

# **City of Valdosta**

## **Land Development Regulations**



**December 11, 2008**

**\*\* As Amended Through June 11, 2015**



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# City of Valdosta Land Development Regulations

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# City of Valdosta Land Development Regulations

## Title 1 Administration

### Chapter 102 General Provisions.

#### Section 102-1 Title

This Appendix shall be known as “The Land Development Regulations (“LDR”, or “Regulations”) of the City of Valdosta, Georgia.” It consists of three Titles: Title 1, Administration; Title 2, Land Use and Zoning; and Title 3, Development and Permitting. Title 1 is intended to implement regulations generally applicable to the City of Valdosta and also to specifically address administrative regulations, including definitions, enforcement and penalties applicable to Titles 2 and 3. Title 2 is Valdosta’s Zoning Ordinance, and is intended to constitute a zoning ordinance within the meaning of O.C.G.A. Section 36-66-1, et seq. Changes to the text of Title 2, as well as Official Zoning Map amendments and other zoning actions addressed herein, accordingly shall require compliance with the public notice and hearing procedures provided therein and in said state statute. Title 3 is intended to regulate development and permitting activities in the City of Valdosta. Neither Title 1 nor Title 3 is intended to constitute a zoning ordinance or zoning regulations.

#### Section 102-2 Purpose

The LDR is enacted by the Mayor and City Council in order to promote the public health, safety, morals, and general welfare of the residents of Valdosta, Georgia and to implement the city’s Comprehensive Plan. To these ends, the LDR is intended to achieve the following purposes:

- (A) To guide and regulate the orderly growth, development, redevelopment, and preservation of Valdosta in accordance with the adopted Comprehensive Plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.
- (B) To protect the established character and the social and economic well being of both private and public property.
- (C) To promote, in the public interest, the efficient utilization of land.
- (D) To promote the preservation of open space.
- (E) To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- (F) To reduce or prevent congestion in the public streets.
- (G) To facilitate the creation of a convenient, attractive, and harmonious community.
- (H) To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations.
- (I) To provide a basis for establishing the future need for law enforcement and fire protection, transportation, water, sewage, flood protection, schools, parks, recreational facilities, and other public facilities and services.

## **City of Valdosta Land Development Regulations**

- (J) To protect against the destruction of, or encroachment upon, historic areas.
- (K) To protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health from fire, flood or other danger.
- (L) To encourage economic development activities that provide desirable employment and enlarge the tax base.
- (M) To ensure the perpetual conservation, preservation and enjoyment of the unique natural and physical resources of the City, including forested areas, watersheds, streams, viewsheds, and archaeological sites and the protection of water quality as the city grows.
- (N) Achieve compliance with all applicable state and federal laws and regulations.
- (O) Provide for and promote housing for all income groups and all citizens within the City.
- (P) Establish high quality standards for buildings, land development, and subdivision regulations for the protection of the environment and the security of buyers and users of developed property in the City of Valdosta.
- (Q) To provide adequate and safe construction standards for streets, sidewalks, drainage, utilities and other public improvements.
- (R) To provide a method of administration and procedure that ensures due process and equal protection for the citizens and property owners of the City of Valdosta.
- (S) To establish a just balance between the rights of owners of property and the public interest of all the citizens of the City of Valdosta.
- (T) To provide for protection of the constitutional rights and obligations of all citizens within the City.
- (U) To provide penalties for a violation and remedies for enforcement hereof; and for other purposes.

### **Section 102-3 Authority**

- (A) The LDR is enacted pursuant to the Constitution of the State of Georgia, Article 9, Section 2, Paragraphs 1 and 3; by the City's authority to enact regulations and exercise powers granted by local laws including 1977 Georgia Laws page 2817 Section 10, as amended; by the City's planning authority and general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto. Additional zoning authority for Title 2 is set forth in Section 202-2.
- (B) The LDR shall take effect and shall be in force upon its adoption by the Mayor and City Council of Valdosta, Georgia.

### **Section 102-4 Jurisdiction**

The LDR shall apply to all incorporated areas of Valdosta, Georgia.

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## Section 102-5 Application of Ordinance

Except as hereinafter provided, as of the date of adoption of the LDR:

- (A) Development Activity. Any person proposing to rezone property, secure permits, undertake any land disturbance activity, construct, demolish, expand or modify a structure or a building for occupancy, develop or subdivide land within the City of Valdosta, Georgia, or undertake any other development permission or activity shall pay a fee and make application to the City of Valdosta Community Development Department or other department as specified in this LDR, and shall comply with all regulations set forth in the LDR.
- (B) Use. No building, structure, premises or land shall be used or occupied and no building or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in a manner except in conformity with the regulations herein specified for the district in which it is or is to be located.
- (C) Lots. No lot shall be reduced in size so that minimum lot area is not maintained. This Section shall not apply to the extent that a portion of a lot is acquired for public use. See Section 302-9(b)(7).
- (D) Pending Application for Building Permits and Land Disturbance Permits. Nothing in the LDR shall be deemed to require a change in the plans, construction, or designated use of any building or structure or land disturbance for which development or building permits were lawfully applied for or approved, prior to the effective date of the LDR or amendment thereto, provided:
  - (1) Such permit has not by its own terms expired prior to such effective date.
  - (2) Actual building construction is commenced prior to the expiration of such permit.
  - (3) Actual building construction is carried on continuously pursuant to said permit and limited to and in strict accordance with said permit.
  - (4) No renewals or extensions of said permit shall be authorized, except in accordance with the requirements of this LDR.

## Section 102-6 Relationship to Existing Ordinances

- (A) Whenever the provisions of the LDR impose more restrictive standards than are required in or under any other statute, ordinance or resolution, these LDR standards shall prevail, unless otherwise specified in the LDR. Whenever the provisions of any other statute, ordinance, or resolution impose more restrictive standards than are required herein, the requirements of the more restrictive regulations shall prevail, unless otherwise specified in the LDR.
- (B) In those instances where development standards for a parcel of land or a specific project have been lawfully established as a condition of approval for a rezoning, variance, permit, or other formal action by the Mayor and City Council, the Board of Appeals, or the Planning Commission, the requirements of such conditions shall control.
- (C) Nothing herein shall repeal the conditions of use, operation, or site development accompanying zoning approval(s) or conditional use(s), variances or permits issued under previous ordinances or resolutions. Modification or repeal of such past conditions of approval may be accomplished as authorized and provided by the LDR. All variances and exceptions heretofore granted by the Planning and Zoning Administrator, Zoning Board of Appeals, Planning Commission, or Mayor and

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City Council shall remain in full force and effect, and all terms, conditions and obligations heretofore imposed shall remain in effect.

## Section 102-7 Powers and Duties of the Community Development Department

- (A) Duties. The Community Development Department, which includes the building inspector and other such inspectors, shall have the responsibility of interpreting, administering and enforcing the provisions of the LDR unless specifically provided otherwise. In particular, the Department shall have the following powers and duties under the LDR:
- (1) Authorization. The Department is authorized to review and make final decisions regarding permits and other development requests authorized in the LDR.
  - (2) Duty. It shall be the duty of the Department to administer and enforce the provisions of the LDR.
  - (3) Applications. The Department shall accept and process applications and make recommendations or final decisions, as appropriate, for Comprehensive Plan amendments, Official Zoning Map or text amendments, variances, conditional use permits, appeals, concept plans, preliminary and final plats, permits, licenses, and Certificates of Occupancy or any other such business including matters scheduled for public hearing by the Mayor and City Council, the Planning Commission, the Zoning Board of Appeals, or the Historic Preservation Commission as required by the LDR and Section 102-7 (a)(7).
  - (4) Records. The Department shall keep records of actions on Comprehensive Plan amendments, Official Zoning Map or text amendments, variances, conditional use permits, appeals, and concept plans, preliminary and final plats, permits, licenses and Certificates of Occupancy along with notation of all special conditions involved. The Department shall file and safely keep these records along with copies of all related applications, reviews, opinions, public hearings, sketches and plans submitted and other related documents that are to be made a part of the public record.
  - (5) Reporting. The Department shall research facts and prepare reports for the Mayor and City Council, the Planning Commission and the Zoning Board of Appeals related to their actions in the matters described in the LDR. Those reports shall be in writing on a form prescribed by the Department and shall be made part of the public record.
  - (6) Maps. The Department shall maintain, update and interpret the Official Zoning Map, Future Development Map and other maps required for the administration of the LDR, including all amendments thereto.
  - (7) Review. The Director, or City Engineer as specified in this LDR, shall receive and review applications and plans for land disturbance permits, land development permits and building permits to ensure conformity with the requirements of the LDR and other relevant state and City regulations and approve, approve with conditions, or deny said applications within 30 days of receipt of complete applications, except where another time limit is specified for the type of action under review.
  - (8) Zoning Verification. In response to a written request by the property owner or owner's authorized agent, the Planning and Zoning Administrator may issue a statement identifying the current zoning of a parcel of land as provided in Section 202-7 of the LDR. The fee for such a zoning verification shall be established by the Mayor and City Council.
  - (9) Administrative Variances. The Department shall receive, review, grant, grant with conditions or deny administrative variances where authorized in the LDR. The fee for administrative variances shall be established by the Mayor and City Council.

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## Section 102-8 Adoption of Certain Codes

- (A) Pursuant to O.C.G.A. Section 8-2-25 and other applicable authority, the latest edition of each of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs, shall be applicable and enforced:
- (1) International Building Code and local amendment to Chapter 1 as adopted by the City of Valdosta; such amendment being found in Appendix J of this LDR.
  - (2) International Residential Code for One and Two-Family Dwellings.
  - (3) International Fire Code.
  - (4) International Plumbing Code.
  - (5) International Mechanical Code.
  - (6) International Fuel Gas Code.
  - (7) National Electrical Code.
  - (8) International Energy Conservation Code.
  - (9) Life Safety Code.
- (B) In addition, all appendices to the following codes, as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:
- (1) International Building Code.
  - (2) International Residential Code for One and Two-Family Dwellings.
  - (3) International Fire Code.
  - (4) International Plumbing Code.
  - (5) International Mechanical Code.
  - (6) International Fuel Gas Code.
- (C) Further, pursuant to O.C.G.A. Sections 8-2-20 and 8-2-25(h), the latest edition of each of the following codes as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted and shall be applicable and enforced:
- (1) International Existing Building Code.
  - (2) International Property Maintenance Code.
  - (3) Standard Housing Code (SBCCI).
  - (4) Standard Amusement Device Code.
  - (5) Standard Excavation and Grading Code (SBCCI).
  - (6) Standard Unsafe Building Abatement Code.
  - (7) Standard Swimming Pool Code (SBCCI); subject to the following local amendment:
    - (a) Any person constructing a swimming pool within the jurisdiction of the City shall, in addition to the fence described in the SBCCI, provide a self-closing, self-latching gate.
- (D) In each of the codes referenced above, when reference is made to the duties of certain officials named in the codes, the City officer who has duties corresponding to those of the named official in the code shall be deemed to be the City officer responsible for enforcing the provisions of the code.



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## Chapter 106 Definitions and Abbreviations

### Section 106-1 Definitions

#### (A) Rules of Interpretation.

- (1) Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular; words used in the masculine gender include the feminine and are intended to be gender-neutral.
- (2) The word “shall” is always mandatory, and the word “may” is permissive.
- (3) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (4) The word “lot” shall be construed to include “plot” or “parcel.”
- (5) The word “building” shall be deemed also to include “structure.”
- (6) The word “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.”
- (7) The word “erected” shall be deemed also to include “constructed,” “reconstructed,” “altered,” “moved” or “placed.”
- (8) The word “land use” and “use of land” shall be deemed also to include “building use” and “use of building.”
- (9) Unless indicated otherwise, reference to zoning districts refer to the most recent copy of the “Official Zoning Map of the City of Valdosta, Georgia.”

#### (B) Rules of Precedence. The following rules set forth the order of precedence that determines which definition applies in a specific instance within the provisions of the LDR:

- (1) When definitions are provided within an individual Chapter, Article or Section of the LDR, those definitions are to be applied within said Chapter, Article, or Section. If the same term or phrase is also defined in this Section, the definition in subsection (C) of this Section shall not apply in that instance.
- (2) When no definitions are provided within an individual Chapter, Article, or Section of the LDR, words and phrases used in the LDR shall have the meaning established by the definitions provided in this subsection (C) of this Section.
- (3) For words and phrases listed in the Table of Uses in Article 1 of Chapter 218 with a NAICS code and not defined in subsection (C) of this Section, the NAICS definition shall be the legal definition. Said NAICS definitions, as amended, are hereby incorporated by this reference to the extent utilized in the LDR.
- (4) All remaining words used in the LDR are intended to have the commonly accepted definitions contained in the July 2005 edition of the Merriam-Webster Dictionary.

#### (C) Definitions. As used in the LDR, the following terms shall have the meaning set forth below, except where otherwise specifically set forth in Section 106-1(B) above.

ABANDONED SIGN: See SIGN, ABANDONED.

ABSORPTION FIELD: A configuration of absorption trenches installed in a portion of land and used for the absorption and final treatment of wastewater.

ABUTTING: See PROPERTY, ABUTTING.

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**ACCELERATION / DECELERATION LANES.** Paved exits and entrances off a major thoroughfare onto private property for the purpose of expediting the free flow of traffic.

**ACCESSORY BUILDING:** See BUILDING, ACCESSORY.

**ACCESSORY STRUCTURE:** See STRUCTURE, ACCESSORY.

**ACCESSORY BUILDING:** See BUILDING, ACCESSORY

**ACCESSORY USE:** See USE, ACCESSORY.

**ACRE:** A unit of area equal to forty-three thousand five hundred sixty (43,560) square feet.

**ADDITION (TO AN EXISTING BUILDING):** As used in Chapter 320 Flood Damage Prevention. Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction."

**ADDITION:** An extension or increase in the lot coverage, height, length, width, or gross floor area of a building or structure.

**ADJACENT PROPERTY:** See PROPERTY, ADJACENT.

**ADJACENT TO AN INTERSTATE HIGHWAY:** Located within two hundred fifty (250) feet of the nearest outer edge of the pavement of Interstate 75 within the city, regardless of the existence of intervening streets or lots.

**ADMINISTRATIVE OFFICIAL:** Any employee of the City of Valdosta when exercising the duties authorized in the LDR.

**ADULT ENTERTAINMENT ESTABLISHMENTS:** Any commercial establishment, which has as its primary purpose or business the rent, sale or presentation of any sex toy, book, publication, video, CD-ROM, electronic game, or film which depicts nudity, or sexual conduct or engages in services such as escort services, lingerie modeling, bath houses, massage parlors, or like activity including a night club, cabaret, lounge or other establishment in which employees or patrons expose specified anatomical areas or engage in specified sexual activities on the premises. See Chapter 218, Article 3 and Chapter 4 of the City of Valdosta Code of Ordinances.

