECOMMUNICATIONS FACILITIES

### 12.1 Telecommunications Towers

#### A. Purpose

To establish guidelines for the appropriate location and development of telecommunications facilities in compliance with Federal Telecommunication Act of 1996 and subsequent federal regulations to serve the residents and businesses of Braselton.

#### B. Goals

The goals of this article are to:

1. Minimize potential adverse visual impact of towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques.
2. Encourage the location of towers in non-residential areas.
3. Minimize the total numbers of towers throughout the community.
4. Strongly encourage the joint use of new and existing tower sites.
5. Encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
6. Enhance the ability if the producers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
7. Preserve the character and context of areas of significant scenic or historic merit.
8. Avoid potential damage to property caused by wireless communication facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer uses or when determined to be structurally unsound.

#### C. Minor and Substantial Changes

1. A minor change in an existing tower or base station is one for which all of the following are true. Under FCC regulations, an application for minor changes may be approved by the Town by administrative decision, but must be approved within 90 days of application submittal.

- a. The height of a tower is not increased by more than 10%.
- b. The addition will not extend more than 20 feet from the tower.
- c. The modifications will not add more than one equipment shelter or four equipment cabinets.
- d. The modification does not involve excavation outside the tower site or existing utility and access easements.

2. A substantial change under FCC regulations is a change in an existing tower or base station for which all of the following are true:

- a. The height of a tower is increased by more than 10%.
- b. The addition will extend more than 20 feet from the tower.
- c. The modifications add more than one equipment shelter or four equipment cabinets.
- d. The modification involves excavation outside the tower site or existing utility and access easements.

#### D. Exclusions

The following are exempt from the requirements of this article:

1. Any tower or antenna under 70 feet in height owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
2. Any telecommunications facility located on property owned, leased or otherwise controlled by the Town, provided a license or lease authorizing such telecommunications facility has been approved by the Town Council.

#### E. Preferred Locations

1. Structure(s) owned by a governmental entity are preferred locations.
2. Any existing site on which a legal personal wireless service facility is currently located is a preferred location.

3. Wholly industrial and commercial structures are preferred locations, particularly where existing visual obstructions or clutter on the roof or along a roof line are removed as part of the installation of the telecommunications facility.

#### **F. Location and Construction**

1. The owner of a telecommunications facility must ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities that are published by the FCC. Inspections of such facilities must be conducted at least once every three years to ensure structural integrity. Inspections must be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection must be provided to the Building Inspector.
2. All telecommunications facilities must meet or exceed current standards, rules, and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications towers and antennas. If these standards and regulations are changed, then the owners of the telecommunications facilities governed by this article must bring such telecommunications towers and antennas into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
3. All telecommunications facilities must be enclosed by decay-resistant security fencing not less than six 6 feet in height and must be equipped with an appropriate anti-climbing device. This requirement may be waived by the Planning Director if it is determined that this would produce negative visual clutter or obstruct a view corridor.
4. No illumination is permitted on telecommunications facilities unless part of an approved public lighting program or required by the FCC, FAA, or other state or federal agency or competent jurisdiction,

in which case the Building Inspector may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

5. No signs are permitted on telecommunications facilities.
6. Telecommunications facilities must, subject to applicable standards of the FAA or other federal or state agencies, be maintained with a galvanized metal finish, painted a neutral color, or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness. If federal or state regulations require, telecommunications facility must maintain a galvanized steel finish or other required finish.
  - a. If an antenna is installed on a structure other than a tower and is generally visible to the public, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof mounted antennas must be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers, or other background.
  - b. Antennas should be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
  - c. Any equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
7. Landscaping must be used to screen effectively the view of the tower compound from adjacent public ways, public property and residential property.
  - a. Native vegetation on the site should be preserved to the greatest practical extent. The applicant must provide a

site plan showing existing significant vegetation to be removed and vegetation to be replanted to replace that lost.

- b. The Town Council may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, or tree farms.
8. Equipment at a telecommunications facility must be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or arterial street as well as a local street, access for maintenance vehicles must be exclusively by means of the collector or arterial street.
9. Accessory structures used in direct support of a tower are allowed but may not be used for offices, vehicle storage, or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility must not be stored or parked on the site of the tower. Towers may be located on sites containing another principal use in the same buildable area. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution, or sale of volatile, flammable, explosive, or hazardous materials such as propane, gasoline, natural gas, or dangerous chemicals.

#### **G. Height, Setbacks, and Spacing**

1. All telecommunications towers must be set back from any residential district at a distance that is at least the height of the tower.
2. Towers taller than 70 feet must not be located any closer than 2,500 feet from any existing tower, measured in a direct line, either within or outside the Town limits unless a variance has been granted per Sec. 14.7. All other structures may be located as close to each other as technologically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

#### **H. Application Procedures**

All of the following must be included in an application for a telecommunications facility.

1. Site plan or plans to scale prepared by a registered surveyor licensed to practice in the State of Georgia specifying the location of telecommunications facilities, transmission buildings and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses.
2. Landscape plan to scale indicating size, spacing and type of plantings as required in this section.
3. An impact statement fully describing the impact that the proposed telecommunications facility will have on the environment and surrounding area including the impact on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes. The impact statement must include a description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of maintenance.
4. Report from a professional structural engineer licensed in the state of Georgia, documenting all of the following:
  - a. Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
  - b. Total anticipated capacity of the telecommunications facility, including number and types of antennas that can be accommodated.
  - c. Evidence of structural integrity of the tower structure (i.e., engineer's statement that structure is built to meet or exceed standard building code).
  - d. Structural failure characteristics of any telecommunications tower over 70 feet and demonstration that site and setbacks are of adequate size to contain debris.

5. A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for existing coverage or capacity.
6. The identity of a community liaison officer to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility; including name, address, telephone number, facsimile number and electronic mail address, if applicable.
7. Existing towers and tall structures located within the geographic service area must be identified on a map along with written justification as to the need for a new tower in place of an existing structure.
  - a. A map indicating all existing tower and antenna sites located within the Town and within 2 miles of the town limits.
  - b. Any other information requested by the Building Inspector, Planning Director, or Town Council, to evaluate fully and review the application and the potential impact of a proposed telecommunications facility.
  - c. Grant or Denial of Permit.
    - i. The Building Inspector must review the completed application for a building permit and must issue a grant or denial of a building permit. The Planning Director must review the completed application for a special use and must forward the application for consideration to the Town Council pursuant to Sec. 14.5.
8. An applicant and owner must allow future wireless communication companies, including public and quasi-public agencies using similar technology, to co-locate antenna equipment and facilities on any tower unless specific technical constraints prohibit said co-location. An applicant may negotiate any type of agreement for co-location but may not charge fees which are so unreasonable as to prohibit co-location in accordance with commercially reasonable standards.
9. Appeals from any decision of the Building Inspector (in the case of a building permit) or the Town Council (in the case of a special use) may be made as outlined in Sec. 14.5 and Sec. 14.11. Any decision on a request to build a tower or to approve a tower as a special use must be in writing, and any denial of any such request or special use must be supported by substantial evidence and a written record.
10. Telecommunications facilities, including, without limitation, power source, ventilation and cooling, must be operated at all times within the limits of any applicable noise ordinance, must not be operated so as to cause the generation of heat that adversely affects a building occupant and must not be maintained or operated in such a manner as to be a nuisance.
11. All telecommunications facilities must be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such facilities. If upon inspection by the Building Inspector, Planning Director, or their designees any a telecommunications facility is determined not to comply with the minimum standard building code or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, the owners have 30 days to bring the facility into compliance. In the event that the telecommunications facility is not brought into compliance within 30 days, the Town may provide notice to the owners requiring the telecommunications facility to be removed.
12. In the event that the telecommunications facility is not removed within 30 days of receipt of the notice, the Town may remove the facility and place a lien upon the property for the costs of removal or seek costs incurred through court action. Delay by the Town in taking action does not in any way waive the Town's right to take action. The Town may pursue all legal rights to ensure that telecommunications facilities not in compliance with the minimum standard building code standards or which constitute a danger to persons or property are brought into

compliance or removed. Braselton may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

#### **I. Abandoned Towers**

1. Any telecommunications facility that is not operated for a continuous period of 12 months is considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located must remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within 60 days of receipt of notice from the Town notifying the owner(s) of such abandonment, the Town may remove the tower and/or antenna and place a lien upon the property for the costs of removal or seek costs incurred through court action. The Town may pursue all legal remedies available to it to insure the abandoned telecommunications facilities are removed. Delay by the Town in taking action does not in any way waive the Town's right to take action. The Town may seek to have the telecommunications facility removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.
2. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this Development Code as if the tower or antenna were a new tower or antenna.

#### **J. Pre-Existing Towers/Non-Conforming Uses**

1. All telecommunications facilities operative on the effective date of this Development Code are allowed to continue their present usage as a non-conforming use and will be treated as a non-conforming use. Routine maintenance, including replacement with a new tower or antenna of similar

construction and height, is permitted on existing telecommunications facilities. New construction other than routine maintenance must comply with the requirements of this Development Code.