**ADVERSE IMPACT:** A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or off-site.

**ADVERTISE:** To inform; to notify; to announce; or attract public attention in order to arouse desire to purchase or invest.

**ADVERTISING DEVICE:** Any structure or device situated upon or attached to real property, which is erected or intended for the purpose of advertising.

**AGGREGATE:** Washed gravel or washed stone meeting the GDOT standards for hardness or other materials approved by the GDOT.

**AGRICULTURE:** 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 or poultry; growing plants, sod, and trees for sale; the production of horticultural, dairy, poultry, eggs and apiarian products.

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**AGGRIEVED PARTY:** A person who can demonstrate that their property will be specially damaged by a decision of a City official or board involved in the enforcement of the LDR.

**AIR AND GAS-FILLED DEVICE:** Any sign using, either wholly or in part, forced air or other gas as a means of supporting its structure.

**AIRPORT:** The Valdosta Regional Airport.

**AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet from mean sea level, 202 feet above mean sea level.

**AIRPORT HEIGHT RESTRICTION AREA:** The total of the areas of the precision approach zone, non-precision approach zone, visual approach zone, transitional surface zone, horizontal zone, and conical zone as outlined in Section 210-5 Valdosta Regional Airport Overlay District.

**AIRSTRIP, PRIVATE:** An area designated for the landing of private, non-commercial aircraft with no terminal facilities and no scheduled takeoffs and landings.

**ALLEY:** A privately maintained access route constructed in an easement connecting two or more parcels to a public street, usually along the side or rear yard, See Section 332-4(K)

**ALTERATION:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, doors, windows, means of ingress or egress, or any enlargement to, or diminution of a building or structure, whether horizontally or vertically, or the moving of a building from one location to another.

**ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light and power poles, water storage tanks, outdoor advertising signs and similar alternative design mounting structures that effectively camouflage the presence of antennas or towers and are compatible with and resemble the scale of the surrounding natural setting and/or structures.

**ANIMATED SIGN:** See SIGN, ANIMATED.

**ANTENNA:** Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**ANTENNA, AMATEUR RADIO:** A freestanding or building-mounted device, intended for airway communication purposes by a person holding a valid amateur radio (HAM) or Citizens Band (CB) license issued by the Federal Communications Commission.

**ANTENNA, SATELLITE:** A specific device, the surface of which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas.

**APARTMENT:** A multi-family dwelling unit held through a lease or rental agreement.

**APPEAL:** A request for a review to hear and decide where it was alleged there was an error in any order, requirement, permit, decision, determination, or refusal made by any officer, Board, elected official, or Council of the City of Valdosta in the enforcement of the LDR.

**APPEAL:** As used in Chapter 320 Flood Damage Prevention. A request for a review of the Flood Plain Board's interpretation of any provision of that chapter.

**APPLICANT:** The person or entity making application for a permit as provided herein and who shall be responsible for, and in charge of, a project; the applicant may be the owner, developer, project manager, or contractor.

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**APPLICANT:** As used in Chapter 310 Stormwater Management. A person submitting a post-development stormwater management application and plan for approval.

**APPLICATION:** A document and associated documentation filed by any person seeking approval to undertake any activity regulated by the City of Valdosta.

**AQUIFER:** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**AREA OF SHALLOW FLOODING:** As used in Chapter 320 Flood Damage Prevention. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD:** As used in Chapter 320 Flood Damage Prevention. The land subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

**ARTERIAL:** See STREET CLASSIFICATIONS.

**ATTENTION GETTING DEVICE:** Any pennant, valance, propeller, spinner, ribbon, streamer, search light, balloon, or similar display, device or ornamentation designed for or having the effect of attracting the attention of potential customers or the general public but having the unintended result of distracting motorists

**AUTHORIZED USE:** A use authorized in a zoning district pursuant to Title 2.

**AUTOMOBILE:** A motorized vehicle with two axles and not more than six (6) wheels, designed for carrying ten (10) passengers or less and used for the transportation of persons.

**BANNER:** A sign of lightweight fabric, plastic or similar material mounted at two or more edges to a wall, poles or other structure. Flags and pennants shall not be considered banners.

**BASE COURSE:** As used in Section 332-7 Standard Specifications for Construction. One or more layers of specified material of designated thickness placed on a sub-grade or a sub-base to support a surface course.

**BASE FLOOD:** As used in Chapter 320 Flood Damage Prevention. The flood having a 1 percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE):** As used in Chapter 320 Flood Damage Prevention. The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AE/A1-A30, AR/AH, AR/AO, VI-V30 and VE that indicated the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level any given year.

**BASEMENT or CELLAR:** That portion of a building that is partly or completely below grade and has at least six and one-half feet vertical interior clearance from floor or grade to ceiling or underside of structure.

**BASEMENT:** As used in Chapter 320 Flood Damage Prevention. That portion of a building having its floor sub grade (below ground level) on all sides.

**BASAL CALIPER:** See CALIPER.

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**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same parcel as the light source; also, any light with one or more beams that rotate or move, providing this term shall not include any lighting device required by regulations prescribed by the Federal Aviation Administration or similar government agencies.

**BENCH SIGN:** See SIGN, BENCH.

**BERM:** An earthen mound designed to screen undesirable views, reduce noise, or fulfill other such purposes, such as runoff control.

**BEST MANAGEMENT PRACTICES (BMPs):** As used in Chapter 306 Soil Erosion and Sedimentation Control. A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means 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).

**BIKE LANE:** A paved lane on a street or roadway that is reserved by pavement marking and /or signs for the exclusive use by bicycles.

**BILLBOARD:** A sign 300 square feet or larger in area.

**BLANKET EASEMENT:** Refers to an easement which may cover an entire parcel of land, rather than a specific location. As used in Chapter 302, such easement is to be utilized until a fixed easement location is agreed upon.

**BLOCK:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

**BOARD OR DNR BOARD:** See Chapter 306 Soil Erosion and Sedimentation Control. The State Board of Natural Resources.

**BOARD OF APPEALS:** See ZONING BOARD OF APPEALS

**BOARDING or ROOMING HOUSE:** A building where, for compensation and/or by pre-arrangement, meals or lodging or both, are provided on a continuing basis for three (3) or more non-transient persons who are not part of the operator's family, and who are not receiving medical or personal care, nor assistance with activities of daily living from the operator. The following are not included in this definition: hotel, motel, bed and breakfast inn, fraternity/sorority house, halfway house, personal care home or other residential care facility.

**BONDS:** Promissory notes, loans or any other debt obligations issued or incurred to finance the cost of construction.

**BORROW:** Materials excavated from areas designated on the plans or by the City Engineer as borrow pits.

**BREW PUB:** Any licensed eating establishment in which beer or malt beverages are manufactured or brewed for retail consumption on the premises solely in draft form, subject to production limitations and other requirements prescribed for Brewpubs in O.C.G.A.

**BUFFER, TRANSITIONAL:** That portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of Chapter 238, Article 1, to separate different use districts, or to separate uses on one (1) property from uses on another property of the same use district or a different use district. See Chapter 328, Article 1.

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**BUFFER, STATE WATERS:** 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, as referenced in O.C.G.A. Sec 12-2-8. See Chapter 306 Soil Erosion and Sedimentation Control.

**BUILDABLE AREA:** The area of a lot remaining after the minimum front, side and rear yard setback requirements of the zoning district have been met.

**BUILDING:** Any structure with a roof and enclosed on all sides.

**BUILDING:** As used in Chapter 320 Flood Damage Prevention. Any structure built for support, shelter, or enclosure for any occupancy or storage.

**BUILDING, ACCESSORY:** A building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

**BUILDING, ELEVATED:** As used in Chapter 320 Flood Damage Prevention. A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**BUILDING HEIGHT:** The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

**BUILDING LINE:** A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings; provided, however, that such overhang and footings do not encroach upon the adjacent property or right-of-way.

**BUILDING MARKER:** Any sign cut into a masonry surface or made of bronze or other permanent material.

**BUILDING OFFICIAL:** The Director of Community Development of the City of Valdosta or his/her authorized representative.

**BUILDING PERMIT:** SEE PERMIT, BUILDING.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or dominant use of the lot on which such building is situated.

**BUILDING SYSTEM:** any utility, mechanical, electrical, structural, engross, or fire protection/safety system.

**BUILDING WALL:** An exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and used to enclose the space within the building.

**CALIPER:** The diameter measurement of a tree in inches measured 6 inches above ground. When the tree caliper is greater than 6 inches, the diameter measurement shall be made at breast height (4.5 feet) and shall be called diameter at breast height (DBH).

**CAMBIUM:** Tissue within the woody portion of trees and shrubs which gives rise to the woody water and nutrient conducting system, and the energy substrate transport system in trees. Cambium growth activity results in a tree's radial development, i.e., increase in diameter.

**CAMPGROUND:** See RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS.

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**CANOPY:** A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike an awning, a canopy is rigid and is generally supported by vertical elements rising from the ground at two or more corners.

**CANOPY SIGN:** See Sign, Canopy

**CANOPY TREE:** A large tree or group of trees that has a distinct presence in the landscape or forest. For the purpose of the LDR, all large trees and all medium trees identified as canopy trees are listed in Appendix A.

**CANOPY TREE, CITY:** Any tree growing on city owned property, i.e. streets, rights-of-way, etc., or any specimen tree overhanging the city right-of-way, regardless of the zoning of the property where the base of the tree is located.

**CEMETERY, PRIVATE:** Any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.

**CERTIFICATE OF APPROPRIATENESS:** A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district. See Chapter 238 Historic Preservation.

**CERTIFICATE OF COMPLETION:** A written release from the Department, that an uninhabited structure or system is complete and is released for use. Examples of the type of structures requiring issuance of a Certificate of Completion are; signs, retaining walls, and accessory buildings.

**CERTIFICATE OF OCCUPANCY:** The document issued by the Valdosta Community Development Department certifying that all requirements for development or redevelopment of property have been met and authorizing occupancy of buildings and structures. For one and two family residential dwellings, the approval of all final inspections may serve as the Certificate of Occupancy.

**CENTER LINE OF STREET:** See STREET, CENTERLINE OF.

**CHANNEL:** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water. See Chapter 310 Stormwater Management.

**CITY:** The City of Valdosta, Georgia.

**CITY ARBORIST:** The arborist for the City of Valdosta, acting directly or through authorized representative; such representative acting within the scope of the particular duties assigned to them within the authority given to them

**CITY COUNCIL:** The Mayor and Council of the City of Valdosta, Georgia.

**CITY ENGINEER:** The City Engineer for Valdosta, acting directly or through authorized representative; such representative acting within the scope of the particular duties assigned to them within the authority given to them.

**CITY SPECIFICATIONS:** The current edition of the Standard Specification for Construction for the City of Valdosta as issued by the City Engineer.

**CIVIC USES:** Public parks, squares, plazas, greens, lawns, amphitheaters, stages, churches or places of worship, public or private schools, gymnasiums, assembly halls, community meeting rooms, community

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service centers, post offices, fire stations, libraries museums, public libraries, and other government or public service buildings and facilities except for those requiring outdoor storage or maintenance yards.

**CLEAN WATER ACT:** As used in Chapter 310 Article 2 Stormwater Utility. The Clean Water Act as amended by the Water Quality Act of 1987 33 USC 1251 et. seq. as amended and the rules and regulations promulgated by the United States Environmental Protection Agency.

**CLEAR CUTTING:** The clearing or removal of trees from a site in a manner contrary to the Best Management Practices of the Georgia Forestry Commission, except as consistent with activity authorized by a development permit or building permit.

**CLEARING:** The removal of trees and brush from the land but not including removing roots and stumps or the ordinary mowing of grass.

**CLUB, PRIVATE:** A non-commercial establishment organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution or bylaws.

**CO-LOCATION:** The placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

**COLLECTOR:** See STREET CLASSIFICATIONS.

**COLLEGE (also UNIVERSITY):** A public or private educational facility or institution providing post-secondary academic instruction.

**COMBINATION, LOT:** The process of legally joining two lots of record to form a single conforming lot in accordance with the provisions of Section 302-27, with or without re-subdivision of such lots.

**COMMERCIAL MESSAGE:** Any wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service or other commercial activity.

**COMMERCIAL/OFFICE CENTER:** A single parcel of land containing two (2) or more businesses or establishments, including all forms of retail, wholesale, and services.

**COMMERCIAL USE:** An occupation, place of employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**COMMISSION:** As used in Chapter 306 Erosion and Sedimentation Control. The Georgia Soil and Water Conservation Commission.

**COMPREHENSIVE PLAN:** Any part or element of the overall plan for development adopted by the Valdosta City Council as provided by O.C.G.A. 50-8-1 and DCA "Local Planning Requirements", including the Future Development Map and all other policies, implementation strategies, maps, exhibits, and appendices.

**CONCEPT PLAN:** A drawing which shows the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project, and which may be drawn to approximate dimensions in a freehand style, See Section 302-23.

**CONDITIONAL APPROVAL:** The imposition of conditions in the grant of an application for approval of a rezoning, special exception, variance, concept plan, preliminary plat, or permit that are in addition to or different from the regulations set forth in these land development regulations and which are related to the



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promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding property.

**CONDITIONAL USE:** A use listed in Section 218-1 as being permitted if it meets stated conditions and is approved by the Valdosta City Council. See Section 242-6 Conditional Use Permits.

**CONDOMINIUM:** A building, or group of buildings, in which dwelling units, offices, or floor areas are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis, and for which condominium instruments are submitted for recordation in accordance with the Georgia Condominium Act, O.C.G.A. Section 44-3-70, et. seq.

**CONSTRUCTION ACTIVITY:** Activities including, but not limited to, activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits, such as clearing and grubbing, grading, excavating, and demolition. These include construction projects resulting in land disturbance, erecting new structures and buildings, as well as redevelopment, remodeling or modification of an existing building or structure.

**CONSTRUCTION BOARD OF APPEALS:** The Valdosta-Lowndes County Construction Board of Adjustment and Appeals. The board is responsible for reviewing and deciding specific appeals made by individuals concerning the interpretation or administration of the Construction Codes.

**CONSTRUCTION/DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

**CONSTRUCTION, EXISTING:** Any structure for which “the start of construction” commenced before the effective date of these regulations.

**CONSTRUCTION, NEW:** Structures for which the “start of construction” commenced on or after the effective date of the LDR; other structures that are built on previously undeveloped land and are not additions or alterations.

**CONSTRUCTION, NEW:** As used in Chapter 320 Flood Damage Prevention. Any structure (see definition) for which the “start of construction” commenced on or before the effective date of these regulations, and includes any subsequent improvements to the structure.

**CONSTRUCTION, START OF:** The point of time commemorating the breaking of ground for the construction of a development or structure.