2. A telecommunications facility that has received Town approval in the form of either a building permit or as a special use, but which has not yet been constructed or placed in operation is considered an existing telecommunications facility so long as the approval is current and not expired.
3. Placement of an antenna on a non-conforming structure is not considered an expansion of the non-conforming structure.

#### **K. Coordination with Federal Law**

Whenever the Town Council finds that the application of this Development Code would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services, the Town Council may waive any or all of the provisions of this article as part of a special use approval.

Regulations from the FAA, other federal entities, and the Georgia Streamlining of Wireless Facilities & Antenna Act (SWFAA) in place at the time of the application shall supersede any contrary local regulations.

### **12.2 Small Cell Facilities**

#### **A. Purpose and Compliance**

1. O.C.G.A. § [32-4-92(a)(10) / 32-4-42(6)] authorizes the Town to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the Town. Further, 47 U.S.C. § 253(c) provides that the Town has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the Town. Small cell

systems must meet the requirements of Sec. 6409(a) “Middle Class Tax Relief and Job Creation Act of 2012” (Pub. L. 12-96) regarding small cell systems.

2. The Town finds that it is in the best interest of the Town and its residents and businesses to establish requirements, specifications, and reasonable conditions regarding the placement of small wireless facilities in the public rights of way. These requirements, specifications, and conditions are adopted in order to protect the public health, safety, and welfare of the residents and businesses of the Town and to reasonably manage and protect the public rights of way and its uses.
3. The purpose of this section is to implement the SWFAA and to ensure that use of public rights of way is consistent with the design, appearance, and other features of nearby land uses; protects the integrity of historic, cultural, and scenic resources; and does not harm residents' quality of life.

## B. Definitions

Unless defined below, terms used in this section have the meanings given them in O.C.G.A. § 36-66C-2. As used in this section, the following terms have the following meanings.

**Applicable codes:** Uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent that such codes have been adopted by the State of Georgia or the Town or are otherwise applicable in the Town.

**Application:** A written request submitted by an applicant to the Town for a permit to: (1) collocate a small wireless facility in a right of way; or (2) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.

**Authority pole:** A pole owned, managed, or operated by or on behalf of the Town. Such term does not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

**Collocate or Collocation:** To install, mount, modify, or replace a small wireless facility on

or adjacent to a pole, decorative pole, or support structure.

**Communications facility:** The set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

**Communications service provider:** A provider of communications services.

**Communications services:** Cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.

**Consolidated application:** An application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

**Decorative pole:** An authority pole that is specially designed and placed for aesthetic purposes.

**Electric supplier:** Any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

**Eligible facilities request:** An eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.

**Fee:** A one-time, nonrecurring charge based on time and expense.

**Historic district:** Any of the following:

1. Any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i-iv of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1.



2. Any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act.
3. Any area designated as a historic district or property by law prior to April 26, 2019.

**Law:** Any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

**Micro wireless facility:** A small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

**Permit:** A written authorization, in electronic or hard copy format, required to be issued by the Town to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

**Pole:** A vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. This term does not include a support structure, decorative pole, or electric transmission structure.

**Rate:** A recurring charge.

**Reconditioning work:** The activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

**Replace, Replacement, or Replacing:** To replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

**Replacement work:** The activities associated with replacing an authority pole.

**Right of way:** Generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that this term

applies only to property or an interest therein that is under the ownership or control of the Town and does not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

**Small wireless facility:** Radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (1) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (2) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. This term does not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and does not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

**Support structure:** A building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. This

term does not include a decorative pole, electric transmission structure, or pole.

**Wireless infrastructure provider:** Any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

**Wireless provider:** A wireless infrastructure provider or a wireless services provider.

**Wireless services:** Any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

**Wireless services provider:** A person that provides wireless services.

**Wireline backhaul facility:** An above ground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

### C. Permits

1. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
2. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way must submit an application on forms available from the Town. Any material change to information contained in an application must be submitted in writing to the Town Engineer within 30 days after the events necessitating the change.
3. Each application for a permit must include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). These maximum application fees automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

4. The Town Engineer must review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.
5. Applications for permits must be approved except as follows:
  - a. In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (1) the applicant has the right to collocate subject to reasonable terms and conditions; and (2) such collocation would not impose technical limitations or significant additional costs. The applicant must certify that they has made such a determination in good faith, based on the assessment of a licensed engineer, and must provide a written summary of the basis for such determination.
  - b. The Town Engineer may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
  - c. For applications for new poles in the public right of way in residential districts, the Town Engineer may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider must use the alternate location proposed by the Town Engineer unless the location imposes technical limits or significant additional costs. The wireless provider must certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it must provide a written summary of the basis for such determination.
6. A permit issued under this section authorizes the applicant to occupy the public rights of way to: (1) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-

- 66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (2) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
7. Upon the issuance of a permit under this section, and on each anniversary of the issuance, every person issued a permit must submit to the Town the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person is responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section cease as of the date of the actual removal. The maximum annual payments automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
  8. Any person issued a permit must pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
  9. The Town may revoke a permit issued pursuant to Sec. 12.2C if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this section or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the Town may proceed according to subsection (10) of this section.
  10. If a wireless provider occupies the public rights of way without obtaining a permit required by this section or without complying with the SWFAA, then the Town may, at the sole discretion of the Town, restore the right of way, to the extent practicable in the reasonable judgment of the Town, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the Town in doing so, plus a penalty not to exceed \$1,000. The Town may suspend the ability of the wireless provider to receive any new permits from the Town under this section until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the Town may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
  11. All accepted applications for permits must be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
  12. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
  13. Activities authorized under a permit must be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
  14. Issuance of a permit authorizes the applicant to: undertake the collocation, installation, modification or replacement approved by the permit, and to operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of 10 years.
  15. Permits must be renewed following the expiration of the term identified in the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).
  16. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the Town must, within 60 days of receipt of the completed application: provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the Town must be

completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

**D. Removal; Relocation; Reconditioning; Replacement; Abandonment**

1. A person may remove their small wireless facilities from the public rights of according to the procedures of O.C.G.A. § 36-66C-5(e).
2. In the event of a removal under paragraph (1) of this subsection, the right of way must be, to the extent practicable in the reasonable judgment of the Town, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the Town, to its condition prior to the removal within 90 days of the removal, the Town may, at the sole discretion of the Town, restore the right of way to such condition and charge the person the Town's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The Town may suspend the ability of the person to receive any new permits until the person has paid the amount assessed for the restoration costs and the penalty assessed, if any; provided, however, that the Town will not suspend the ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
3. If, in the reasonable exercise of police powers, the Town determines that a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway; or that relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider must relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support

structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the Town make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

4. The Town must recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers must accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
5. A wireless provider must notify the Town of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider must perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The Town may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

**E. Standards**

1. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use upon a receipt of a permit under Sec. 12.2C; subject to applicable codes; and so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).
  - a. New, modified, or replacement poles installed in the right of way in a historic district and in a residential district must not exceed 50 feet above ground level.
  - b. Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in a residential district must not exceed the greater of:
    - i. Fifty feet above ground level; or
    - ii. Ten feet greater in height above ground level than the tallest existing

pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

- c. New small wireless facilities in the public right of way and collocated on an existing pole or support structure may not exceed more than ten feet above the existing pole or support structure.
  - d. New small wireless facilities in the public right of way collocated on a new or replacement pole under subsection (a) and (b) of this subsection may not extend above the top of such poles.
- 2. A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the Town has identified that a street light is necessary.
  - 3. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities must be concealed as follows:
    - a. Antennas located at the top of poles and support structures must be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure.
    - b. Antennas placed elsewhere on a pole or support structure must be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
    - c. Radio units or equipment cabinets holding radio units and mounted on a pole must be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below

the communications space on poles must be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

- d. Wiring and cabling must be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- 4. Notwithstanding any provision of this section to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon issuance of a permit under Sec. 12.2C and compliance with applicable codes.
  - 5. Notwithstanding any provision of this section to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon issuance of a permit under Sec. 12.2C and compliance with applicable codes.

#### **F. State and Federal Laws Incorporated**

- 1. The provisions of the Georgia Streamlining Wireless Facilities and Antennas Act (SWFAA) are incorporated by reference as if set out fully herein. In the event of a conflict between the SWFAA and this section, the SWFAA controls.
- 2. The provisions of Sec. 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96), which addresses telecommunications and has been interpreted by the FCC to apply to small cells and distributed antennae systems, are incorporated by reference as if set out fully herein.

## ARTICLE 13 CONSTRUCTION CODE

### 13.1 Overview

The provisions of this article apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, appurtenances connected to or attached to such buildings or structures. This includes structural and non-structural, electrical, fire protection, plumbing, mechanical, and fuel gas systems to and provide for the administration and enforcement of the latest edition of the following codes as adopted and amended by the Department of Community Affairs:

- A. International Building
- B. International Energy Conservation
- C. International Fire
- D. International Fuel Gas
- E. International Mechanical
- F. International Plumbing
- G. International Residential
- H. International Swimming Pool and Spa
- I. National Electrical

### 13.2 Code Remedial

- A. **Generally.** These construction codes are remedial and should be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems.
- B. **Quality control.** Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.
- C. **Permitting and inspection.** The inspection or permitting of any building, system or plan, under the requirements of construction codes, may not be construed in any court as a warranty of the physical condition of such

building, system or plan or their adequacy. Neither the Town, nor any employee thereof, is liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

### 13.3 Scope

#### A. Applicability

1. Generally. Where, in any specific case, different sections of these construction codes specify different materials, methods of construction, or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a specific requirement, the specific requirement is applicable.
2. Building. The provisions of the International Building Code, as adopted and amended by the Department of Community Affairs, apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one-family and two-family dwellings.
3. One-family and two-family dwellings. The provisions of the International Residential Code, as adopted and amended by the Department of Community Affairs, apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every one and two family structure or any appurtenances connected or attached to such buildings or structures.
4. Electrical. The provisions of the National Electrical Code, as adopted and amended by the Department of Community Affairs, apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
5. Gas. The provisions of the International Fuel Gas Code, as adopted and amended

- by the Department of Community Affairs, apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this section. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one-family and two-family dwellings.
6. Mechanical. The provisions of the International Mechanical Code, as adopted and amended by the Department of Community Affairs, apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems; except in one-family and two-family dwellings.
  7. Plumbing. The provisions of the International Plumbing Code, as adopted and amended by the Department of Community Affairs, apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system.
  8. Energy. The provisions of the International Energy Conservation Code, as adopted and amended by the Department of Community Affairs, regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.
  9. Fire. The provisions of the International Fire Code, as adopted and amended by the Department of Community Affairs, regulate matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinklers systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
  10. Swimming Pools and Spas. The provisions of the International Swimming Pool and Spa Code, as adopted and amended by the Department of Community Affairs, regulate matters affecting the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic vessels.
- B. Federal and state authority. The provisions of the construction codes must not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor will it deprive any individual or corporation of its legal rights as provided by law.
  - C. Appendices. Appendices referenced are considered an integral part of the construction codes.
  - D. Referenced standards. Standards referenced in the text of the construction codes are considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard must be enforced. Where construction code provisions conflict with a standard, the construction code provisions must be enforced. Permissive and advisory provisions in a standard should not be construed as mandatory.
  - E. Maintenance. All buildings, structures, electrical, gas, mechanical, and plumbing systems, both existing and new, and all parts thereof, must be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, must be maintained in good working order. The owner, or his or her designated agent is



responsible for the maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems in accordance with the International Property Maintenance Code.

#### **13.4 Existing Buildings**

- A. Generally. Alterations, repairs, or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical, energy, or plumbing system without requiring the building, structure, plumbing, electrical, mechanical, or gas system to comply with all the requirements of the construction codes provided that the alteration, repair, or rehabilitation work conforms to the requirements of the construction codes for new construction. The building official determines the extent to which the existing system must be made to conform to the requirements of the construction codes for new construction.
- B. Change of occupancy. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems must be made to conform to the intent of the construction codes as required by the building official.
- C. Special historic buildings. The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures is not mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within the fire districts.

#### **13.5 Building Department**

- A. Appointment. The Building Official must be appointed by the Planning Director.
- B. Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the appointing authority, the Building Official has the authority to appoint a Deputy Building Official, the related technical officers, inspectors, plans examiners and

other employees. These employees have powers as delegated by the Building Official.

- C. Restrictions on employees. An officer or employee connected with the Department of Planning and Development must not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless they are the owner of such. This officer or employee must not engage in any other work, which is inconsistent with his or her duties or conflict with the interests of the Department of Planning and Development.
- D. Records. The building official must keep, or cause to be kept, a record of the business of the Department of Planning and Development. The records of the Department of Planning and Development must be open to public inspection pursuant to the provisions of the Georgia Open Records Act.
- E. Liability. Any officer or employee charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his or her duties, must not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer or employee or member because of an act performed by him or her in the enforcement of any provision of the construction codes must be defended by the Town until the final termination of the proceedings.

#### **13.6 Building Official**

- A. Generally. The building official is hereby authorized and directed to enforce the provisions of the construction codes. Copies of the adopted construction codes will be maintained by the building official, and may be viewed by the public upon request. The building official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose. These policies and procedures do not waive requirements specifically provided for in this article.
- B. Right of entry.

1. Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by these construction codes, provided that if the building or premises is occupied, they must first present proper credentials and request entry. If such building, structure, or premises is unoccupied, they must first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official has recourse to every remedy provided by law to secure entry.
  2. When the building official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having the charge, care or control of any building, structure, or premises may fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the construction codes.
- C. Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner must immediately cease. Such notice must be in writing and must be given to the owner of the property, or to their agent, or to the person doing the work, and must state the conditions under which work may be resumed. Where an emergency exists, the building official is not required to give a written notice prior to stopping the work.
- D. Revocation of permits.
1. Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  2. Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.
- E. Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems.
- F. Requirements not covered by codes. Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by the construction codes, is determined by the building official.
- G. Alternate materials and methods. The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official must approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability, and safety. The building official must require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

H. Modifications. Where there are practical difficulties involved in carrying out the provisions of this section, the building official has the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided that the building official must first find that special individual reason makes the strict letter of this section impractical, the modification is in compliance with the intent and purpose of this section and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications must be recorded and entered in the files of the department of building safety.

I. Flood hazard areas. The building official may not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 of the International Building Code, and/or Section R322 of the International Residential Code, unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of sections 1612 or R322, as applicable, inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public response, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation of which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that

construction below the design flood elevation increases risks to life and property.

### 13.7 Permits

#### A. Application

1. When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, must first make application to the building official and obtain the required permit for the work. A permit may not be issued to an owner, who is neither a licensed contractor nor the occupant of the structure being built or altered.
2. Work authorized. A building, electrical, gas, mechanical, or plumbing permit carries with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits are required.
3. Repairs.
  - a. Minor repairs. Ordinary minor repairs with a value of less than \$1,500.00, involving no structural changes and new electrical, HVAC, or plumbing installations, may be made without a permit, provided that these repairs do not violate any of the provisions of the construction codes.
  - b. Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application must be submitted within the next working business day to the Building official.
  - c. Work exempt from permit. Exemptions from permit requirements of this section do not grant authorization for any work to be done in any manner in

violation of the provisions of this section or any other laws or ordinances, including the Development Code, of the Town. Permits are not required for the following:

i. Building:

- One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet (11m<sup>2</sup>).
- Fences not over 7 feet (2134 mm) high.
- Oil derricks
- Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
- Walkways and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- Temporary motion picture, television and theater stage sets and scenery.
- Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

- Swings and other playground equipment accessory to detached one-and-two family dwellings.
- Window awnings, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

ii. Electrical:

- Repairs and maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- Radio and television transmitting stations. The provisions of this article do not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- Temporary testing systems. A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

iii. Fuel Gas:

- Portable heating appliance.
- Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

iv. Mechanical:

- Portable heating appliance.
- Portable ventilation equipment.
- Portable cooling unit.
- Steam, hot or chilled water piping within any heating or

cooling equipment regulated by this article.

- Replacement of any part that does not alter its approval or make it unsafe.
- Portable evaporative cooler.
- Self-contained refrigeration system containing 10 pounds (5kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

v. Plumbing:

- The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work is considered as new work and a permit must be obtained and inspection made as provided in this article.
- The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

vi. Public service agencies:

- A permit is not required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

4. Information required. Each application for a permit, with the required fee, must be filed with the building official on a form furnished for that purpose, and must contain a general description of the proposed work and its location. The application must be signed by the owner, or his or her authorized agent. The building

permit application must indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and must contain such other information as may be required by the building official.

5. Time limitations. An application for a permit for any proposed work will be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

B. Drawings and specifications.

1. Requirements. When required by the building official, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, must accompany the application for a permit. Such drawings and specifications must contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. This information must be specific, and the construction codes may not be cited as a whole or in part, nor may the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data must bear the name and signature of the person responsible for the design.
2. Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer must be affixed with their official seal.
3. Design professional.
- a. The design professional must be an architect or engineer legally registered

under the laws of Georgia regulating the practice of architecture or engineering and must affix their official seal to drawings, specifications, and accompanying data, for the following:

- i. All Group A, E, and I occupancies.
  - ii. Buildings and structures three stories high or more in height.
  - iii. Buildings and structures 5,000 square feet (465 m<sup>2</sup>) or more in area.
- b. For all other buildings and structures, the submittal must bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.
- c. Single-family dwellings, regardless of size, require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.
4. Structural and fire resistance integrity. Plans for all buildings must indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes, and systems and indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.
5. Site drawings. Drawings must show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.
6. Hazardous occupancies. The building official may require the following:
- a. General site plan. A general site plan, drawn at a legible scale, which must include, but not be limited to, the location of all buildings, exterior storage facilities, permanent accessways, evacuation routes, parking lots, internal roads, chemical

loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment, and adjacent property uses. The exterior storage areas must be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

- b. Building floor plan. A building floor plan, drawn to a legible scale, which must include, but not be limited to, all hazardous materials storage facilities within the building and must indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility must be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

C. Examination of documents.

1. Plan review. The building official or designee must examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and must determine by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.