**CONSTRUCTION, START OF:** As used in Chapter 320 Flood Damage Prevention. The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any chapter requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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**CONTRIBUTING RESOURCE:** A building, site, structure or object that is generally over 50 years old (or within the period of significance for a district that is less than 50 years old) and retain their historic physical features reflecting the district's sense of time, place, and historical development. See Chapter 238 Historic Preservation.

**CONTRIBUTOR OR USER:** As used in Chapter 336 Stormwater Utility. Any person owning, operating, or otherwise responsible for property within the city which directly or indirectly discharges stormwater or surface or subsurface waters to any portion of the stormwater management system including direct or indirect discharges to the city's stormwater drainage system or which is directly or indirectly protected by the city's flood protection system or stormwater drainage system

**CONTROLLED ACCESS ZONE:** Areas along the right-of-way of a public street, road, or highway where curb cuts are prohibited or limited because of potential interference with safe and efficient movement of vehicles at major intersections.

**COPY:** The text or graphics on a sign surface in either permanent or removable form.

**COPY AREA:** The area in square feet of the smallest geometric figure that describes the total area enclosed by the actual copy of a sign. For wall or canopy signs, the copy area limits refer to the message, not to the illuminated background.

**COSTS OF CONSTRUCTION:** As used in Chapter 336 Stormwater Utility. The costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof including but not limited to the costs of the following:

1. Acquisition of all property real or personal and all interests in connection therewith including all rights of way and easements therefore;
2. Physical construction installation and testing including the costs of labor services materials supplies and utility services used in connection therewith;
3. Architectural engineering legal and other professional services;
4. Insurance premiums during construction to the extent not paid for by a contractor for construction and installation;
5. Any taxes or other charges which become due during construction;
6. Expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
7. Principal and interest on any bonds; and
8. Miscellaneous expenses incidental thereto.

**COUNTY:** Lowndes County, Georgia.

**CREDIT:** As used in Chapter 336 Stormwater Utility. A reduction in the amount of a stormwater service charge for a particular property for the existence and use of privately owned, maintained, and operated on-site or off-site stormwater systems or facilities or continuing provision of services or activities that reduce or mitigate the city's cost of providing stormwater management services systems and facilities for that particular property.

**CREMATION:** As described in O.C.G.A. 10-14-3(12), cremation includes any mechanical or thermal process whereby a deceased human being is reduced to ashes. Cremation also includes any other

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mechanical or thermal process whereby remains are pulverized, burned, re-cremated, or otherwise further reduced in size or quantity.

**CRITICAL FACILITY:** any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
2. Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
3. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
4. Generating plants, and other principal points of utility lines.

**CRITICAL ROOT ZONE (CRZ):** The minimum area beneath a tree which must be undisturbed in development in order to preserve a sufficient root mass to assure a tree a reasonable chance of survival. The critical root zone (CRZ) shall be a concentric circle centering on the tree's trunk with a radius equal in feet to one (1) times the number of inches of the trunk diameter; i.e., the CRZ radius of a twenty (20) inch diameter tree shall be twenty (20) feet.

**CROSSWALK:** See PEDESTRIAN WAY.

**CUL-DE-SAC:** A local street or road with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement. See Section 332-1(B).

**CULVERT:** As used in Chapter 332,. A structure not classified as a bridge which provides an opening under the roadway.

**CURB CUT:** The opening along the curb line or edge of pavement of a public street at which point a driveway begins for vehicular ingress and egress from a parcel.

**CUT:** As used in Chapter 306 Soil Erosion and Sedimentation Control. 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 excavated surface Also known as excavation.

**DAY CARE FACILITY (COMMERCIAL), ADULT:** An establishment operated by any person with or without compensation for providing for the care, supervision, and oversight during daytime hours only of 19 or more adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped.

**DAY CARE FACILITY (COMMERCIAL), CHILD:** An establishment operated by a person, society, agency, corporation or institution, or any group, wherein are received with or without pay, 19 or more children under 18 years of age for group care for less than 24 hours per day, without transfer of legal custody.

**DAY CARE FACILITY (FAMILY), ADULT:** Any place operated by any person with or without compensation for providing for the care, supervision, and oversight during day-time hours only of 6 or fewer adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped.

**DAY CARE FACILITY (FAMILY), CHILD:** Any place operated by any person with our without compensation providing for the care, supervision, and protection of 6 or fewer children who are under 18 years of age for group care for less than 24 hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day-care facility, all children who are related

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by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

**DAY CARE FACILITY (GROUP), ADULT:** Any place operated by any person with or without compensation for providing for the care, supervision, and oversight during day-time hours only of 7 to 18 adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped.

**DAY CARE FACILITY (GROUP), CHILD:** Any place operated by any person with or without compensation providing for the care, supervision, and protection of 7 to 18 children who are under 18 years of age for group care for less than 24 hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day-care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

**DAY-NIGHT AVERAGE SOUND LEVEL (Ldn):** The average noise level over a 24 hour period.

**DEBIT SERVICE:** As used in Chapter 336 Stormwater Utility. The amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing debt.

**DECIDUOUS TREE:** A tree that sheds its leaves annually.

**DENSITY:** The total number of square feet of a building, or number of lots or dwelling units per acre of land unless specifically provided otherwise in the LDR.

**DENSITY, GROSS:** The number of square feet of buildings, or number of lots or dwelling units on a tract of land divided by the total acres of a parcel or tract of land prior to development or subdivision, including all streets or rights-of-way, open space, floodplain, wetland surface water, and other un-subdivided or unused portions of the tract of land.

**DENSITY, NET:** The number of square feet of buildings, number of lots or dwelling units on a tract of land, less the area for streets, rights of way, open space, floodplain, wetland, surface water, and other un-subdivided or unused portions of the tract of land.

**DEPARTMENT:** As used in Chapter 306 Erosion and Sedimentation Control. The Department of Natural Resources.

**DETENTION:** The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

**DETENTION FACILITY:** A permanent basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates in accordance with the Georgia Stormwater Management Manual.

**DEVELOPED PROPERTY:** As used in Chapter 336 Stormwater Utility. Real property upon which a structure or impervious surface has been placed or constructed thus increasing the amount of rainwater or surface water runoff.

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

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or and storage equipment or materials.

**DEVELOPMENT:** As used in Chapter 310 Stormwater Management. See LAND DEVELOPMENT.

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**DEVELOPMENT OF REGIONAL IMPACT (DRI):** Large-scale developments that are likely to have regional effects beyond the local government jurisdiction in which they are located, as defined by thresholds set by the Georgia Department of Community Affairs.

**DEVELOPMENT PERMIT:** An official authorization issued by the City Engineer allowing clearing, grubbing, grading or other alteration of the site that entails land disturbance related to construction activities in compliance with the LDR.

**DIAMETER, BREAST HEIGHT (DBH):** A standard measure of the diameter of a tree trunk measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at its most narrow point beneath the split.

**DIRECT DISCHARGE:** See DISCHARGE, DIRECT.

**DIRECTOR:** The Director of the City of Valdosta Community Development Department or his or her designee when authorized to administer any portion of this LDR.

**DIRECTOR:** As used in Chapter 306 Erosion and Sedimentation Control. The Director of the Environmental Protection Division of the Georgia Department of Natural Resources

**DIRECTOR:** As used in Chapter 336 Stormwater Utility. The Director of Utilities, or his or her designee, in the role of director of the stormwater management utility.

**DISTRIBUTION CENTER:** An establishment where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**DISTANCE:** The shortest spatial separation between two points, or objects, measured horizontally in miles, feet, or inches along a straight line, unless otherwise specified in this LDR.

**DIVISION:** The Planning and Zoning Division of the City of Valdosta.

**DIVISION:** As used in Chapter 306 Erosion and Sedimentation Control. The Environmental Protection Division of the Georgia Department of Natural Resources.

**DRAINAGE AREA:** That area contributing runoff to a single point; measured in a horizontal plane that is enclosed by a ridge.

**DRAINAGE BASIN:** An area defined by topography within which any water that falls is tributary to the specified watercourse as shown on an official map identifying the drainage basins existing within the City of Valdosta promulgated and maintained by the Utilities Department.

**DRAINAGE CANAL or DITCH:** An artificial open channel or waterway constructed through earth or rock to convey water. A ditch is generally smaller than a canal.

**DRAINAGE EASEMENT:** See EASEMENT, DRAINAGE.

**DRAINAGE STRUCTURE:** As used in Chapter 306 Erosion and Sedimentation Control. 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.

**DRASTIC:** As used in Chapter 324 Environmental Planning Criteria. The standardized system for evaluating groundwater pollution potential using the hydro geologic settings (parameters) described in U.S. Environmental Protection Agency document EPA-600-2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility.)

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**DRIP LINE:** A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**DRIVEWAY:** A vehicular access, or curb cut that is in private ownership, except for that portion lying within the public right of way, and provides access primarily to one property.

**DUMPSTER:** A portable container used for temporary storage of garbage, trash, or other refuse or receptacle material that has a capacity of one cubic yard or more (see Section 226-3).

**DWELLING:** A building or portion thereof designed, arranged or used principally for residential occupancy (not including buildings designed for transient use such as hotels and motels), and which complies with the provisions of the LDR and the International Building Code.

**DWELLING, ACCESSORY:** A secondary dwelling established in conjunction with, and clearly subordinate to, a primary dwelling unit on the same lot, whether a part of the same structure as the primary dwelling unit or in a detached structure.

**DWELLING, DUPLEX:** A building either designed, constructed, altered, or used for two (2) adjoining dwelling units that are connected by a fire-rated common wall, and/or if two-story by a fire-rated common floor.

**DWELLING, LIVE-WORK:** An owner-occupied dwelling unit in which a significant portion of the ground floor space includes a non-residential use which is operated by the property owners and shall comply with Section 218-13.

**DWELLING, LOFT:** A dwelling unit established in an existing nonresidential building or a new mixed-use building. See Section 218-13.

**DWELLING, MULTI-FAMILY:** A building designed, constructed, altered or used for more than two adjoining dwelling units, with each dwelling unit having a separate entrance and a party wall and/or party floor or ceiling connecting it with at least one other dwelling unit.

**DWELLING, PRINCIPAL:** The building that is used as the primary residence on a lot.

**DWELLING, SINGLE-FAMILY:** A dwelling structure that is designed for the use of one family.

**DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE):** A building containing two (2) or more one-family attached dwelling units joined by one (1) or more party walls or other common facilities (not including the walls of storage buildings, utility buildings, or enclosed courtyards or similar areas) and with lot lines separating each dwelling unit. This includes townhouses and condominiums that are constructed in this manner. See Section 218-13.

**DWELLING, SINGLE FAMILY DETACHED:** A free-standing building designed for or containing one (1) dwelling unit.

**DWELLING, SINGLE-FAMILY ZERO LOT LINE:** A single family dwelling unit erected as a detached dwelling unit with no required side and/or front setback on one side so as to allow the dwelling unit to be built on the lot line but not attached to another dwelling, provided the development shall meet all fire code requirements. See Section 218-13.

**DWELLING UNIT:** One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single housekeeping unit. Does not include rooms in a hotel, motel, boarding house, bed and breakfast, or extended stay hotel.

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**EASEMENT:** An acquired legal right for the specific use of land owned by others.

**EASEMENT, ACCESS:** An easement created for the purpose of providing vehicular or pedestrian access to or across a property.

**EASEMENT, DRAINAGE:** Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**EASEMENT, UTILITY:** A grant by a property owner for the use of real property for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainage ways and gas lines.

**ELECTRIC, PETROLEUM OR GAS SUBSTATION:** Facilities devoted to the distribution of electricity, gas or petroleum.

**ELEVATED BUILDING:** See BUILDING, ELEVATED

**ENTRANCE SIGN:** See SIGN, ENTRANCE.

**ENCROACHMENT:** Any obstruction or illegal or unauthorized intrusion in a delineated flood-way, right-of-way, or on adjacent land. Additionally, as used in Chapter 328 Landscape, Buffers and Screening: The protrusion or extension of a vehicle outside or beyond the parameters of a parking space, display area, storage area, or access way into a landscaped area.

**ENFORCEMENT AUTHORITY:** As used in Chapter 238 Historic Preservation. The chief building official or his designee, and the Fire Chief or his designee.

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

**ERECT:** To build, construct, attach, hang, place, suspend, paint, or affix.

**EROSION:** The process by which land surface is worn away by the action of wind, water, ice, or gravity

**EROSION AND SEDIMENTATION CONTROL PLAN:** As used in Chapter 306 Erosion and Sedimentation Control. A plan for the control of soil erosion and sedimentation resulting from a land disturbing activity.

**ESTABLISHMENT:** A commercial, industrial, institutional, educational, office, business, or financial entity.

**EVENT CENTER:** A business facility operated as a general place of public or private assembly for the purpose of entertainment or other gathering of people. This term does not include cinemas/theaters, churches or places of worship, education facilities, hotel/conference centers, indoor recreation facilities, or public facilities such as libraries or museums.

**EXEMPT PROPERTY:** As used in Chapter 336 Stormwater Utility. The rights-of-way including public streets, alleys, sidewalks, and public drainage facilities.

**EXISTING BUILDING OR STRUCTURE:** As used in Chapter 238 Historic Preservation. Any completed building or structure which has been placed in service for a minimum of five years.

**EXISTING CONSTRUCTION:** See CONSTRUCTION, EXISTING.

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**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** See MANUFACTURED HOME PARK, EXISTING.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**EXTENDED DETENTION:** The detention of stormwater runoff for an extended period, typically 24 hours or greater.

**EXTENDED STAY MOTEL:** See HOTEL, EXTENDED STAY

**EXTENSION AND REPLACEMENT:** As used in Chapter 336 Stormwater Utility. The costs of extensions, additions, and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for the system, or land acquisition for the system and any related costs thereto, or paying extraordinary maintenance and repair including the costs of construction or any other expenses, which are not costs of operation and maintenance or debt service.

**EXTERIOR ARCHITECTURAL FEATURES:** The architectural style, general design, and general arrangement of the exterior of a building or other structure including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, and other appertainments, architectural fixtures, features, details, or elements relative to the foregoing. See Chapter 238 Historic Preservation, Article D.

**EXTREME FLOOD PROTECTION:** Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

**FACADE:** The exterior of a building facing the principal street entrance, and extending the entire width of the building elevation.

**FACILITY or TELECOMMUNICATIONS FACILITY.** Shall mean a tower, antenna, alternative tower structure, related apparatus or any combination thereof.

**FACTORY-BUILT HOUSING:** Any structure, designed for residential use, that is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes include mobile homes, manufactured homes, and modular homes.

**FAMILY:** A group of individuals related by blood, marriage, adoption, or guardianship, living together, or not more than three persons not so related, living together in a dwelling unit as a single housekeeping unit based on an intentionally structured relationship providing organization and stability.

**FARMING, COMMERCIAL:** Any primary use of a tract or parcel of land for the purpose of raising for sale any types of agriculture products, nursery stock, including, but not limited to, soil crops, fish, fowl, silviculture or livestock.

**FEEDER ROOTS:** A complex system of small annual roots growing outward and predominantly upward from the system of “transport roots”.

**FENCE:** A constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**FILL:** As used in Chapter 306 Erosion and Sedimentation. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.



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**FINISHED GRADE:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**FISCAL YEAR:** As used in Chapter 336 Stormwater Utility. A twelve (12) month period commencing on July 1<sup>st</sup> and ending on June 30<sup>th</sup> of the succeeding year.

**FLAG:** Any outdoor display or device made of fabric that is larger than 2 square feet in area and used to convey a message. A flag is typically larger than a pennant and differs from a banner because a flag is typically attached along only one side to a pole or hung from only one side beneath a beam or other overhead structure.

**FLASHING SIGN:** See SIGN, ANIMATED.

**FLEA MARKET:** A temporary market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD HAZARD BOUNDARY MAP (FHBM):** As used in Chapter 320 Flood Damage Prevention. An official map of the community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of the community, issued by the Federal Insurance Administration, delineating the areas special flood hazard and/or the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** As used in Chapter 320 Flood Damage Prevention. The official report provided by the Federal Emergency Management Agency containing flood profiles and the water surface elevation of the base flood.

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

**FLOODPROOFING:** As used in Chapter 320 Flood Damage Prevention. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODWAY :** As used in Chapter 320 Flood Damage Prevention. The channel of a stream or other watercourse and the adjacent areas of that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FLOOD PROTECTION SYSTEM:** As used in Chapter 336 Stormwater Utility. The system of levees, floodwalls, floodgates, storm sewer, gate wells, and stormwater pumping stations lying adjacent to rivers creeks and streams within the city including associated control and operating equipment and facilities whether adjacent to such rivers, creeks, or streams or remotely located which are intended to provide flood protection to properties adjacent to such rivers creeks and streams.

**FLOOR:** The lower horizontal finished surface of each story in a building that is intended to support the contents of the building and its occupants.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the total number of finished floors of a fully enclosed building measured from the exterior faces of the exterior walls or from the centerline of

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walls separating two buildings; excluding cellar space, carports and garages, and any space where the floor-to-ceiling height is less than six and one-half feet.

**FLOOR AREA, HEATED:** The gross floor area of a dwelling or other building that is heated and intended for daily human activity, including hallways, stairs, and interior storage areas and closets.

**FLOOR AREA RATIO:** The gross floor area of all occupied buildings on a lot divided by the lot area, exclusive of streets, alleys, easements, floodplains, wetlands and surface waters.

**FLOOR, LOWEST:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of the LDR.

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

**FRATERNITY / SORORITY HOUSE or FRATERNAL FACILITY:** A building for an establishment which is chartered by national, state or local organizations and affiliated with an educational institution to which it relates. Such establishment provides social and recreational facilities primarily for members (with visits by alumni or guests) and may provide lodging and meals. For regulatory purposes and without regard to gender, stand alone student centers operated under the auspices of a church, charitable institution, or other student organization shall be included in this definition.

**FREEBOARD:** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**FREESTANDING SIGN:** See SIGN, FREESTANDING.

**FREEWAY:** A multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes that permits access only at designated interchanges.

**FRONTAGE, BUILDING:** The length of an outside building wall facing a street.

**FRONTAGE, STREET or ROAD:** The length of the lot line of any one parcel along a street on which it borders, including proposed streets within a subdivision of land approved by the City of Valdosta.

**FUTURE DEVELOPMENT MAP:** A map prepared as part of the adopted Comprehensive Plan prepared pursuant to O.C.G.A. 50-8-1 and Chapter 110-12-1, Standards and Procedures for Local Comprehensive Planning that divides land within the City of Valdosta into a series of development character areas listed in Section 202-6 and serves as guidance for rezoning decisions made pursuant to Title 2.

**GARAGE, ATTACHED:** A garage that shares a common roof with a dwelling unit or that adjoins a dwelling unit with a common wall along a distance of at least 10 feet.

**GARAGE, TWO-CAR:** A permanent enclosed structure having a paved floor area designed with adequate floor area, access and egress for two standard automobiles.

**GARBAGE:** See SOLID WASTE.

**GASOLINE STATION WITH CONVENIENCE STORE:** A gasoline station that includes a retail store that sells a limited line of groceries and household items.

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**GENERAL NPDES PERMIT FOR CONSTRUCTION ACTIVITIES:** State issued National Pollutant Discharge Elimination System permit, regulating construction activities pursuant to subsection (f) of O.C.G.A. Sec. 12-5-30, the "Georgia Water Quality Control Act".

**GENERALIZED WETLANDS:** The data sets contained on the current U.S. Fish and Wildlife Service National Wetlands Inventory maps, which are utilized to develop the Water Resources Protection Districts Overlay Map for the City of Valdosta. See Chapter 324 Environmental Planning Criteria.

**GEORGIA STORMWATER MANAGEMENT MANUAL:** See STORMWATER MANAGEMENT MANUAL.

**GEOGRAPHIC ANTENNA PLACEMENT AREA:** As used in Chapter 218, Article 4 Telecommunications Facilities. The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

**GOOD MORAL CHARACTER:** A person of good moral character is a person who has not been convicted of a drug or alcohol-related felony or sex-related crime in the past 5 years.

**GOVERNING AUTHORITY:** The Valdosta City Council.

**GRADE:** A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer.

**GRADE, PERCENTAGE OF:** The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance.

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

**GREENHOUSE:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or personal enjoyment.

**GREENSPACE:** Lands to be left as natural areas or landscapes in accordance with the requirements of Chapter 328, Article 2, Tree Protection and Replacement.

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

**GROUNDWATER RECHARGE AREA:** Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

**GROUP LOCATION:** As used in Chapter 218, Article 4 Telecommunications Facilities. A pre-determined site approved through the Special Exception process that contains more than one tower structure.

**GRUBBING:** The removal of underbrush, such as shrubs, roots, vines and trees under four (4) inch basal caliper, but not grading. Grubbing does not include root raking and/or soil disturbance within the drip line of preserved trees.

**GUEST HOUSE:** An attached or detached accessory building that provides living quarters for guests and may or may not contain a kitchen or cooking facility.

## City of Valdosta Land Development Regulations

**HALFWAY HOUSE:** A licensed, temporary, residential living arrangement for persons leaving an institutional setting or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided from support staff who are present whenever residents are present, in order to mainstream residents back into society, enabling them to live independently.

**HARDSHIP:** A condition of significant practical difficulty in using a lot because of physical problems relating solely to the size, shape or topography of the lot in question which are not economic difficulties and which are not self-imposed.

**HAZARD TO AIR NAVIGATION:** As used in Section 210-5, an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HAZARDOUS MATERIAL:** Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

**HAZARDOUS WASTE:** Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

**HEALTH DEPARTMENT:** The Lowndes County Health Department, the Lowndes County Commissioner of Health and/or the State of Georgia Department of Health.

**HEIGHT:** The vertical distance of a structure, other than a building, measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

**HEIGHT, BUILDING:** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. This does not include steeples, cupolas, decorative towers, antennas and mechanical equipment attached to a building.

**HEIGHT, SIGN:** The vertical distance in feet from the ground level measured from the base of the sign structure to the tallest point of the sign.

**HEIGHT, TELECOMMUNICATIONS FACILITY.** The vertical distance from grade to the highest point of the tower and its appurtenances, grade being the average level of the pre-existing or finished surface of the ground adjacent to the exterior of the tower, whichever is lower. When referring to a telecommunications antenna it shall mean the vertical distance from the base of the antenna to its highest point.

**HIGHEST ADJACENT GRADE:** As used in Chapter 320 Flood Damage Prevention. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building

**HISTORIC BUILDING:** As used in Chapter 238 Historic Preservation. Any building so designated by the state historic preservation officer as individually significant or as contributing to the historic character of an historic district, pursuant to the rules and regulations adopted by the board of natural resources or as so designated pursuant to the provisions of O.C.G.A. § 44-10-20 et seq., the Georgia Historic Preservation Act.

**HISTORIC DISTRICT:** A geographically defined area designated by the City Council as a historic district pursuant to the criteria established in Chapter 238 Historic Preservation, Article C.

**HISTORIC PRESERVATION COMMISSION (HPC):** The Valdosta Historic Preservation Commission.

## City of Valdosta Land Development Regulations

**HISTORIC PROPERTY:** An individual building structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof designated by the City Council as a historic property pursuant to the criteria established in Chapter 238 Historic Preservation, Article C.

**HISTORIC RESOURCES:** Landmarks, districts, sites, structures, or buildings which have historic, cultural, or archaeological significance by virtue of being eligible for listing on the National Register of Historic places, listed as such by the state Historic Preservation Office, or identified as such in the Comprehensive Plan.

**HISTORIC SIGN:** See SIGN, HISTORIC.

**HISTORIC STRUCTURE:** Means any structure that is;

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

**HOME BUSINESS:** Any business conducted on residential property, which use is clearly incidental and secondary to the use of the property for residential purposes in accordance with applicable provisions of Title 2, Section 218-1 and 218-13.

**HOME OCCUPATION:** An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes, and operated in accordance with applicable provisions of Title 2, Section 218-1 and 218-13.

**HOSPITAL:** An establishment providing physical or mental health services, in-patient or overnight accommodations, and mental or surgical care of the sick or injured. Includes health clinics and sanatoriums.

**HOTEL:** A building containing six or more guest rooms, which are rented or leased for sleeping purposes for short-term periods (less than 21 days) in which ingress and egress to and from each sleeping room is generally made through the interior of the building.

**HOTEL, EXTENDED STAY:** Any building containing six or more guest rooms rented or leased for sleeping purposes for periods of less than one month, but in excess of one week, and that contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens.

**HOT SPOT:** As used in Chapter 310 Stormwater Management. An area where the use of the land has the potential to generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater, or an area observed to be prone to flash flooding as determined by the City Engineer.

## City of Valdosta Land Development Regulations

**HOUSING BOARD OF ADJUSTMENT:** The Valdosta Housing Board of Adjustments and Appeals. This board considers and determines appeals whenever it is claimed that the true intent and meaning of the City's Housing Code or any of its regulations have been misconstrued or wrongly interpreted.

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

**ILLCIT DISCHARGE:** Any direct or indirect non-stormwater discharge to the City of Valdosta separate storm sewer system, except as exempted in Section 310-94 of this ordinance.

**ILLUMINATED SIGN:** See SIGN, ILLUMINATED.

**IMMEDIATE FAMILY:** Any individual related by blood or marriage in a closer degree than first cousin.

**IMPERVIOUS:** A material that water cannot pass through or be absorbed by.

**IMPERVIOUS AREA:** The number of square feet of hard-surface areas which either prevent or retard the entry of water into soil mantle, as is entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property.

**IMPERVIOUS COVER OR SURFACE:** Areas which significantly prevent or impede the natural infiltration of stormwater into the soil. Common impervious surfaces include, but are not limited to, rooftops, buildings, streets, roads, sidewalks, walkways, patio areas, driveways, parking lots, concrete and asphalt surfaces, storage areas, compacted gravel and soil surfaces, awning, and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development. Impervious surface also includes unpaved graded aggregate base (GAB) or crusher run.

**IMPOUNDMENT:** The water or liquid substance that is or will be stored by a dam – commonly referred to as the reservoir.

**INDUSTRIAL PARK:** A tract of land subdivided and developed according to this LDR in a manner which provides sites for two or more industrial establishments.

**INDUSTRIALIZED BUILDING:** Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. All industrialized buildings shall be approved by the Georgia Department of Community Affairs and meet current code requirements.

**INDUSTRIALIZED HOME:** A residential structure that is, either wholly or in substantial part, made, fabricated, formed or assembled in one or more factory built sections or panels in manufacturing facilities for assembly and installation on a building site. An industrialized home is manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to or destruction thereof and which, when completed, meets or exceeds the requirements of, and all development standards for, conventionally constructed site built housing. Any industrialized home must be designed to be permanently connected to a site-built foundation. No industrialized home shall be constructed with a chassis, as defined in 24 CFR 3280.902(a). It is the intent of this definition to include structures or components which are included within O.C.G.A. § 8-2-111(3) and 7 CFR 3550.10 or which are approved pursuant to the rules and regulations of the Georgia Department of Community Affairs and which bear an insignia of approval issued by the commissioner thereof.

## City of Valdosta Land Development Regulations

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

**INSPECTOR:** An authorized representative of the City of Valdosta assigned to make a detailed inspection of any property, parcel, use, activity, work, building or structure that is subject to any provisions of this LDR.

**INSPECTION AND MAINTENANCE AGREEMENT:** As used in Chapter 310 Stormwater Management. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site; or with respect to a land development project, which when properly recorded in the deed records, constitutes a restriction on the title to a site or other land involved in a land development project.

**INTERIOR PLANTING AREA:** The area within vehicular use areas devoted to growing plants or vegetation.

**ISSUING AUTHORITY:** The City of Valdosta, Georgia, or other agency authorized by laws of the State of Georgia to administer provisions of Chapter 306 of this LDR in the City of Valdosta, Georgia.

**JUNK:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

**JUNKED VEHICLE:** Any wrecked or non-operable dismantled or abandoned automobile, truck, boat, motorcycle, or similar device.

**JURISDICTIONAL WETLAND:** As used in Chapter 324 Environmental Planning Criteria. An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

**JURISDICTIONAL WETLAND DETERMINATION:** As used in Chapter 324 Environmental Planning Criteria. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. Subscript 1233, as amended.

**KITCHEN FACILITIES:** A room used to prepare food containing, at a minimum, a sink and a stove or oven.

**LANDSCAPE:** Existing natural vegetation or the placing of ground covers, shrubs, trees, or other plant material in a planting area in accordance with the requirements of Chapter 328 Landscape, Buffers and Screening.

**LAND DEVELOPMENT or LAND DEVELOPMENT ACTIVITY OR ACTIVITIES:** Any land disturbing activity, including but not limited to clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious surface. Land development excludes agricultural operations as described in Section 306-1.

**LAND DEVELOPMENT PROJECT:** A single or phased discrete land development undertaking.

**LAND DISTURBANCE:** Any land or vegetation changes, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious surface, but not including agriculture.

**LAND DISTURBANCE ACTIVITY OR ACTIVITIES:** As used in Chapter 306 Soil Erosion and Sedimentation Control. 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,

## City of Valdosta Land Development Regulations

clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural operations as described in subsection 306-3(5).

**LAND DISTURBANCE PERMIT:** SEE PERMIT, LAND DISTURBANCE.

**LAND DISTURBANCE PROJECT:** A single or phased discrete land disturbance undertaking.

**LANDING AREA:** The area of an airport or private airstrip used for landing, taking-off or taxiing of aircraft.

**LANDMARK MUSEUM BUILDING:** As used in Chapter 238 Historic Preservation. An historic building or structure used as an exhibit of the building or structure itself, and which exhibits a high degree of architectural integrity, and which is open to the public not less than 12 days per year; however, additional uses, original or ancillary, to the use as a museum shall be permitted within the same building subject to the provisions of O.C.G.A. § 25-2-13(b)(3). Landmark museum buildings shall be so designated by the state historic preservation officer pursuant to rules and regulations adopted by the board of natural resources.