D. Issuing permits.

1. Action on permits. The Department of Planning and Development must act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, they must issue a permit to the applicant.
2. Refusal to issue permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws

or ordinances, the building official may not issue a permit, but must return the contract documents to the applicant with their refusal to issue such permit. This refusal must, when requested, be in writing and must contain the reason for refusal.

3. Special foundation permit. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his or her discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his or her own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.
  4. Public right-of-way. A permit may not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application with the Town Engineer for the lines of the public street on which he or she proposes to build, erect, or locate the building; and it is the duty of the building official to see that the street lines are not encroached upon.
- E. Contractor responsibilities. It is the duty of every contractor who must make contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical, sprinkler, or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor must supply the Town with its license number

before receiving a permit for work to be performed.

F. Conditions of the permit.

1. Intent. A permit issued is a license to proceed with the work and not an authority to violate, cancel, alter, or set aside any of the provisions of the construction codes. Issuance of a permit does not prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued becomes invalid unless the work authorized by the permit begins within six months after the permit is issued, or if the work authorized by the permit is suspended or abandoned for a period of six months after the time the work begins. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension must be requested in writing and justifiable cause demonstrated. Extensions must be in writing by the building official.
2. Issued on basis of an affidavit. Whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official must require that the architect or engineer who prepared the drawings or computations supervises the work. In addition, they are responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event that the architect or engineer is not available, the owner must employ in their place a competent person or agency whose qualifications are reviewed by the building official.
3. Plans. When the Town issues a permit, they must endorse, in writing or by stamp, both sets of plans "reviewed for code compliance." One set of drawings so reviewed must be retained by the building official and the other set must be returned



to the applicant. The permitted drawings must be kept at the site of work and must be open to inspection by the building official or their authorized representative.

**G. Fees.**

1. Prescribed fees. A permit may not be issued until the fees prescribed by the Town Council have been paid. Nor may an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc., has been paid.
2. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing, etc., system before obtaining the necessary permits are subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.
3. Schedule of permit fees. On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit must be paid as required at the time of filing application, in accordance with the fee schedules as set by the Town Council.
4. Building permit valuations. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit must be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations must include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems, including materials and labor.
5. Refunds. The Planning Director is authorized to establish a refund policy.
6. Revocation of permit. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this article wherever the certificate is

issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this article.

**13.8 Inspections**

- A. Existing building inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. They must inspect all buildings, structures, electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. They must make a record of every such examination and inspection and of all violations of the construction codes.
- B. Manufacturers and fabricators. When deemed necessary by the building official, they must make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record must be made of every such examination and inspection and of all violations of the construction codes.
- C. Inspection service. The building official may make, or cause to be made, the inspections required by subsection (F) of this section. He or she may accept reports of inspectors of recognized inspection services provided that after investigation he or she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes must not be based on such reports unless the same are in writing and certified by a responsible officer of such service.
- D. Inspections prior to issuance of certificate of occupancy or completion. The building official must inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection must be made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

- E. Posting of permit. Work requiring a permit may not commence until the permit holder or his or her agent posts the permit card in a conspicuous place on the premises. The permit must be protected from the weather and located in a position that permits the building official or representative to conveniently make the required entries thereon. This permit card must be maintained in this position by the permit holder until the certificate of occupancy or completion is issued by the building official.
- F. Required inspections. The building official, upon notification from the permit holder or his or her agent, must make the following inspections and any other inspections as necessary, and must either release that portion of the construction or notify the permit holder or their agent of any violations that must be corrected in order to comply with the technical code:
  - 1. Building.
    - a. Foundation and foundation wall inspection: To be made after trenches are excavated, the reinforcement is in place, and the forms erected, prior to the placing of concrete.
    - b. Slab and underfloor inspection: To be made prior to the placing of concrete.
    - c. Lowest floor elevation: In flood hazard area, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in section 1612.5 of the International Building Code must be submitted to the building official.
    - d. Frame inspection: To be made after the roof, all framing, fire blocking, and bracing are in place, all concealing wiring, all pipes, chimneys, ducts, and vents are complete.
    - e. Lathe and gypsum board inspection. Lath and gypsum board inspections must be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
    - f. Exception: Gypsum board that is not part of a fire-resistance rated assembly or a shear assembly.
    - g. Sheathing: To be made prior to the installation of the exterior finish materials.
    - h. Final inspection: To be made after the building is completed and ready for occupancy.
  - 2. Electrical.
    - a. Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
    - b. Rough-in inspection: To be made after the roof, framing, fire blocking, and bracing is in place and prior to the installation of wall or ceiling membranes.
    - c. Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
  - 3. Plumbing.
    - a. Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
    - b. Rough-in inspection: To be made after the roof, framing, fire blocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to this installation of wall or ceiling membranes.
    - c. Final inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
    - d. Required tests: See state plumbing code for required tests.
  - 4. Mechanical.
    - a. Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping

installed, and before any backfill is put in place.

b. Rough-in inspection: To be made after the roof, framing, fire blocking, and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

c. Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

5. Gas.

a. Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

b. Final piping inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection must include a pressure test.

c. Final inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

6. Energy.

a. Foundation inspection: To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

b. Frame inspection: To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect

that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

c. Final inspection: To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

i. Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.5 of the International Building Code must be submitted to the building official prior to the final inspection.

7. Written release. Work may not be done on any part of a building, structure, electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. This written release may be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

8. Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure must not be covered or concealed without first obtaining a release from the building official.

9. Plaster fire protection. In all buildings where plaster is used for fire protection purposes, the permit holder or their agent must notify the building official after all lathing and backing is in place. Plaster may not be applied until the release from the building official has been received.

10. Other inspections. In addition to the inspections specified in this section, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this article and other

laws that are enforced by the department of building safety.

11. For special inspections, see Chapter 17 of the International Building Code.
12. Inspection requests. It is the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It is the duty of the permit holder to provide access to and means for inspections of such work that are required by this article.

### 13.9 Certificates

#### A. Certificate of occupancy.

1. Building occupancy. A new building may not be occupied, or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate must not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building official.
2. Issuance of certificate. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the building official may issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.
3. Temporary/partial occupancy. A temporary/partial certificate of occupancy may be issued for a portion of a commercial building, which in the opinion of the building official may safely be occupied prior to final completion of the building. The temporary/partial certificate of occupancy is forfeited if the permanent certificate of occupancy is not issued within 90 days.

4. Existing building occupancy. A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed drawings or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy may be issued.

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

#### C. Service utilities.

1. Connection. No person may make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the building official and a certificate of occupancy or completion is issued.
2. Temporary connection. The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.
3. Authority to disconnect. The building official has the power to authorize disconnection of utility service to the building, structure, or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official must notify the serving utility, and whenever possible the owner

and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system must be notified in writing, as soon as practical thereafter.

D. Posting floor loads.

1. Occupancy. An existing or new building may not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial, or industrial purposes, by a specific business, when they are satisfied that the capacity will not be exceeded.
2. Storage and factory-industrial occupancies. It is the responsibility of the owner, agent, proprietor, or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations must be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit must be filed as a permanent record of the building department.
3. Signs required. In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, must be marked on plates or approved design which must be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates may not be removed or defaced, and if lost, removed or defaced, must be replaced by the owner of the building.

### 13.10 Tests

The building official may require test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his or her agent, by an approved testing laboratory or other approved agency.

### 13.11 Appeals

A. Appeals.

1. Decision of the building official. The owner of a building, structure, or service system, or his or her duly authorized agent, may appeal a decision of the building official to a hearing officer appointed by the Town Manager, whenever any one of the following conditions are claimed to exist:
  - a. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
  - b. The provisions of the construction codes do not apply to this specific case.
  - c. The true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.
  - d. The hearing officer does not have the authority to waive requirements of this article.
2. Notice of appeal. Notice of appeal must be submitted in writing to the Planning Director and filed within 30 calendar days after the building official renders the decision. Applications for appeals must be filed on forms provided by the Town and must not be considered authorized or accepted unless complete in all respects, including the payment of any application fees. Application fees are established by the Town Council.
3. Appeal hearing date: A hearing date must be scheduled within 30 days of the filing of a complete appeal application. The Planning Director must give the appellant at least 10 calendar days' written notice of the date of the hearing.
4. Unsafe or dangerous buildings or service systems. In the case of a building, structure, or service system, which, in the opinion of the building official, is unsafe, unsanitary, or dangerous, the building official may, in his or her order, limit the time for such notice of appeals to a shorter period.

**B. Rules and regulations.**

1. Hearings open to public. All hearings must be open to the public and the agenda must be made available at least 24 hours prior to the meeting with the hearing officer.
2. Decisions. The hearing officer must, in every case, reach a decision within 30 calendar days from the date of the final hearing. Each decision of the hearing officer must be in writing and must include the reasons for the decision. If a decision of the hearing officer reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of the construction codes, the building official must immediately take action in accordance with such decision. Every decision must be promptly filed in writing in the office of the building official and must be open to public inspection. A certified copy of the decision must be sent by certified mail, emailed, or faxed to the appellant and a copy must be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the hearing officer is final, subject to such remedy as any aggrieved party might have at law or in equity.