**LANDSCAPE INSPECTOR:** The agent of The City of Valdosta, having enforcement responsibilities under the LDR, and charged with the responsibility, as the designee of the Director of the Community Development Department, of approving all tree protection plans for land development or building construction in the City of Valdosta required pursuant to the LDR.

**LARGER COMMON PLAN OR DEVELOPMENT OR SALE:** As used in Chapter 306 Soil Erosion and Sedimentation Control. A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of Chapter 306 Soil Erosion and Sedimentation Control, "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.

**LED (LIGHT EMITTING DIODE) LIGHT:** A light source or device that relies on passing electricity through and exciting a chemical compound rather than the heating of a filament.

**LIQUIFIED PETROLEUM GASES:** As defined in O.C.G.A. Section 10-1-262, any material that is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butane (normal butane or isobutane), and butylenes.

**LITTER:** Sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, discarded materials of every kind and description or paper products of every kind and description including, but not limited to, advertising materials, newspapers, promotional papers, letters, bills, publications or other writings.

**LOADING SPACE:** A space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks, and other carriers. See Chapter 226.

**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.

**LOCAL STREET:** See STREET CLASSIFICATIONS

**LOT:** A portion, plot, or parcel of land separated from other portions, plots, or parcels by a graphic description as on a subdivision plat of record or survey map and intended for transfer of ownership or for building development.



## City of Valdosta Land Development Regulations

**LOT AREA:** The total area within the boundaries of a lot.

**LOT, CONFORMING:** A lot that meets all requirements of the LDR and is not a Non-conforming Lot.

**LOT, CORNER:** A lot abutting upon two or more streets at their intersection. See Section 214-3

**LOT COVERAGE:** The percentage of the total area of a lot that is occupied by buildings.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot abutting two streets.

**LOT, FLAG (or PANHANDLE LOT):** A prohibited lot not meeting minimum frontage requirements and where access to the lot from a public road is achieved by a narrow strip of land.

**LOT, INTERIOR:** A lot with a single street frontage.

**LOT LINE:** The legal boundary that separates a lot or parcel of land from other lots or parcels as recorded by a graphic description on a subdivision plat of record or survey map. Also see "PROPERTY LINE."

**LOT OF RECORD:** A lot, the plat for which has been lawfully recorded in the office of the Clerk of the Superior Court of Lowndes County, or a lot, the deed of which has been lawfully recorded in the office of the Clerk of the Superior Court of Lowndes County.

**LOT REMNANT:** Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of said lot to adjoining lots or rights-of-way.

**LOT WIDTH:** The width of a lot at the required front setback line measured parallel to the street right-of-way or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

**LOWEST FLOOR:** See FLOOR, LOWEST

**MANSARD SIGN:** See SIGN, MANSARD.

**MANUAL OR MANUAL OF STANDARDS AND SPECIFICATIONS FOR CONTROL OF SOIL AND EROSION AND SEDIMENT IN GEORGIA** Manual published by the GASWCC as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the GASWCC up until the date of the NOI.

**MANUFACTURED HOME:** A building, transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**MANUFACTURED HOME, CLASS A:** A manufactured home fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act (42 USC 5401--5445) and meeting each of the following development standards:

1. Minimum width of the installed home shall be in excess of 20 feet over at least 70 percent of its length.
2. The pitch of the home's roof has a factory-installed fixed, nominal or true minimum vertical rise of four feet for each 12 feet of horizontal run.

## City of Valdosta Land Development Regulations

3. The roof of the home has a minimum six-inch factory installed roof overhang on each of the dwelling's perimeter walls.
4. Exterior wall materials shall consist of brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint. Corrugated materials are not permitted for exterior walls.
5. Exterior roof materials shall consist of asphalt or composition shingle, wood shake, wood shingle, standing seam metal, clay or ceramic tile, but not including corrugated metal, plastic or fiberglass.

**MANUFACTURED HOME, CLASS B:** A manufactured home fabricated in an off-site facility for installation or assembly at the building site, bearing label certifying it is constructed in compliance with the Federal Manufactured Home and Safety Standards Act (42 USC 5401--5445) but which does not satisfy the criteria necessary to qualify the unit as a Class A Manufactured Home.

**MANUFACTURED HOME, CLASS C:** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on-site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein; and manufactured prior to June 15 1976. A "mobile home" as defined O.C.G.A. § 8-2-131 is a Class C Manufactured Home within the meaning of these Land Development Regulations.

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

**MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or before the effective date of these regulations.

**MANUFACTURED HOME PARK OR SUBDIVISION, NEW:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these regulations.

**MASSAGE APPARATUS:** Any manual, mechanical, hydraulic, hydrokinetic, electric, or electronic device or instrument or any device or instrument operated by manual, mechanical, hydraulic, hydrokinetic or electric power, which is utilized by a "massage therapist" for the purpose of administering a "massage."

**MASSAGE ESTABLISHMENT:** Any business established for profit which employs or contracts with one (1) or more "massage therapists," or operates or maintains for profit one (1) or more "massage apparatus", and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of "massages." This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

**MASSAGE; MESSAGES; or MESSAGE THERAPY:** The manipulation and/or treatment of soft tissues of the body, including but not limited to the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of oils, lotions, creams, salt glows, hydrotherapy, heliotherapy, hot packs, and cold packs. This term shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure for which a license to practice chiropractic, physical therapy, podiatry, or medicine is required by the State of Georgia.

## City of Valdosta Land Development Regulations

**MASSAGE THERAPIST:** Any person whom for good or valuable consideration administers a "massage."

**MATERIAL CHANGE:** A change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art classified as contributing within a historic district and may include any or more of the following: a reconstruction or alteration of the size, shape or facade of an historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements; demolition of a historic structure; commencement of excavation; a change in the location of advertising visible from the public right-of-way on any historic property; or the erection, alteration, restoration or removal of any building or other structures within a designated historic district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations. See Chapter 238 Historic Preservation.

**MEAN SEA LEVEL:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this LDR, this term is synonymous with National Geodetic Vertical Datum (NGVD).

**MICROBREWERY:** Any licensed brewery designed to accommodate the manufacture of fewer than 15,000 barrels of beer or other malt beverage within any consecutive 12-month period.

**MINERAL EXTRACTION:** See MINING.

**MINING:** The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term mining includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site as part of a mining activity.

**MINI-WAREHOUSE:** A building or group of buildings that contain(s) individual, compartmentalized stalls or lockers used for storage, including accessory office, but not including retail sale on the premises, commercial repair or other services, manufacturing, outside storage, or any other commercial use.

**MINOR:** Any person under 18 years of age.

**MIXED-USE:** A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complimentary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MOBILE FOOD VENDOR:** A business establishment engaged in preparing or serving meals or snacks/beverages for immediate consumption from a motorized vehicle or a non-motorized cart, and is properly licensed or exempted by the Health Department. This includes ice cream trucks, sandwich wagons, hot dog carts and mobile uses of a similar nature.

**MOBILE HOME:** See MANUFACTURED HOME, CLASS C.

**MOBILE VENDOR:** A person selling goods either from a vehicle, vending stand or vending cart upon the streets or sidewalks of the city, or by going from place to place on foot or by other means of transportation. See also, TEMPORARY USE, COMMERCIAL RETAIL.

**MODULAR HOME:** A factory-manufactured single-family dwelling that is constructed in one or more sections and complies with the definition of "industrialized home."

**MONUMENT SIGN:** See SIGN, MONUMENT.

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**MOTEL:** A building or a group of buildings containing sleeping accommodations for short-term (less than 21 days) rental primarily to the motoring public and in which ingress and egress to and from each sleeping room is generally on the outside of the building.

**MOTOR VEHICLE SALES:** An open area, other than a right-of-way or public parking area, used for display, sale, or rental of new or used motor vehicles in operable condition. See Section 218-13.

**MOVING SIGN:** See SIGN, ANIMATED.

**MUNICIPAL SIGN:** See SIGN, MUNICIPAL.

**MUNICIPAL SOLID WASTE:** Any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and solid waste from single-family and multi-family residence, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings, construction and demolition waste, and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations. See O.C.G.A 12-8-22(18). S

**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 objects of interest, intended to be used by the public for viewing and which may include as an accessory use the sale of goods to the public.

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

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** A provision of the Clean Water Act pursuant to 33 U.S.C. Section 1342(b) that prohibits discharge of pollutants into waters of the United States.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

**NATURAL GROUND SURFACE:** The ground surface in its original state before any grading, excavation or filling.

**NATURAL VEGETATIVE BUFFER OR BUFFER AREA:** As used in Chapter 324 Environmental Planning Criteria. A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environment of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

**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 particles are present.

**NEW CONSTRUCTION,** See CONSTRUCTION, NEW.

**NEW DEVELOPMENT:** A land development activity on a previously undeveloped site.

**NEW MANUFACTURED HOME PARK:** See MANUFACTURED HOME PARK, NEW.

## City of Valdosta Land Development Regulations

**NON-CONFORMING CHARACTERISTIC(S) OF BUILDING OR STRUCTURE:** A building or structure, legally existing on the effective date of the LDR, but which fails to comply with one or more of the regulations adopted under the terms of the LDR which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height, off street parking or loading, buffers, landscaping or any other applicable development regulation.

**NON-CONFORMING, LEGAL:** A lot of record, structure or use that does not comply with the current requirements of the LDR, but was lawfully established and authorized in accordance with former regulations of the City of Valdosta prior to the adoption, revision, or amendment of the requirements in the LDR making the lot of record, structure, or use non-compliant.

**NON-CONFORMING LOT:** A lot of record that meets the definition of “Non-conforming, Legal” or a lot of record lawfully created and recorded in the office of the Clerk of the Superior Court of Lowndes County prior to enactment of the LDR.

**NON-CONFORMING USE:** A land use, the use of land and building(s) or a use of land and structure(s), legally existing on the effective date of the LDR, but that is not an authorized use of land and building(s) or land and structure(s), under the terms of this LDR in the district in which such use is located.

**NON-CONTRIBUTING RESOURCE:** A resource within a local historic district which is either less than 50 years old (or outside the period of significance for a district that is less than 50 years old) OR over 50 years old but has lost its historic physical features due to additions, alterations, deterioration, etc. to the extent that it is unrecognizable as historic.

**NON-POINT SOURCE POLLUTION:** A form of water pollution that does not originate from a discrete point such as a wastewater treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Non-point source pollution is a by-product of land use practices such as agriculture, silviculture, mining, construction, subsurface disposal and urban runoff sources.

**NON-OPERATING REVENUES:** Revenues derived from activities other than the basic operation of the stormwater management system but excluding interest income on bond proceeds and on contributed capital.

**NON-RESIDENTIAL PROPERTY:** Any property developed for commercial, industrial, governmental, or institutional use including churches, hospitals, and other eleemosynary institutions; and including multiuse properties incorporating residential uses, but excluding undeveloped property and property used exclusively for agricultural purposes.

**NON-STORMWATER DISCHARGE:** Any discharge to the storm drain system that is not composed entirely of stormwater

**NON-STRUCTURAL STORMWATER PRACTICE:** As used Chapter 310 Stormwater Management. Any natural or planted vegetation or other non-structural component of the stormwater management plan that provides for or enhances stormwater quantity, and/or quality control, or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspaces areas, overland flow filtration areas, natural depressions, and vegetated channels.

**NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988:** A vertical control used as a reference for establishing varying elevations within a floodplain.

**OCCUPIED STRUCTURE:** See STRUCTURE, OCCUPIED.

## City of Valdosta Land Development Regulations

**OBSTRUCTION TO FLOW:** Any development that blocks the conveyance of floodwaters such that the development alone, or together with any future development, will cause an increase in the base flood elevation.

**OFF-SITE FACILITY:** A storm water management facility located outside the boundaries of the site.

**OFFICIAL ZONING MAP:** See “Zoning Map, Official”

**ON-SITE FACILITY:** A storm water management facility located within the boundaries of the site.

**ON-SITE WASTEWATER MANAGEMENT SYSTEM:** A wastewater management system other than a public or community wastewater treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. Such term shall include, without limitation, conventional and chamber septic tank systems, and experimental and alternative on-site management systems that may be approved by the Lowndes County Environmental Health Department and City of Valdosta Utilities Department.

**OPEN SPACE:** Areas that are primarily undeveloped and reserved to provide separation, resource protection, scenic enjoyment, recreation, or amenity to abutting developed property and that are not included in minimum lot areas required in Title 2. See Section 218-13.

**OPERATOR:** The party or parties that have (a) operational control of construction project plans and specifications including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions.

**OPERATING BUDGET:** The annual operating budget for the stormwater management utility adopted by the city council for the succeeding fiscal year.

**OPERATIONS AND MAINTENANCE EXPENSE:** The current expenses, paid or accrued, of operation, maintenance, and current repair of the system, as calculated in accordance with sound accounting practice, and includes without limiting the generality of the foregoing, insurance premiums, administrative expenses including recordkeeping, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

**OUTDOOR STORAGE:** The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours whether for storage, display, processing or sale. See Section 218-13.

**OUTSIDE STORAGE AREA:** An outdoor area, open or fenced, or a separate building constructed for storage of materials or refuse.

**OVERBANK FLOOD PROTECTION:** Measures taken to prevent an increase in the frequency and magnitude of out-of-banks flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

**OVERLAY DISTRICT:** A zoning district that encompasses one or more underlying zones and that may vary the requirements, uses, and standards of the underlying zone.

**OWNER:** The owner(s) of property as specified on the deed to the lot of record.

## City of Valdosta Land Development Regulations

**PAINTED WALL SIGN:** See SIGN, PAINTED WALL.

**PARCEL (LOT):** Any tract of land that has a deed and is shown as a unit on the latest county tax assessment records.

**PARKING LOT:** Any area designed for temporary (less than 48 hours) storage of motor vehicles of the motoring public in normal operating condition.

**PARKING, OFF-STREET:** A temporary (less than 48 hours) storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

**PARKING, ON-STREET:** Areas along curbs of a street that are authorized for temporary (less than 48 hours) storage of automobiles belonging to owners, tenants, customers, or visitors of adjacent or nearby properties.

**PARKING STRUCTURE:** A covered or sheltered structure of two or more stories designed, constructed and used for the parking of automobiles.

**PAVED:** An area which is covered by asphalt, concrete, brick, or pavers meeting the specifications of the Engineering Department. **PAWN SHOP:** A business that loans money on deposit of personal property, or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money with the personal property taken as security for the payment of the debt.