**13.12 Violations**

- A. Unlawful acts. It is unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move or remove, demolish or occupy any building, structure or equipment regulated by this article, or cause same to be done, in conflict with or in violation of any of the provisions of this article.
- B. Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this article, or in violation of a permit or certificate issued under the provisions of this article. This order must direct the discontinuance of the illegal action or condition and the abatement of the violation.
- C. Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the

legal counsel of the Town to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this article or of the order or direction made pursuant thereto.

- D. Violation penalties. Any person who violates a provision of this article or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this article, must be issued a citation requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, the person may be punished by a fine not to exceed \$1,000 or imprisonment for up to 60 days, or both. Each act of violation and each day upon which any violation occurs constitutes a separate offense.

**13.13 Stop Work Order**

- A. Authority. Whenever the building official finds any work regulated by this article being performed in a manner either contrary to the provisions of this article or dangerous or unsafe, the building official is authorized to issue a stop work order.
- B. Issuance. The stop work order must be in writing and must be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order must state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- C. Unlawful continuance. Any person who continues any work after having been served with a stop work order, except work that person is directed to perform to remove a violation or unsafe condition, is subject to penalties as prescribed in this article.
- D. Each day of continued construction on the scope of work covered by a stop work order is considered a separate violation.



### **13.14 Unsafe Structures and Equipment**

- A. Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, is deemed an unsafe condition. Unsafe structures must be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry is deemed unsafe.
- B. Record. The building official must cause a report to be filed on an unsafe condition. The report must state the occupancy of the structure and the nature of the unsafe condition.
- C. Notice. If an unsafe condition is found, the building official must serve to the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. The notice must require the person notified to declare immediately to the building official acceptance or rejection of the terms of the order.
- D. Method of service. The notice will be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by the certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy must be posted in a conspicuous place in or about the structure affected by the notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure constitutes serve of notice upon the owner.
- E. Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made, or a change of occupancy occurs during the restoration of the structure, such repairs, must, additions or change of occupancy must comply with the requirements of Section 5-7 (Permits) and Chapter 34 of the International Building Code.



## ARTICLE 14 REZONINGS, SPECIAL USES, VARIANCES, AND APPEALS

### 14.1 Planning Commission

#### A. Purpose

The Town of Braselton Planning Commission is hereby established as an advisory body to the Town Council.

#### B. Membership and Appointment

The Planning Commission consists of five members. Each Town Council member must appoint one member of the Planning Commission from their district and that member must be a resident of that Council district. The Mayor must appoint one at-large member, who must be a resident of the Town of Braselton.

#### C. Terms of Office, Vacancies, and Removal

Members must serve two-year terms starting on February 1, but may be reappointed for consecutive terms. Any member is subject to removal by the Councilperson or Mayor who appointed them with or without cause.

#### D. Compensation and Administrative Support

Planning Commission members must not be compensated for their services, but may be reimbursed for any training expenses approved in advance by the Town Council. Administrative support to the Planning Commission is provided by the Town Clerk or their designee.

#### E. Powers and Duties

The Planning Commission must elect a chairperson and vice chairperson from among its membership. These must serve for one year or until re-elected or a successor is elected. The Commission assists the Town Council in planning for future growth by holding public hearings on applications for rezonings, special uses, and changes to the text of those portions of this Development Code that constitute a zoning decision (see Sec. 1.5G). The recommendations of the Planning Commission are advisory only and are not binding on the Town Council. The Planning Commission may also assist the Town Council by performing other planning duties assigned to them by the Town Council.

#### F. Meetings

The Planning Commission must meet as required to review in a timely manner all relevant applications, and may meet more often as called by the Chairperson. Three members of the Planning Commission constitute a quorum. All meetings of the Planning Commission must be advertised and open as provided under Georgia law, this Development Code, and any other applicable ordinances of the Town. Any public hearings conducted by the Planning Commission must be carried out in accordance with the procedures in Sec. 14.4G.

#### G. Disclosure Requirements

All members of the Planning Commission are subject to the disclosure requirements of State law.

### 14.2 Zoning Board of Appeals

#### A. Purpose

Pursuant to the authority conferred by the State of Georgia Constitution, Article IX, Section II, Paragraph IV, the Town of Braselton Zoning Board of Appeals is hereby created and established.

#### B. Membership and Appointment

The Zoning Board of Appeals consists of five members. Each Town Council member must appoint one member of the Zoning Board of Appeals from their district and that member must be a resident of that Council district. The Mayor must appoint one at-large member, who must be a resident of the Town of Braselton. Any member no longer residing in the council district from which they were appointed must be removed from office upon verification of the change in residence by the Town Clerk.

#### C. Terms of Office, Vacancies, and Removal

The term of office for each member is one year starting on February 1 or until a successor is appointed. Members may be re-appointed for consecutive terms. Any vacancy must be filled for the unexpired term in the same manner as the initial appointment. Any member is subject to removal by the Councilperson or Mayor who appointed them with cause.

#### **D. Officers**

The Zoning Board of Appeals must elect a chairperson and vice chairperson from among its membership. These must serve for one year or until re-elected or a successor is elected. The Town Clerk or their designee will serve as recording secretary.

#### **E. Rules of Procedures, Meetings, and Records**

The Zoning Board of Appeals must adopt rules of procedures in accordance with the provisions of this article. Meetings of the Zoning Board of Appeals will be held at the call of the chairperson and at such other times as the members of the Zoning Board of Appeals may determine pursuant to public notice requirements. The Zoning Board of Appeals must keep the minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Zoning Board of Appeals must keep records of its examinations and other official actions, all of which must be immediately filed by the Town Clerk or their designee for public record.

#### **F. Powers**

The Zoning Board of Appeals has the power to hear and decide appeals of administrative decisions per Sec. 14.11 and to authorize variances per Sec. 14.7.

#### **G. Meetings and Quorum**

The Town Clerk or their designee must schedule meetings/public hearings for the Zoning Board of Appeals as necessary throughout the year. Three members of the Zoning Board of Appeals constitute a quorum. An affirmative vote of three members is required to approve any variance or overturn any administrative action.

### **14.3 Public Hearing Procedures**

The following procedures govern public hearings conducted by Town Council, the Planning Commission, and the Zoning Board of Appeals on applications for rezonings, special uses, variances, and amendments to this Development Code.

A. In accordance with Georgia law and the provisions of this Article, all public hearings must be open to the public. Visual and audio recordings of the proceedings are permitted.

B. The Presiding Officer for a public hearing will be the Mayor or their designee for Town Council hearings, or the Chairperson of the Planning Commission or the Chairperson's designee for Planning Commission hearings.

C. The Presiding Officer must describe, or cause to be described, the application to be heard, and allow the applicant or their representative 10 minutes to fully describe the substance of the application and justification for the action requested in the application.

D. After the applicant's presentation, the Presiding Officer will allow any person who wishes to speak in support of the application a total of 10 minutes.

E. After the time provided for those to speak in favor of an application, the Presiding Officer will allow any person who wishes to speak in opposition to the application a total of 10 minutes in which to speak.

F. After the time provided for those to speak in opposition to an application, the Presiding Officer will allow the applicant three minutes, in addition to any time the applicant may have reserved from their initial presentation, to rebut any issue(s) raised by those speaking in opposition. During this time, the applicant may submit any additional information or evidence to support the rebuttal.

G. At the discretion of the Presiding Officer, additional time may be granted to supporters of the application, opponents of the application, or to the applicant speaking in rebuttal.

H. Upon conclusion of rebuttal, the Presiding Officer and Town Officials hearing the application may ask any questions of the applicant, supporters, or opponents of the application who have previously spoken.

I. Everyone speaking at the public hearing must submit disclosure forms as required by state law.

J. Everyone speaking at the public hearing, before speaking about the application, must first identify themselves and provide a home or business address for the record. All comments must be addressed to the Presiding Officer and Town officials, and not to the applicant or members of the audience.

- K. The Presiding Officer may rule as out of order and have removed from the hearing anyone who makes inappropriate or offensive comments, who disrupts the proceedings, or who engages in personal attacks on anyone in the hearing.
- L. After all presentations and questions, the Presiding Officer will close the public hearing and, in the case of an application for rezoning or special use, will call for discussion and a vote on the application or a deferral consistent with the provisions of this Article. In the case of a public hearing for a variance application, the Presiding Officer will close the public hearing and call for discussion and a vote on the application or a deferral consistent with the provisions of this Article.

#### **14.4 Rezonings**

##### **A. Who May Initiate**

A rezoning may be initiated by the Town Council or by the property owner or their authorized agent. Amendments to the text of this Development Code may be initiated by the Town Council. When changes are initiated by the Council, the required fee is waived.