**PEDESTRIAN WAY:** Crosswalk or other areas designed and marked exclusively for pedestrian traffic.

**PENNANT:** A small outdoor display or device made of fabric used singly or in series and mounted to a structure or suspended from a cable or structure from only one side. A pennant is no greater than 2 square feet in area.

**PERCENTAGE of GRADE:** SEE GRADE, PERCENTAGE OF.

**PERENNIAL STREAM:** A stream that flows throughout the whole year as indicated by a blue line on the USGS Quad map.

**PERENNIAL RIVER:** A river or section of a river that flows continuously throughout the year.

**PERIMETER PLANTING AREA:** The front, sides and rear yard areas between vehicular surface areas and adjacent lot lines designated for planting and landscaping.

**PERMANENT SIGN:** See SIGN, PERMANENT.

**PERMIT:** The authorization necessary to conduct a land-disturbing activity, land development activity, building construction, or other activity regulated by the City of Valdosta that requires an official authorization as provided in the LDR.

**PERMIT, BUILDING:** A permit issued by the Community Development Department to proceed with the development or redevelopment of property meeting the form and requirements as established by the City of Valdosta LDR and the applicable codes.

**PERMIT, LAND DISTURBANCE:** The permit issued by the City Engineer to the owner that is required for undertaking any land-disturbing or land development activity under the provisions of the LDR.

**PERMITTED USE:** See AUTHORIZED USE.

## City of Valdosta Land Development Regulations

**PERMITTEE:** Any entity that has submitted a Notice of Intent.

**PERSON:** Any individual, partnership, firm, company, agency, association, joint venture, public or private corporation, organization, society, 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:** A residential facility subject to licensing by the Georgia Department of Community Health, 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. The term 'personal services' in this definition includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, or essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

1. **PERSONAL CARE HOME, CONGREGATE:** A personal care home which offers care to sixteen (16) or more persons.
2. **PERSONAL CARE HOME, FAMILY:** a personal care home which offers care to at least two (2), but not more than six (6) persons.
3. **PERSONAL CARE HOME, GROUP:** A personal care home which offers care to at least seven (7) but not more than fifteen (15) persons.

**PERSONAL SERVICES:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services include, but are not limited to, laundry, including cleaning and pressing service, beauty shops, barbershops, manicure, shoe repair, tanning salons and health clubs, clothing rental, tailor shops, and domestic services, but specifically excluding adult entertainment.

**PET, HOUSEHOLD:** A domestic animal, not including fish, bees or livestock, which is cared for by members of a household for companionship.

**PLACE OF PUBLIC ASSEMBLY:** Any place designed for or used for congregation or gathering of multiple persons in one room or space where such gathering is of a public nature, such as an assembly hall, place of worship, auditorium, recreational hall, pavilion, place of amusement, dance hall, opera house, motion picture theater, outdoor theater or theater or as outlined by the International Building Code and the Life Safety Code.

**PLACE OF WORSHIP:** A lot or building wherein persons assemble for religious worship.

**PLAN, CONCEPT:** Written and graphic documents submitted to the Director for review that document the intent of a developer in a conceptual form, indicating the types, general arrangement and density of uses, extent and pattern of subdivision, and the relationship of the intended uses to surrounding tracts.

**PLAN, ESPC:** An Erosion, Sedimentation, and Pollution Control Plan prepared pursuant to Chapter 306.

**PLANNED DEVELOPMENT:** An alternative method of land development, which is based on an overall approved master plan.

**PLANNED DEVELOPMENT APPROVAL:** An approval granted by the City Council for a Planned Development pursuant to Chapter 212.

**PLANNING COMMISSION:** The Greater Lowndes Planning Commission.



## City of Valdosta Land Development Regulations

**PLANTING AREA:** An outdoor area devoted entirely to the planting or conservation and maintenance of trees, shrubs, and ground covers.

**PLAT:** A map, plan or other graphic layout of a land lot, lot, tract, parcel or subdivision indicating the location and boundaries of one or more properties along with improvements subject to the LDR.

**PLAT, FINAL:** A finished drawing or map of a subdivision or development site plan, meeting all of the requirements of the LDR and approved by the City of Valdosta and fully certified for recording pursuant to Title 3.

**PLAT, PRELIMINARY:** A tentative plan of a proposed subdivision or development meeting the specified requirements of these regulations and showing the layout in sufficient detail to allow an evaluation of the proposed project. See Chapter 302.

**PLAYSCHOOL:** A school for pre-kindergarten children ranging in age from 3 to 4 years.

**POLE SIGN:** See SIGN, POLE.

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

**POLLUTION SUSCEPTIBILITY:** When used in relation to groundwater recharge areas, the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections, and other human activities in the recharge area.

**POLLUTION SUSCEPTIBILITY MAPS:** Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium, and low groundwater pollution potential. (DNR Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia).

**PORTABLE SIGN:** See SIGN, PORTABLE.

**POST-DEVELOPMENT:** The time period or the conditions that may reasonably be expected or anticipated to exist after completion of the land development activity on a site as the context may require.

**PRE-APPLICATION CONFERENCE:** An initial, informal and non-binding stage of development review at which the developer may make known concept plan proposals and appropriate administrative officials may hold discussions of those proposals with the developer regarding the development regulations and other issues related to the development.

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

**PRE-EXISTING TOWERS OR ANTENNAS:** Structures meeting the requirements of Section 218-21(d) of Chapter 218, Article 4 Telecommunications Facilities Telecommunications.

## City of Valdosta Land Development Regulations

**PREMISES:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**PRESERVED TREE:** Any tree designated on a site development plan that is to be preserved during development for incorporation into the final landscaping of the developed parcel.

**PRIMARY PERMITTEE:** The Owner or the Operator or both of a tract of land for a construction project.

**PRINCIPAL BUILDING:** The building in which is conducted the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings. However, storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**PRINCIPAL USE:** The principal purpose for which a lot or the principal building thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

**PRIVATE ROAD:** See ROAD, PRIVATE.

**PRIVATE STREET:** See STREET, PRIVATE.

**PRIVATE WASTEWATER SYSTEM:** A wastewater treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative wastewater system approved by the Environmental Protection Division of the Georgia Department of Natural Resources, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

**PROFESSIONAL:** When used in connection with “use” and “occupancy” of a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use that would create any loud noise or noxious odors within the City of Valdosta.

**PROJECT:** As used in Chapter 306 Soil Erosion and Sedimentation Control. The entire proposed development, regardless of the size of the area of land to be disturbed.

**PROJECT:** As used Chapter 310 Stormwater Management. A land development project.

**PROJECTING SIGN:** See SIGN, PROJECTING.

**PROPERTY, ABUTTING:** Property that is touching at one point or along a common side, boundary or lot line. Two pieces of property that are separated by a street or right of way are adjacent, but not abutting.

**PROPERTY, 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. In order for the parcels on opposite sides of an easement or ROW to be adjacent, it must be possible for a projected lot line of one parcel to cross the street and intersect the lot line of the adjacent parcel. Properties separated by a railroad track or freeway are not abutting or adjacent.

**PROPERTY INTEREST:** The ownership of property, including any percentage of ownership less than total ownership.

**PROPERTY LINE:** The legal boundary that separates a lot or parcel of land from other lots or parcels as recorded by a graphic description on a subdivision plat of record or survey map. Also see “LOT LINE.”

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**PROTECTION AREA OR RIPARIAN PROTECTION AREA:** With respect to a stream, river, lake, or impoundment, the combined areas of all required riparian buffers and setbacks applicable to such riparian.

**PROTECTIVE or RESTRICTIVE COVENANTS:** Recorded restrictions imposed by private parties running with the title to the land and specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of any given area. Protective covenants are not enforced by the City of Valdosta.

**PUBLIC ENTITY:** A federal, state, county or municipal government, or any agency, authority or public utility of such government that is legally established to provide public services to the citizens of the City of Valdosta.

**PUBLIC FACILITY:** A use conducted by, or a facility or structure owned or managed by a unit of government, and intended to provide for needs of the public.

**PUBLIC HEARING:** An official session of any elected or appointed board advertised according to law.

**PUBLIC INTEREST SIGN:** See SIGN, PUBLIC INTEREST.

**PUBLIC IMPROVEMENT:** Any street, park, water line, sanitary drainage system or similar improvement installed to serve abutting or nearby private or public property constructed by either a private entity or a public agency and ultimately owned and maintained by a public entity.

**PUBLIC SEWER:** A common sewer controlled by a government agency or public utility, in this case the City of Valdosta.

**PUBLIC STREET:** Right-of-way dedicated to or owned by a public government agency for the purpose of providing principal access to abutting property.

**PUBLIC USES:** Buildings, structures and uses of land by a unit of government, including but not restricted to government administration, water treatment facilities, streets, libraries, public schools, parks, playgrounds, recreation centers and fire stations.

**PUBLIC UTILITY:** Any publicly, privately, or cooperatively owned line, facility or system for producing, collecting, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, waste, stormwater not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof.

**PUBLIC UTILITIES:** Those utilities using underground or overhead transmission lines such as electric, telephone and cable television, and distribution and collection systems, such as water, natural gas, sanitary sewer and storm sewer.

**QUALIFIED PERSONNEL:** Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

**REAL PROPERTY:** Any tract or parcel of land and, if developed, any buildings or structures located on the land.

**RECHARGE AREA:** See GROUNDWATER RECHARGE AREA.

**RECOVERED MATERIALS PROCESSING FACILITY:** See RECYCLING CENTER.

## City of Valdosta Land Development Regulations

**RECREATION, CENTER:** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

**RECREATIONAL VEHICLE:** A vehicle that is:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently tow-able by a light duty truck.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS:** Any area that is occupied or intended for occupancy by transients using recreational vehicles, mobile trailers or tents as temporary living quarters for recreation, education or vacation purposes and is open to the public.

**RECYCLING CENTER:** Any facility utilized for the purpose of collecting, sorting, processing, and shipping materials to be recycled including, but not limited to, plastics, glass, paper and aluminum whenever such use is principal to the site.

**REDEVELOPMENT:** A land development project on a previously developed site; excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional non-point source pollution.

**REGIONAL FLOOD:** A flood that is representative of large floods known to have occurred generally in Georgia and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

**REHABILITATION CENTER:** A facility operated for the purpose of assisting in the rehabilitation of disabled persons which provides one or more of the following types of services:

1. Testing, fitting, or training in the use of prosthetic devices.
2. Prevocational or conditioning therapy.
3. Physical, corrective, or occupational therapy.
4. Adjustment training or evaluation or control of special disabilities; or a facility in which a coordinated approach is made to the physical, mental, and vocational evaluation of disabled persons and an integrated program of physical restoration and prevocational training is provided under competent professional supervision and direction.

**RELOCATED HOUSE:** A single-family dwelling, including a manufactured home or modular home, that is transported over land in the City of Valdosta in one or more sections and intended for erection on permanent footings on a conforming lot in the City of Valdosta for use as a permitted dwelling unit, subject to the regulations of LDR Chapter 110 and Section 302-52.

**REQUIRED YARD:** See YARD, REQUIRED.

## City of Valdosta Land Development Regulations

**RESEARCH AND DEVELOPMENT:** A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Development and construction of prototypes may be associated with this use.

**RESERVE STRIP:** A strip or parcel of land along, around or between properties, the sole purpose of which is to restrict access.

**RESERVOIR:** A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

**RESERVOIR BOUNDARY:** The edge of a water supply reservoir defined by its normal pool level.

**RESIDENTIAL:** Pertaining to the use of land, means premises such as homes, townhouses, mobile homes, duplexes, condominiums, or apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein.

**RESIDENTIAL DISTRICT:** Any of the following zoning districts: R-E, R-25, R-15, R-10, R-6, R-M, and R-P.

**RESTAURANT, FAST-FOOD:** An establishment that offers quick food service, which is accomplished through a limited menu of items, and in which orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

**RETAINING WALL:** See WALL, RETAINING.

**RETENTION/DETENTION BASIN:** Land area designated to temporarily retain or detain stormwater runoff.

**RETENTION FACILITY, STORMWATER:** A pond, pool, or basin used for the permanent storage of stormwater runoff.

**REVENUES:** All rates, fees, assessments, rentals, or other charges or other income received by the utility in connection with the management and operation of the system; including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City all as calculated in accordance with sound accounting practice.

**REVOLVING SIGN:** See SIGN, ANIMATED.

**REZONING ACTION:** Legislative action by the City Council adopting an amendment to Title 2 of the LDR that has the effect of rezoning real property from one zoning classification to another.

**RIGHT-OF-WAY:** A strip of land dedicated to, designated, reserved, or purchased by the City of Valdosta for the purpose of pedestrian or vehicular access or utility line installation.

**RIGHT-OF-WAY LINE:** The boundary line between a lot, tract or parcel of land and a contiguous right-of-way.

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

**RIVER BANK:** The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

**RIVER CORRIDOR:** All land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280

## City of Valdosta Land Development Regulations

through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbank, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for local comprehensive plans. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

**ROAD, PRIVATE:** Any privately owned and maintained access way serving two or more parcels of land that is intended to provide access for motorized vehicles, including safety and emergency equipment and that is not dedicated to the City or maintained by the City and that meets the provisions of Section 332-7.

**ROAD, PUBLIC:** Any right-of-way set aside for public travel as defined in O.C.G.A. 32-1-3(24).

**ROADWAY:** That part of a highway or street within the limits of construction lines.

**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 roadway by intercepting the flow on one side of a traveled way, consisting of one or more defined lanes, with or without shoulder areas and carrying water to a release point on the other side.

**ROOF SIGN:** See SIGN, ROOF.

**ROOT RESPIRATION:** An active process occurring throughout the feeder root system of trees, and involving the consumption of oxygen and sugars with the release of energy and carbon-dioxide. Root respiration facilitates the uptake and transport of minerals and nutrients essential for tree survival.

**ROOT COLLAR:** The point of attachment of major woody roots to the tree trunk, usually at or near the ground line and associated with a marked swelling of the tree trunk.

**ROPE ROOTS:** An extensive network of woody second order roots arising from major woody roots, occurring within the surface 12 to 18 inches of local soils, and with an average size ranging from .25 to 1 inch diameter. The primary function of rope roots is the transport of water and nutrients, and the storage of food reserves.

**ROTATING SIGN:** See SIGN, ANIMATED.

**RUNOFF:** See NONPOINT SOURCE POLLUTION.

**RUNWAY:** A defined area of the Valdosta Regional Airport prepared for landing and takeoff of aircraft along its length.

**SAND PIT:** A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

**SANITARY SEWER OR SEWER:** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm waters and surface waters that are not admitted intentionally.

## City of Valdosta Land Development Regulations

**SAWMILL:** A facility where logs or partially processed boards are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

**SCENIC VIEWS:** Those geographic areas containing visually significant or unique natural features, as identified in the adopted Comprehensive Plan or determined as such by the Planning Commission.

**SCHOOL:** A public or private facility that provides a curriculum of elementary or secondary academic instruction.

**SCHOOL, PRIVATE:** Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

**SCHOOL, PRIVATE RESIDENTIAL:** A private school or similar institution that may include residential facilities and accessory kitchen, dining, and recreational facilities for program participants.

**SCREENING:** A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, densely planted vegetation, natural vegetation, including a transitional buffer or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six (6) feet.

**SEASONAL AGRICULTURAL SALES:** The sales of agricultural products such as pumpkins and Christmas trees that take place on a seasonal basis and last for a period of longer than 3 days, but are not permanent. See Section 281-13.

**SECONDARY PERMITTEE:** An individual builder, utility contractor that conducts a construction activity within a common development.

**SEDIMENT:** As used in Chapter 306 Soil Erosion and Sedimentation Control. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

**SEDIMENTATION:** As used in Chapter 306 Soil Erosion and Sedimentation Control. The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity

**SENSITIVE NATURAL AREAS:** As used in Chapter 324 Environmental Planning Criteria. Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

1. Habitat, including nesting sites, occupied by rare or endangered species;
2. Rare or exemplary natural communities;
3. Significant landforms, hydroforms, or geological features; or
4. Other areas so designated by the Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

**SEPTIC TANK:** An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

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**SETBACK:** With respect to a stream, river, lake, or impoundment, the area extending beyond any riparian buffer applicable to the stream, river, lake, or impoundment in which certain structures, including buildings, septic tanks and septic tank drainfields, are prohibited.

**SETBACK:** The shortest distance between the right-of-way of a street or an adjacent lot line or lot line and the nearest part of a building or structure on a lot as prescribed in Chapter 214 unless otherwise specified in this LDR for specific districts. Principal buildings may not be placed within a required setback.

**SEWAGE:** See WASTEWATER.

**SEWER:** A pipe or conduit that carries wastewater or stormwater.

**SEWER TAP FEE:** A fee assessed to new users of the City wastewater system to provide the funds necessary for operation and maintenance of the system and to renew, extend and/or improve the system where said renewals, extensions and/or improvements are necessitated by the reduced available wastewater system capacity caused by the new users' demands.

**SHELTER, HOMELESS:** See Transitional Housing Facility.

**SHOPPING CENTER or PLANNED CENTER:** One or more commercial land uses or establishments developed under unified control, to be planned, developed, operated, and maintained as a whole, having one or more structures with appurtenant common areas.

**SHOULDER:** As used in Appendix H Standard Design and Construction Details. The portion of the roadway contiguous to the travel way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

**SIDEWALK:** See PEDESTRIAN WAY.

**SIDEWALK, SANDWICH, or A-FRAME SIGN:** See SIGN, SIDEWALK, SANDWICH, or A-FRAME.

**SIGHT DISTANCE TRIANGLE:** The area of property in the quadrant of an intersection located within a triangle formed by a diagonal line that connects two points that are each 15 feet away from the intersection of the right of way lines of two intersecting streets (or the intersection of a street and driveway). See Figure 230-1.

**SIGN:** Any identification, description, illustration, display, symbol, statue or device, illuminated or non-illuminated, which is visible from any public place designed to advertise, identify or convey information, including any device seen from adjacent property, right of ways or streets used for the purpose of attracting the public's attention. For the purpose of removal, "sign" shall also include all sign structures.

**SIGN, ABANDONED:** A sign (including sign structure) is abandoned if it is located on a parcel that was previously occupied, but the use has been discontinued or all buildings on the parcel containing the sign have been vacated for a period exceeding 6 months and no building permit or interior finish permit has been issued for the parcel during that 6 month period.

**SIGN, ANIMATED:** Any sign of which all or any part thereof visibly moves or imitates movement in any fashion whatsoever; and any sign which contains or uses for illumination any light(s) or lighting device(s) which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically.

**SIGN AREA:** The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is



## City of Valdosta Land Development Regulations

placed, excluding the necessary supports or uprights on which the sign is placed; provided, however, that any frame or border or open space contained within the outer limits of the display face shall be included in the computation of the area of the sign whether this open space is enclosed or not by a frame or border. For projecting or double-faced signs, only one (1) display face shall be measured in computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is sixty (60) degrees or less, provided that it is a common attached structure. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

**SIGN, BUILDING:** Any sign attached to any part of a building, as contrasted to a freestanding sign.

**SIGN, BENCH:** A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

**SIGN, CANOPY:** A sign that is a part or attached to the front, side or top of a canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**SIGN, CONSTRUCTION:** Any sign that is placed at a construction site that has received development plan approval.

**SIGN, DILAPIDATED:** Any sign that is structurally unsound or potentially dangerous or any sign face that is illegible due to damage or lack of maintenance that is not repaired to meet City codes within 30 days after written notification to the property owner or sign owner by the Community Development Department.

**SIGN, ENTRANCE:** A type of ground sign placed at the vehicular entrance or exit of an office park, institutional use, industrial park, apartment development, shopping center or platted subdivision development where it accesses an external public roadway and located within the platted portion of the subdivision.

**SIGN, FACE:** The portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

**SIGN, FREESTANDING:** Any sign which is independent from any building or other structure and is entirely supported by structures that are permanently placed on or in the ground.

**SIGN, HIGH-RISE IDENTIFICATION:** a sign located in the I-75 corridor that is authorized by permit in the rear-yard setback of a parcel zoned for commercial or industrial uses and subject to the requirements of Section 230-11(b).

**HISTORIC SIGN:** Any animated neon sign over 30 years old, any existing barber pole or any other sign so designated by the Historic Preservation Commission. Extensions, additions and embellishments are not considered part of a historic sign.

**SIGN, ILLUMINATED:** A sign which contains an internal source of light or which is designed or arranged to reflect light from an artificial source.

**SIGN, MANSARD:** Any sign attached to or erected within 12 inches of an actual or simulated mansard of a building, with the sign face parallel to the building surface. Since the sign is to be mounted parallel to and within the limits of the building, it is not deemed to be a roof sign.

**SIGN, MONUMENT:** A freestanding sign other than a pole sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick or stone and with a frame within which advertising panels are contained.

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**SIGN, MUNICIPAL:** Any sign erected on city-owned property with the consent of the City.

**SIGN, NON-CONFORMING:** Any advertising device or sign, including sign structures, which was lawfully erected and maintained prior to the effective date of the enactment or amendment of the LDR but that does not meet all the requirements and restrictions of the Chapter 230.

**SIGN, NUMBER:** For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting sign or freestanding sign with identical copy on both sides (faces) of the sign and both sign faces being less than 36 inches apart, shall be construed as a single sign.

**SIGN, PAINTED WALL:** A wall sign applied to a building with paint and that does not have a separate support structure.

**SIGN, PERMANENT:** A sign permanently affixed to a building or to the ground.

**SIGN, POLE:** A sign that is mounted on a freestanding pole, pylon or other support so that the bottom edge of the sign face is three feet or more above grade and is independent of any other structure.

**SIGN, PORTABLE:** Any sign supported by its own frame or trailer, with or without wheels, which is designed to be transported from one place to another. This does not include typical sandwich or A-frame signs.

**SIGN, PROJECTING:** A sign attached within 12 inches of the face of any roof-like structure that is attached to and projecting beyond the wall of a building.

**SIGN, PUBLIC INTEREST:** Sign in the public interest, erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.

**SIGN, READER BOARD:** A sign that is capable of changing the position or word messages or other displays manually on the face of the sign.

**SIGN, ROOF:** Any sign erected, constructed, and maintained wholly upon or over the roof of any building and projecting above the roof line.

**SIGN, SIDEWALK, SANDWICH, or A-FRAME:** A sign which is normally in the shape of an "A" or some variation thereof and which is usually two-sided. This includes a sign mounted on an easel.

**SIGN, SNIPE:** A sign of any material whatsoever that is attached in any way to a utility pole, tree, fence, rock, or any other similar object located on public or private property.

**SIGN, STRUCTURE:** Any structure which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

**SIGN, SUSPENDED:** A rigid sign that is suspended from the underside of a canopy, awning, overhang, balcony, eave, soffit, trellis, or ceiling that is perpendicular to the wall surface of a building intended to be viewed by those who pass below it.

**SIGN, UNLAWFUL or ILLEGAL:** Any sign erected without a permit when a permit for the sign was otherwise required by this ordinance or previously adopted ordinance or code; or a permitted sign which has not been properly erected in accordance with its permit application and approved sign permit; or an

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otherwise lawful and permitted sign which has become hazardous or a nuisance to the public due to poor maintenance, dilapidation, or abandonment, and so declared by the City.

**SIGN, WALL:** Any sign affixed or attached to a wall of a building, extending no more than 12" beyond the wall and which displays only one sign surface.

**SIGN, WINDOW:** Any sign, excluding identification and incidental signs, placed inside or upon a window, and intended to be seen from the exterior. The term does not include merchandise included inside the window.

**SIGNIFICANT RECHARGE AREAS:** As used in Chapter 324 Environmental Planning Criteria. Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

**SINGLE-FAMILY DWELLING:** See DWELLING, SINGLE-FAMILY

**SINGLE FAMILY UNIT or SFU:** As used in Chapter 336 Stormwater Utility. The average impervious area of a single-family detached residential dwelling unit located within the City as periodically determined and established as provided in Chapter 336 Stormwater Utility. SFU rate means the dollar value periodically determined and assigned to each SFU as a charge for stormwater services and expressed as a dollar value per SFU per month.

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

**SITE:** As used in Chapter 310 Stormwater Management. The parcel of land being developed, or the portion thereof, on which the development project is located.

**SITE-BUILT HOME:** A dwelling unit constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with the International Residential Code (IRC).

**SNIPESIGN:** See SIGN, SNIPESIGN.

**SOIL AND WATER CONSERVATION DISTRICT APPROVED PLAN:** As used in Chapter 306 Soil Erosion and Sedimentation Control. An erosion and sedimentation control plan approved in writing by the Alapaha Soil and Water Conservation District

**SOIL COMPACTION:** A change in soil physical properties which includes an increase in soil weight per unit volume, and a decrease in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight.

**SOIL EROSION AND SEDIMENTATION CONTROL:** See Chapter 306 Soil Erosion and Sedimentation Control.

**SOLID WASTE:** Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or byproduct material as defined by the federal Atomic Energy Act of 1954, as amended. (O.C.G.A., Section 12.8-22(33)).

**SOLID WASTE HANDLING:** The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

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**SOLID WASTE HANDLING FACILITY:** Any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste as approved by Department of Natural Resources.

**SOLID WASTE TRANSFER STATION/MATERIALS RECOVERY FACILITIES:** Any facility that the primary purpose is the collection, temporary storage, or transportation, or any combination thereof, of municipal solid waste (defined as solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks, and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, day use recreation areas, and commercial establishments, but does not include solid waste from mining, agricultural or silvicultural operations, or industrial processes or operations, per the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.) and that may provide for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

**SPECIAL EVENTS:** Events of a temporary nature including; outdoor meetings, auctions, bake sales, car washes, yard sales from other than residential properties, carnivals, special outdoor entertainment and similar activities which are not part of the property's normal use and which are not otherwise permitted on the site. Outdoor displays or sales accessory to an established retail use are not considered special events.

**SPECIFIED ANATOMICAL AREAS:** Shall include any of the following: (a) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola, or (b) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Shall include any of the following: (a) Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism; or (b) clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or (c) use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or (d) fondling or touching of nude human genitals, pubic regions, buttocks or female breasts; or (e) masochism, erotic or sexually oriented torture, beating or the infliction of pain; or (f) erotic or lewd touching, fondling or other sexual contact with an animal or human being; or (g) human excretion, urination, menstruation, vaginal or anal irrigation.

**SPECIMEN TREE:** Any tree designated by the City Arborist for preservation because of its rarity, aesthetic value, historical value, botanical importance, or size (See Section 328-24). The City Arborist in certifying shall use the following criteria:

1. **Size Criteria:** All canopy trees that are 16" DBH or larger, Longleaf Pine and Spruce Pine that are 10" or larger, and Live Oaks or Magnolias (grandiflora) that are 14" or larger. All small species 6" DBH or larger.

**STABILIZATION:** As used in Chapter 306 Soil Erosion and Sedimentation Control. 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.

**STAND ALONE CONSTRUCTION PROJECT:** Construction activities that are not part of a common development where the primary permittee chooses not to use secondary permittees.

**STANDARD DESIGN AND CONSTRUCTION DETAIL DRAWINGS:** As used in Standard Specifications for Construction. Drawings of standard structures that are approved by the City Engineer for use in the City of Valdosta. See Appendix H.

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**STANDARDS AND SPECIFICATIONS:** The City of Valdosta Standard Specifications for Water and Sewer Construction, Reclaimed Water Construction, and other related documents as amended from time to time and adopted by the City of Valdosta.

**START OF CONSTRUCTION:** See CONSTRUCTION, START OF.

**STATE:** State of Georgia.

**STATE GENERAL PERMIT:** As used in Chapter 306 Soil Erosion and Sedimentation Control. 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 authority to implement the same through federal delegation under the Federal Water Pollution Control Act as amended 33 U.S.C. Section 1251 et. seq. and subsection (f) of Code Section 12-5-30.

**STATE WATERS OR WATERS OF THE STATE:** As used in Chapter 306 Soil Erosion and Sedimentation Control. 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 the State, which are not entirely confined and retained completely upon the property of a single individual partnership or corporation.

**STORAGE TANK, BULK:** An above ground container used for the storage of large volumes of liquids, solids or gases, which may or may not include such flammable materials as petroleum.

**STORM DRAIN:** A drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.

**STORM SEWER SYSTEM:** Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

1. Publicly owned or maintained.
2. Not combined with sanitary sewer.
3. Not part of a publicly owned treatment works.

**STORM SHELTER:** A structure or portion of a structure intended to provide protection to human life during periods of danger from storms or other emergencies.

**STORMWATER or STORMWATER RUNOFF:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORMWATER BETTER SITE DESIGN:** Non-structural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for non-structural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

**STORMWATER DRAINAGE SYSTEM:** The system of publicly or privately owned or operated rivers, creeks, ditches, drainage channels, pipes, basins street gutters, and lakes within the city through which, or into which, stormwater runoff, surface water, or subsurface water is conveyed or deposited.

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**STORMWATER MANAGEMENT:** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

**STORMWATER MANAGEMENT, ON-SITE:** The design and construction of a facility or facilities necessary to control stormwater runoff within and for a single development.

**STORMWATER MANAGEMENT, REGIONAL:** The design and construction of a facility necessary to control storm water runoff; whether within or outside of a development, and serving one or more developments.

**STORMWATER MANAGEMENT CHARGE:** As used in Chapter 336 Stormwater Utility. The charge authorized by state law and Chapter 336 which is established to pay operations and maintenance, extension, replacement, and debt service of the stormwater drainage system.