##### **B. Text Amendments**

1. The text of this Development Code may be amended without a rezoning.
2. Zoning Amendments. Amendments to provisions of this Development Code that constitute a zoning ordinance under Sec. 1.5G must conform to the provisions of this section.
3. Non-Zoning Amendments. Amendments to provisions of this Development Code that are not included in paragraph (1) above may follow the Town's general procedures for ordinance amendments.

##### **C. Pre-Application Meeting**

Before submitting an application for a rezoning, an applicant must schedule a pre-application meeting with the Planning Director to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Planning Director.

##### **D. Rezoning Application Requirements**

A rezoning application must be filed with and accepted as complete by the Planning and Development Department. Applications must be submitted on forms available from the Planning and Development Department. Any other communication purporting to be an application for a rezoning shall be regarded as mere notice of intention to seek a rezoning. Applications must include all information required on the rezoning application form including, but not limited to, the following:

1. Names, addresses, phone numbers, and email addresses of the property owner(s) and applicant, if different than the property owner(s).
2. If the applicant is not the property owner, notarized authorization from the property owner giving permission for the applicant to apply on the property owner's behalf.
3. Existing and proposed zoning classifications.
4. Existing and proposed uses for the property.
5. A recent survey of the property or properties in their entirety, prepared, signed, and sealed by a surveyor registered in Georgia.
6. A written, metes and bounds legal description of the property or, for applications that include multiple contiguous properties, a consolidated legal description of the entire area proposed for rezoning.
7. A site plan drawn by a professional designer at a scale of not less than one inch equals 100 feet indicating all of the following:
  - a. All property lines with dimensions.
  - b. Locations of all structures.
  - c. Setbacks and buffers.
  - d. Rights-of-way and easements.
  - e. Driveways.
  - f. Open space areas.
  - g. Parking areas.
  - h. North arrow and scale.

- i. Water bodies, streams, wetlands, and flood plains.
  - j. Proposed number of dwellings and density by building type and phase.
8. A written answer and explanation of how the proposal meets each of the standards in Sec. 14.4I.
  9. A traffic impact study if required by Sec. 3.5.
  10. An explanation of how the proposal furthers the goals of the Comprehensive Plan. If the proposal does not further the goals of the Comprehensive Plan, then the application must include an explanation of how the proposal otherwise benefits the Town.
  11. Any other materials or information deemed necessary by the Planning Director to demonstrate conformity with the requirements of this Development Code.

#### **E. Application Fee**

Each application for a rezoning must be accompanied by a fee determined by a schedule of fees adopted by the Town Council from time to time. Fees will not be refunded if the proposed change is denied. If an applicant requests a deferral they must also pay a deferral fee determined by the schedule of fees.

#### **F. Developments of Regional Impact**

An application for rezoning or any other development request that meets the threshold requirements for a development of regional impact under state law standards for such projects, as amended, must meet all Regional Commission and state agency review and procedural requirements that exist at the time of application.

#### **G. Public Hearings**

Public hearings must be held regarding any proposed rezoning or proposed change to the text of those portions of this Development Code that constitute a zoning decision within the meaning of the Zoning Procedures Law, as amended (see Sec. 1.5G), as follows:

1. Prior to a decision by the Town Council which results in the adoption of a rezoning

or change to a relevant portion of the text of this Development Code, the Planning Commission and the Town Council must hold public hearings on the proposed action.

2. For a rezoning that relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the additional procedural requirements of O.C.G.A. Section 36-66-4(f) of The Zoning Procedures Law, as amended, apply.
3. An applicant may withdraw an application for a rezoning at any time by submitting a request in writing to the Planning Director. The Town Council is not required to take action on any withdrawn applications.
4. An applicant may request a deferral of their application from the Planning Commission or the Town Council. The first request for deferral must be via postal mail or e-mail and must be received by the town at least three days prior to the hearing. Any subsequent requests for deferral must be made by the applicant in person at the hearing. The Planning Commission or Town Council may vote to accept or deny the deferral request.

#### **H. Public Notice**

1. At least 15 but not more than 45 days prior to the date of the public hearing by the Planning Commission or the Town Council, a notice of the public hearings must be published in a newspaper of general circulation within the territorial boundaries of the Town. The notice must state the time, place, and purpose of the public hearings.
2. For rezonings changes initiated by a party other than the Town, the applicant must place a sign giving notice of the public hearings in a conspicuous location on the property or on an adjacent right-of-way at least 15 days but not more than 45 days prior to the date of the public hearings. The sign will be provided by the Town and must state the time, place, and purpose of the public hearings and must include the present land use category or zoning district and the proposed land use category or zoning district. At least one sign must be

posted on each frontage on a public road. Additional signs must be posted on the property if the Planning Director determines that they are necessary to inform the public.

#### **I. Rezoning Decision Standards**

In reviewing applications for proposed rezonings, the following standards and factors shall be considered by the Planning Director, the Planning Commission, and the Town Council:

1. Whether the rezoning permits a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the rezoning adversely affects the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by the rezoning has a reasonable economic use as currently zoned.
4. Whether the rezoning would result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. Whether the rezoning conforms with the policy and intent of the Comprehensive Plan.
6. Whether there are other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality, and general welfare of the community, give supporting grounds for either approval or disapproval of the rezoning.

#### **J. Procedures**

1. The Planning Director must place the application on the Planning Commission and Town Council agendas based on a schedule established by the Planning and Development Department.
2. The Planning Director must prepare and submit recommendations to the Planning Commission and Town Council at least 3 days prior to their action on an application for a rezoning.

3. The Planning Commission may defer their recommendation of an application until their next scheduled meeting only once without the applicant's written consent. In such an event, the application and recommendation will not be forwarded to the Mayor and Council until after a recommendation has been made by the Planning Commission meeting at their subsequent meeting. If the Planning Commission fails to take action (or to defer action with the consent of the applicant) at a subsequent hearing, the application is deemed to be recommended for approval. The Planning Commission may defer action any number of times as long as the applicant requests, or agrees to, the deferral.
4. Applicants may submit to the Planning Director any conditions, alterations, changes, or amendments to an application up to seven days prior to the date on which the application is to be considered by the Planning Commission. If such conditions, alterations, changes, or amendments have not been submitted as required by this subsection, the Planning Commission may, at its discretion, either consider the proposed changes or defer action on the application until its next regular meeting.
5. Once considered by the Planning Commission at a public hearing, an application may not be changed by an applicant unless the changes are made to address conditions or modifications adopted by the Planning Commission in their recommendation to the Town Council.
6. Following the public hearing, the Planning Director must prepare a summary report of the Planning Commission's recommendation on each application reviewed and submit this report to the Town Council prior to the date of the public hearing on the application by the Town Council.
7. The Town Council, after receiving the recommendation of the Planning Commission, must take appropriate action on the application at a regularly scheduled Council meeting.

8. In approving an amendment to the zoning map, the Planning Commission may recommend, and the Town Council may impose, conditions which they deem necessary in order to mitigate impacts which may be expected without the imposition of those conditions. Requirements imposed as a condition to rezoning are required of the property owner and all subsequent owners as a condition of the use of the property as rezoned. Requirements imposed as a condition to rezoning shall be interpreted and continuously enforced by the Planning Director in the same manner as any other provision of this Development Code. A conditional zoning must be noted on the zoning map by adding the suffix "C" to the zoning district designation. If an applicant or the Town Council wish to request a change to any zoning conditions after they are approved by the Town Council, a new application must be submitted and heard consistent with the rezoning procedures of this article.
9. Following final action on a proposed rezoning by the Town Council, necessary changes must be made on the official zoning map by the Planning Director.
10. If a rezoning application is denied, the Town may not accept any other rezoning applications for the same property for 12 months. This time limit begins on the date of a final decision by the Town Council. This time limit does not apply to rezoning applications initiated by the Town Council.
11. If a rezoning application is withdrawn, the Town will not accept any other rezoning applications for the same property for 6 months. This time limit does not apply to rezoning applications initiated by the Town Council.
12. Appeals of a final decision by the Town Council may be appealed within 30 days after the final decision to the Superior Court of the County in which the subject property is located, de novo.

## **14.5 Special Uses**

### **A. Applicability**

Special uses within each zoning district are uses that may be appropriate in a particular zoning district, but because of the increased potential for incompatibility with adjacent uses, require individual review and approval by the Planning Commission and Town Council. Approval is required for all special uses set forth in Sec. 5.2.

### **B. Pre-Application Meeting**

Before submitting an application for a special use, an applicant must schedule a pre-application meeting with the Planning Director to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Planning Director.

### **C. Application Requirements**

An application for a special use must be filed with and accepted as complete by the Planning and Development Department. Applications must be submitted on forms available from the Planning and Development Department and must include all materials and documents required by the Planning Director.

### **D. Application Fee**

Each application for a special use must be accompanied by a fee determined by a schedule of fees adopted by the Town Council from time to time. Under no condition may fees be refunded for failure of a proposed special use to be enacted into law. If an applicant requests a deferral they must also pay a deferral fee determined by the schedule of fees.

### **E. Public Hearings**

Public hearings must be held and public notice provided regarding each proposed special use by the Planning Commission and Town Council in accordance with the requirements of Sec. 14.4G and O.C.G.A 36-66 The Zoning Procedures Law.

### **F. Decision Standards**

In reviewing applications for a proposed special use, the following standards and

factors shall be considered by the Planning Commission and the Town Council:

1. Whether the proposed use is suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposed use is consistent with the requirements of the zoning district in which the use is proposed to be located.
3. Whether the proposed use adversely affects the existing use or usability of adjacent or nearby property.
4. Whether the proposed use results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or other public facilities.
5. Whether there is adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.
6. Whether there are other existing or changing conditions which, because of their impact on the public health, safety, morality, and the general welfare of the community, give supporting grounds for either approval or disapproval of the proposed use.

#### **G. Procedures**

1. The Planning Director must place the special use application on the Planning Commission and Town Council agendas based on a schedule established by the Planning and Development Department.
2. The Planning Director must review the special use application in light of the requirements and standards of this section and the applicable requirements of ARTICLE 5. The Planning Director must prepare and present recommendations to the Planning Commission and the Town Council at least 3 days prior to their respective action on such applications. Procedural requirements of O.C.G.A 36-66 The Zoning Procedures Law, as amended, shall apply to all zoning actions.
3. Applicants may submit to the Planning Director any conditions, alterations, changes, or amendments to an application for approval of a special use up to seven days prior to the date at which the application is to be considered by the Planning Commission. If such conditions, alterations, changes, or amendments have not been submitted as required by this subsection, the Planning Commission may, at its discretion, defer action on the application until its next regular meeting.
4. An applicant may request a deferral of their application from the Planning Commission or the Town Council. The first request for deferral must be via postal mail or e-mail and must be received by the town at least three days prior to the hearing. Any subsequent requests for deferral must be made by the applicant in person at the hearing. The Planning Commission or Town Council may vote to accept or deny the deferral request.
5. The Planning Commission may defer their recommendation of an application until their next scheduled meeting only once without the applicant's written consent. In such an event, the application and recommendation will not be forwarded to the Mayor and Council until after a recommendation has been made by the Planning Commission meeting at their subsequent meeting. If the Planning Commission fails to take action (or to defer action with the consent of the applicant) at a subsequent hearing, the application shall be deemed to be recommended for approval. The Planning Commission may defer action any number of times as long as the applicant requests, or agrees to, the deferral.
6. Following the public hearing, the Planning Director must prepare a summary report of the Planning Commission's recommendation on each application reviewed and submit this report to the Town Council prior to the date of the public hearing on the application by the Town Council.
7. The Town Council, after receiving the recommendation of the Planning Commission, must take appropriate action on the application at a regularly scheduled meeting. The decision on each special use



application must be based on a discretionary determination as to whether or not the applicant has met the criteria contained in Sec. 14.5F, the use standards contained in ARTICLE 5, the consistency of the application with the Comprehensive Plan, the requirements of the zoning district in which the use is proposed to be located, and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties.

8. An applicant may withdraw their application at any time by submitting a request in writing to the Town Clerk. The Town Council is not required to take action on any withdrawn applications. An applicant may request a deferral of their application at any time from the Planning Commission or Town Council.
9. The proposed special use may be approved subject to such conditions as may be imposed in order to mitigate impacts on nearby properties which may be expected without the imposition of conditions. Requirements imposed as a condition shall be required of the property owner and all subsequent owners. Requirements imposed as a condition shall be interpreted and continuously enforced by the Planning Director in the same manner as any other provision of this Development Code. If an applicant or the Town Council wish to request a change to any conditions after they are approved by the Town Council, a new application must be submitted and heard consistent with the special procedures of this article.
10. If a special use application is denied, the Town may not accept any other special use applications for the same property for 6 months. This time limit begins on the date of a final decision by the Town Council.
11. If a special use application is withdrawn, the Town will not accept any other special use applications for the same property for 6 months.
12. Appeals of a final decision by the Town Council may be appealed within 30 days after the final decision to the Superior

Court of the County in which the subject property is located, de novo.

#### **14.6 Annexations**

1. Any land annexed into the Town must be classified as one or more zoning districts at the time of annexation through the procedures of this article and O.C.G.A. § 36-66-1 et seq.
2. If a rezoning application includes land to be annexed, then the Planning Commission and Town Council must complete the rezoning procedures in this article, including the public notice, sign, hearing, and other requirements, prior to the adoption of the annexation ordinance or the effective date of any Local Act, as applicable, but no sooner than the date the notice of proposed annexation is provided to the governing authority of the relevant county as required by Georgia law.
3. In addition to the public notice requirements of this article, at least 15 but not more than 45 days prior to the date of the public hearing by the Planning Commission or the Town Council, the Town must publish a notice of the public hearings in a newspaper of general circulation within the territorial boundaries of the county where the property to be annexed is located. The notice must state the time, place, and purpose of the public hearings, as well as the location and the existing and proposed zoning of the property.
4. The Planning Commission and Town Council must conduct the hearings consistent with the procedures in this article including the decision standards in Sec. 14.4I. The final decision of the Town Council will become effective on the date that the zoning is approved by the Town, or the date that the annexation becomes effective pursuant to O.C.G.A. § 36-36-2, whichever is later.

#### **14.7 Variances**

##### **A. Pre-Application Meeting**

Before submitting a variance application, an applicant must schedule a pre-application meeting with the Planning Director to discuss the procedures, standards, and regulations

required for approval. This requirement may be waived at the discretion of the Planning Director.

#### **B. Application Requirements**

A complete variance application must be filed with the Planning and Development Department based on a schedule established by the Planning and Development Department to ensure adequate preparation before the application is heard by the Zoning Board of Appeals. Each application must be accompanied by a plat drawn to scale containing the following information, in addition to any other pertinent information required by the Planning Director:

1. All property lines with dimensions.
2. Location of buildings and other structures, creeks, and easements.
3. North arrow, scale, lot, block numbers, and land lot.
4. Topographic and drainage information, if pertinent.

Each variance application must specify the conditions and the extent of the variance sought as well as a statement demonstrating compliance with the required criteria for variance set forth below.

#### **C. Application Fee**

Each variance application must be accompanied by a fee determined by a schedule of fees adopted by the Town Council from time to time. If an applicant requests a deferral they must also pay a deferral fee determined by the schedule of fees.

#### **D. Decision Standards**

The Zoning Board of Appeals has the quasi-judicial authority to authorize upon application in specific cases a variance from the terms of this Development Code such as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Development Code will result in unnecessary hardship, but where the spirit of the code shall be observed and substantial justice done. Such special conditions shall be limited to exceptional narrowness, shallowness, or shape of a specific piece of property existing

at the time of the enactment of this Development Code, or exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property as would result in peculiar, extraordinary, and practical difficulties. No variance may be authorized unless the Zoning Board of Appeals finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
2. The granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
3. The condition from which relief or a variance is sought did not result from action by the applicant.
4. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the Town.
5. The granting of the variance will not allow a structure or use in a district restricted against such structure or use.

#### **E. Public Notice**

1. At least 30 days prior to the date of the quasi-judicial hearing by the Zoning Board of Appeals, a notice of the public hearing must be published in a newspaper of general circulation within the territorial boundaries of the Town. The notice shall state the time, place, and purpose of the public hearing, as well as the location of the property.
2. The Town must mail a written notice to the owner of the subject property at least 30 days prior to the quasi-judicial hearing by the Zoning board of Appeals stating the

time, place, and purpose of the public hearing.

3. A sign giving notice of the public hearings must be placed in a conspicuous location on the property or on an adjacent right-of-way at least 15 days but not more than 45 days prior to the date of the public hearings. The sign must state the time, place, and purpose of the public hearings and must include a summary of the variance requested. At least one sign must be posted on each frontage on a public road. Additional signs must be posted on the property if the Planning Director determines that they are necessary to inform the public.

#### **F. Procedures**

1. The Zoning Board of Appeals must hold a hearing on a variance application within 90 days of the date an application is filed and accepted as complete by the Planning Director, unless this time period is mutually extended by the applicant and the Planning Director.
2. The Planning Director must review the variance application in light of the requirements and standards of this section and the applicable requirements of ARTICLE 5. The Planning Director must prepare and present recommendations to the Zoning Board of Appeals at least 3 days prior to their action on the application.
3. The Zoning Board of Appeals may defer their decision on an application until their next scheduled meeting only once without the applicant's written consent. The Zoning Board of Appeals may defer action any number of times as long as the applicant requests, or agrees to, the deferral.
4. An applicant may request a deferral of their application from the Zoning Board of Appeals. The first request for deferral must be via postal mail or e-mail and must be received by the town at least three days prior to the hearing. Any subsequent requests for deferral must be made by the applicant in person at the hearing. The Zoning Board of Appeals may vote to accept or deny the deferral request.

5. In approving an application, the Zoning Board of Appeals may impose special conditions which it deems necessary in order to mitigate negative impacts on surrounding properties which may be expected without the imposition of those conditions. Such conditions may consist of a variety of requirements, including, but not limited to:
  - a. Setbacks from any lot line if such setback is a proper part of the application under review;
  - b. Specified or prohibited locations for buildings, parking, loading or storage areas, or other structures;
  - c. Restrictions in the location of driveways and curb cuts;
  - d. Maximum building heights and other dimensions;
  - e. Landscaping requirements which may include location, type and maintenance of plant materials, fences, walls, earth berms, or other buffer provisions; and screening or other protective measures;
  - f. Preservation of existing trees and other vegetation;
  - g. Special measures to alleviate undesirable views, light, glare, noise, dust, or odor;
  - h. Permitted hours of operation;
  - i. Requiring that an existing building be retained;
  - j. Requiring that development take place according to a site plan, development plan, and/or building plan;
  - k. Limitation on exterior modifications to existing buildings;
  - l. Public facility improvements by the owner;
  - m. A time limit within which the property must either be used as allowed by the variance or other appeal; or
  - n. Any other requirement deemed appropriate and necessary as a condition of approval.

6. Requirements imposed as a condition of approval shall be required of the property owner and all subsequent owners as a condition of the use of the property and interpreted and continuously enforced by the Planning Director.
7. When action is unfavorable on a variance application, or when the applicant withdraws the application prior to final action by the Zoning Board of Appeals, a substantially similar application may not be resubmitted for at least 6 months after the date of denial or withdrawal. This requirement may be waived for good cause by the Planning Director.

#### **14.8 Concurrent Variances**

##### **A. Applicability**

The Planning Commission may consider a variance application concurrently with an application for a rezoning or special use when they are applied for simultaneously and heard on the same agenda. Concurrent variances are considered part of the zoning or special use process and as such are part of the legislative action. The concurrent variance must satisfy all variance application requirements in Sec. 14.7B.

##### **B. Procedures**

The concurrent variance must be processed and subject to the same procedures for variances in Sec. 14.7F, except that the Planning Commission may only hear and make recommendations on concurrent variances. The final decision for all concurrent variances must be made by the Town Council. The Town Council may only consider variance applications as part of, or in conjunction with, a rezoning or special use application.

##### **C. Limitations**

If an application for a variance to the Planning Commission duplicates a concurrent variance application denied by the Town Council, that application may not be accepted by the Planning Director for at least 6 months after the date of the Town Council's denial of the variance. A variance application may not be considered by the Planning Commission at the same time as a concurrent variance for the same property is under consideration by the Town Council.

#### **14.9 Administrative Variances**

##### **A. Design Standards**

In the event that the intent of the design standards can be achieved with minor deviations that do not substantially impair the purpose or intent of ARTICLE 6, the Planning Director has the authority to modify the specific provisions to allow for such minor deviations.

##### **B. Lighting Standards**

In the event that the intent of the lighting standards can be achieved with minor deviations that do not substantially impair the purpose or intent of Sec. 6.16, the Planning Director has the authority to modify the specific provisions to allow for such minor deviations.

##### **C. Buffers**

Where a combination of topography, natural and undisturbed vegetation, and the general placement of uses provides an adequate buffer, the Planning Director may reduce the width of the required buffer by up to 25%.

##### **D. Setbacks**

The Planning Director shall have the authority to grant an administrative reduction of up to 10% in the minimum yard requirements.

##### **E. Parking Requirements**

Parking requirements up to 10%.

##### **F. Streetscape Requirements**

Tree and street light location where either overhead or underground utilities are present, or where GDOT requirements conflict with the requirements of this Development Code, and where the number of fixtures and trees provided is consistent with the requirement.

##### **G. Tree Planting Requirements**

The amount of trees that must be of one genus up to 5%.

#### **14.10 Appeal of Decisions of the Zoning Board of Appeals**

##### **A. Appeal to Superior Court**

Any person aggrieved by a final decision of the Zoning Board of Appeals, or any officer, department, or agency of the Town affected by

such decision, may appeal the decision by writ of certiorari to the Superior Court of the County in which the subject property is located. The appeal must be filed within 30 days after decision of the Zoning Board of Appeals is rendered.

#### **B. Transmitting Record**

Within the time prescribed by and pursuant to applicable state law, the Planning Director shall cause to be filed with the clerk of Superior Court a certified copy of the proceedings had before the Zoning Board of Appeals, including a transcript of the evidence heard before it, if any, and the decision of the Zoning Board of Appeals.

#### **C. Who May Appeal**

A person may be considered aggrieved for purposes of this section if they are the applicant, the owner of the property that is the subject of the Zoning Board of Appeals decision, or a person with a substantial interest in the decision who is in danger of suffering special damage or injury not common to all property owners similarly situated, as determined by the Zoning Board of Appeals.

### **14.11 Appeal of Administrative Decisions**

#### **A. Appeal to Zoning Board of Appeals**

An appeal from a final written decision of the Planning Director, Town Engineer, or Building Official regarding this Development Code may be appealed to the Zoning Board of Appeals by any person aggrieved by the decision, or by any official, department, board, or agency of the Town affected by the decision. Each notice of appeal shall be accompanied by a fee determined by a schedule of fees adopted by the Town Council from time to time.

#### **B. Who May Appeal**

A person may be considered aggrieved for purposes of this section if they are the applicant, the owner of the property that is the subject of the administrative decision, or a person with a substantial interest in the decision who is in danger of suffering special damage or injury not common to all property owners similarly situated, as determined by the Planning Director.

#### **C. Timeline and Notice**

A written notice specifying the grounds for the appeal must be filed with the Planning Director within 15 days from the date of a final written decision of the Planning Director. The notice must be submitted on forms available from the Planning and Development Department.

#### **D. Transmission of Record to Board**

Upon receipt of a complete notice of appeal, the Planning Director must transmit to the Zoning Board of Appeals all information relating to the action being appealed.

#### **E. Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed unless the Planning Director certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with the Planning Director, that by reason of facts stated in the certificate a stay would, in the opinion of the Planning Director, cause imminent peril to life or property. In this case, proceedings may not be stayed except by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application with notice to the Planning Director and on due cause shown.

#### **F. Fee**

Each notice of appeal must be accompanied by a fee determined by a schedule of fees adopted by the Town Council from time to time.

#### **G. Notice and Hearing**

1. The Planning Director must fix a date for the hearing of the appeal within 60 days from the date a complete notice of appeal is filed unless that time period is mutually extended by the appealing party and the Planning Director in writing.
2. The Planning Director must give written notice of the hearing to the appealing party at least 10 days prior to the date of the hearing.
3. The Zoning Board of Appeals must decide the appeal in accordance with the procedures set forth herein and in its rules.
4. The applicant must place a sign giving notice of the public hearing in a conspicuous location on the property or on

an adjacent right-of-way. The sign will be provided by the Town and must state the time, place, and purpose of the public hearing. At least one sign must be posted on each frontage on a public road. Additional signs must be posted on the property if the Planning Director determines that they are necessary to inform the public.

5. At the hearing, any party may appear in person, or by agent or attorney. The appealing party must be allowed at least 10 minutes for presentation of data, evidence, and opinion concerning the appeal. Any remaining time may be reserved for rebuttal. Those in opposition to the appeal must also be allowed at least 10 minutes for presentation of data, evidence, and opinion. These presentation times may not be reduced but may be extended, provided they are expanded equally for each side.

#### **H. Decisions**

1. Following the consideration of all testimony, documentary evidence, and matters of record, the Zoning Board of Appeals must make a determination on each appeal at the conclusion of the hearing on the appeal unless an extension of time is agreed to in writing by the appealing party and the Zoning Board of Appeals.
2. The Board may reverse, defer, affirm, or modify any order, requirement, decision, or determination made by the Planning Director and to that end shall have all the powers of the Planning Director from whom the appeal was taken. An appeal may be sustained or the decision modified only upon an expressed finding by the Zoning Board of Appeals that the Planning Director's action was based on an erroneous finding of a material fact or was arbitrary. The action of the Zoning Board of Appeals on an administrative appeal shall be final. Any person aggrieved by any decision of the Zoning Board of Appeals may take an appeal by writ of certiorari to the Superior Court within 30 days of the final decision by the Zoning Board of Appeals.

## LIST OF AMENDMENTS

1. June 10, 2024 - Amendment to Section 4.10.A – Establish findings section for the Hwy. 211 Overlay District
2. June 10, 2024 - Amendment to Section 4.5.F – Revision to Approved PUD
3. June 10, 2024 - Amendment to Section 4.3.C.3 - Minimum side yard in R-3 zoning classification
4. June 10, 2024 - Amendment to Section 4.3.B.2 – Minimum lot widths in an R-3 zoning classification
5. August 12, 2024 – Amendment to Section 4.8.C. – Downtown Overlay District Building Types
6. August 12, 2024 – Amendment to Section 4.8.D. – Downtown Overlay District Maximum Front Yard
7. August 12, 2024 – Amendment to Section 4.8.D. – Downtown Overlay District Maximum Building Footprint
8. August 12, 2024 – Amendment to Section 4.8.D. – Downtown Overlay District Maximum Lot Coverage
9. August 12, 2024 – Amendment to Section 4.8.E.(3) – Downtown Overlay District Parking