**STORMWATER MANAGEMENT FACILITY:** Any infrastructure that controls or conveys stormwater runoff.

**STORMWATER MANAGEMENT FACILITY, OFF-SITE:** Any facility outside the project boundary that is or will be used for transporting and managing of storm water runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools. Easements for the purpose of transporting and managing of storm water runoff shall be obtained for any off-site facility with prior approval obtained from the City Engineer.

**STORMWATER MANAGEMENT FACILITY, ON-SITE:** Any facility within the project boundary used for the purpose of transporting or managing stormwater runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

**STORMWATER MANAGEMENT FACILITY, REGIONAL:** As used Chapter 310 Stormwater Management. Stormwater management facilities designed to control storm water runoff from multiple properties where the owners or developers of the individual properties may assist in the financing of the facility and the requirement for on site controls is either eliminated or reduced.

**STORMWATER MANAGEMENT MANUAL:** The Georgia Stormwater Management Manual is presumed to be the latest edition as defined on the Georgia Stormwater Management Manual website at [www.georgiastormwater.com](http://www.georgiastormwater.com). Updates, errata and revisions will be provided on the website.

**STORMWATER MANAGEMENT MEASURE:** Any stormwater management facility or non-structural stormwater practice.

**STORMWATER MANAGEMENT PLAN:** A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of Chapter 310 Stormwater Management.

**STORMWATER MANAGEMENT SYSTEM:** The entire set of structural and non-structural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

**STORMWATER RETROFIT:** A stormwater management practice designed for a currently developed site that had previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

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**STORMWATER MANAGEMENT UTILITY OR UTILITY:** As used in Chapter 336 Stormwater Utility. The enterprise fund utility created by Chapter 336 Stormwater Utility to operate, maintain, and improve the system and for such other purposes as stated in that chapter.

**STORMWATER MANAGEMENT UTILITY SYSTEM OR SYSTEM:** As used in Chapter 336 Stormwater Utility. The existing stormwater management facilities, stormwater drainage system, and flood protection system of the city and all improvements thereto which, are constituted as the property and responsibility of the utility to be operated as an enterprise fund, to among other things, conserve water, control discharges and flows necessitated by rainfall events, and incorporate methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quality and quantity of discharge from such system.

**STORY:** That portion of a building having a height greater than six feet between the surface of the floor occupied and the ceiling above it, not including cellars, basements, mechanical rooms and parking floors that do not extend more than 3 feet above finished grade or mechanical rooms, tanks or structures not designed for occupancy that are placed on the roof of a building and occupying less than 10 percent of the area of the floor below.

**STREAM:** Any waterway, beginning at either: the location of a spring, seep, or groundwater outflow that sustains stream flow; or a point in the stream channel with a drainage area to that point of 25 acres or more.

**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 way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley or other way.

**STREET, CENTERLINE OF:** A line that is halfway between the right-of-way lines of a street.

**STREET, DEAD END:** A street that must be exited at the same point as is entered but not a cul-de-sac.

**STREET, HALF:** A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

**STREET, PRIVATE:** Any privately owned and maintained access way serving two or more lots or parcels that is intended to provide access for motorized vehicles, including safety and emergency equipment, that is not dedicated to the city or maintained by the city and that meets the provisions of Section 332-7.

**STREET, PUBLIC:** See ROAD, PUBLIC.

**STREET, STUB:** An extension of the right-of-way of a street in a subdivision extending to the property boundary of the tract being developed and intended to provide continuity of the street pattern between subdivisions or between the individual phases of the same subdivision.

**STREET CLASSIFICATIONS:** Streets are classified according to the latest Federal Functional Classification System for the City of Valdosta. See Section 332-1.

**STREET FRONTAGE:** The width in linear feet of a lot or parcel where it abuts the right-of-way of any public street.

## City of Valdosta Land Development Regulations

**STREET JOG:** The incidence where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

**STREET YARD:** Area adjacent to a street right-of-way that is required to be landscaped in accordance with Section 328 of this LDR.

**STRUCTURAL EROSION AND SEDIMENTATION 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 rip-rap, sediment basins, dikes, level spreaders, waterways or outlets diversions, grade stabilization structures, sediment traps, and land grading etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*. See Chapter 306 Soil Erosion and Sedimentation Control.

**STRUCTURAL STORMWATER CONTROL:** As used Chapter 310 Stormwater Management. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

**STRUCTURE:** Any fixed object that is constructed or erected on the ground or attached to something on the ground, including, but not limited to, towers and walled or roofed buildings, but not including driveways, flags and flag poles, fences, retaining walls, basketball goals, tents, balloons or vehicles.

**STRUCTURE:** As used in Chapter 320 Flood Damage Prevention. A walled and roofed building that is principally above ground, including a sign, a manufactured home, a gas or liquid storage tank.

**STRUCTURE, ACCESSORY:** A structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Where a structure is attached to the main building in a substantial manner, as by a wall, such structure shall be considered part of the main building.

**STRUCTURE, ACCESSORY:** As used in Chapter 320 Flood Damage Protection. A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

**STRUCTURE, FLOOD-PRONE:** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

**STRUCTURE, OCCUPIED:** A building with one or more rooms intended for use by humans for dwelling, commerce, industry, or public services, and including buildings intended for the installation, storage, or use of equipment, merchandise, or machinery related to such use, subject to regulations and permitting procedures of the LDR.

**SUBBASE:** One or more layers of specified material used in a pavement system between the sub-grade and the base course of pavement.

**SUBDIVIDER:** Any person, firm, corporation or duly authorized agent or other legal entity who undertakes the subdivision of land as defined in this chapter.

**SUBDIVISION:** The division of one or more lots of record lawfully in existence at the time of enactment of the LDR into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land whether or not they involve a new street or a change in existing streets, and includes re-subdivision, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.



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**SUBDIVISION PLAT:** A drawing prepared by a land surveyor currently registered in the State of Georgia indicating a proposed division of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose of sale, legacy, gift or division in kind, or building or other development.

**SUBGRADE:** Generally applying to the material or top surface thereof, immediately below pavement systems and shoulders, slope paving, approach slabs, and other similar items.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. Market value may be determined from tax appraisal or other estimate provided by a certified professional appraiser.

**SUBSTANTIAL DAMAGE:** As used in Chapter 320 Flood Damage Prevention. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. Market value may be determined from tax appraisal or other estimate provided by a certified professional appraiser.

**SUBSTANTIAL IMPROVEMENT:** As used in Chapter 320 Flood Damage Prevention. Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the "start of construction" of the improvement. NOTE: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**SUBSTANTIAL IMPROVEMENT:** As used in Chapter 328 Landscape, Buffers and Screening. Substantial improvements are defined as repair, reconstruction, alterations, or improvements to existing structures in which the cost thereof exceeds twenty-five percent (25%) of the ad valorem tax value as established by the current digest at the time the proposed improvements are begun or contemplated.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** As used in Chapter 320 Flood Damage Prevention. The repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

**SURFACE WATER:** Waters of the state located on the ground surface such as lakes, reservoirs, rivers, streams and creeks.

**SUSPENDED SIGN:** See SIGN, SUSPENDED.

**SUSPENDED SOLIDS OR TOTAL SUSPENDED SOLIDS OR TSS:** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

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**SWIMMING POOL:** A facility designed and intended for water contact activities that serves the public, a club or other membership-based organization.

**SWIMMING POOL, HOME:** A facility designed and intended for water contact activities that serves a single-family dwelling.

**TALL STRUCTURE:** As used in Chapter 218, Article 4 Telecommunications Facilities. Any man-made structure exceeding twenty-five (25) feet in height and used to support an antenna or other telecommunications device.

**TAX ASSESSOR:** Lowndes County Board of Tax Assessors.

**TELECOMMUNICATIONS TOWER or TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers and monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular communications towers, alternative tower structure, but not including amateur radio antennas.

**TEMPORARY ADVERTISING DEVICE:** Banners, streamers, pennants, balloons, and similar advertising devices used during special events on private property.

**TEMPORARY BUILDING:** A structure without any foundation or footings that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. See Section 218-13.

**TEMPORARY USE:** Land uses established for a limited duration with the intent to discontinue such use within a designated time period.

**TEMPORARY USE, ACCESSORY:** A use meeting the definition of an accessory use, building or structure that is established for a limited duration with the intent to discontinue such use within a designated time period. See Chapter 218.

**TEMPORARY USE, COMMERCIAL RETAIL:** Commercial uses, established by administrative approval for a period of not longer than 60 days. See Section 218-13.

**TENT:** A temporary structure or shelter having a roof and one or more sides made of fabric or other pliable materials.

**TETHER:** Fastened to the ground or a stationary object by a rope, chain, or the like.

**THROUGH LOT:** See LOT, DOUBLE FRONTAGE.

**TIMBER HARVESTING:** The felling, loading, and transporting of timber products for gain. The term "tree harvesting" includes forestry, silviculture, selective tree harvesting, and thinning of trees as prescribed by Best Management Practices of the Georgia Forestry Commission. See Section 328-37.

**TOTAL ANNUAL REVENUE REQUIREMENTS:** As used in Chapter 336 Stormwater Utility. The total amount of revenue required in one year to meet all expenditures incurred during that year for the financing of construction and for the operations and maintenance, including administration and renewal and replacement funding, of the stormwater drainage system, including facilities for the collection, transportation, and treatment of stormwater, and of the flood control protection system, including river levees and stormwater pumping stations.

**TOWNHOUSE:** A single-family dwelling unit that is erected in a row as part of a single building consisting of two or more dwellings on adjoining lots, each being separated from the adjoining unit or

## City of Valdosta Land Development Regulations

units by an approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.

**TOWER/ANTENNA OWNER:** As used in Chapter 218, Article 4 Telecommunications Facilities. The owner of the physical tower structure and/or lessee of such tower.

**TRACT:** A portion of land with definite and ascertainable limits or boundaries.

**TRAIL, BIKE:** See TRAIL, MULTIUSE.

**TRAIL, MULTI-USE:** a corridor designed for one or more alternative forms of transportation including pedestrians, joggers, skaters, and slow-moving vehicles such as strollers, bicycles and golf carts.

**TRANSITIONAL HOUSING FACILITY:** A building or buildings in which is provided long-term but not permanent living accommodations for one or more persons who have no permanent residence and are in need of long-term housing assistance, and in which may also be provided meals and social services including counseling and substance abuse recovery assistance.

**TRAVEL TRAILER:** See RECREATIONAL VEHICLE.

**TREE:** Any self-supporting, woody perennial plant usually having a single trunk diameter of 1-½ inches or more which normally attains a mature height of a minimum of ten feet.

**TREE CANOPY:** The perimeter formed by the outer edge of the branches and leaves of a tree.

**TREE DENSITY FACTOR:** A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.

**TREE INVENTORY:** A listing and designation of all trees with a six (6) inch DBH or larger on a map or survey drawn to scale. See Chapter 328 Landscape, Buffers and Screening.

**TREE PRESERVATION AND REPLACEMENT PLAN:** A drawing which depicts the boundaries and dimensions of a given lot or lots for which a land disturbance permit or building permit is sought and which includes all of the information required in Section 302-63 and Section 328. Article 2.

**TREE PROTECTION ZONE, ACTIVE:** The area beneath the tree's canopy (critical root zone) to be protected in construction area by fencing. See Chapter 328 Landscape, Buffers and Screening.

**TREE PROTECTION ZONE, PASSIVE:** The area beneath the tree's canopy (critical root zone) in areas adjacent to construction to be protected by flagging. See Chapter 328 Landscape, Buffers and Screening.

**TREE REMOVAL:** The unauthorized intentional or negligent killing of trees on a parcel of land. Such acts shall include but not be limited to cutting of trees, to damage inflicted upon the root system of a tree or trees by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unauthorized alteration of natural physical conditions, including drainage patterns.

**TREE REPLACEMENT:** The replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by these regulations.

**TREE SAVE AREA:** An area consisting of a group of trees designated to be preserved. See Chapter 328 Landscape, Buffers and Screening.

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**TREE TOPPING:** Any pruning practice that results in any of the following:

1. Disfigurement of the normal shape of the tree; or
2. Removal of more than one-half of the tree foliage and limbs; or
3. Cutting back of limbs to stubs larger than three inches in diameter within the tree's crown.

This definition does not apply to pruning trees that obstruct public visibility of an intersection, or to trees that are severely damaged by storms or other causes where the City Arborist determines that other pruning practices are impractical.

**TRUCK, HEAVY:** Trucks, including truck tractors and similar vehicles with two or more rear axles.

**TRUCK, LIGHT:** Trucks and similar vehicles with single rear axles.

**TRUCK STOP:** A use that includes any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of heavy trucks and similar commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products primarily for such heavy trucks and similar commercial vehicles, as well as overnight accommodations, showers, overnight customer parking or restaurant facilities for the use of crews of heavy trucks and similar commercial vehicles.

**TRUCK TERMINAL:** Shall mean a principle use of land for trucking operations where there are dock facilities, either partially enclosed or unenclosed, for the purposes of transferring goods or breaking-down and assembling tractor-trailer transport. Not included in this definition are warehouse and similar facilities used primarily for freight forwarding and the deposit, storage or safekeeping of goods.

**UNDER CANOPY SIGN:** See SIGN, UNDER CANOPY.

**UNDEVELOPED PROPERTY:** As used in Chapter 336 Stormwater Utility. Real property that has no impervious surface.

**UNLAWFUL OR ILLEGAL SIGN:** See SIGN, UNLAWFUL OR ILLEGAL. **USE:** The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**USE, ACCESSORY:** A use of land or 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 such principal use.

**USER, WASTEWATER:** Any person, who contributes, causes or permits the contribution of wastewater into the City wastewater system.

**UTILITIES DEPARTMENT:** The City of Valdosta Utilities Department.

**UTILITIES DIRECTOR:** The City of Valdosta Director of Utilities, or his or her designee.

**UTILITY:** Public or private water, stormwater, or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, railroads, similar services and all equipment and structures necessary to provide such services for utilities licensed or authorized to serve the City of Valdosta.

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**UTILITY SERVICE AREA:** As used in Chapter 328 Landscape, Buffers and Screening. An area which contains any surface mounted HVAC equipment or freestanding above-ground devices, such as utility boxes, booster boxes, switch boxes and transformers that are part of an underground utilities system.

**VARIABLE MESSAGE BOARD:** An electronically programmable sign that provides changing information more often than once per one hour period.

**VARIANCE:** A grant of relief of the terms of Title 2 pursuant to Section 238-9 that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

**VARIANCE:** As used in Chapter 320 Flood Damage Prevention. A grant of relief from the requirements of this Chapter 320 which permits construction in a manner otherwise prohibited by that Chapter.

**VARIANCE, ADMINISTRATIVE:** A grant of relief of the terms of Title 2 that is subject to review and action by the Department pursuant to Section 238-14.

**VEGETATIVE EROSION AND SEDIMENTATION CONTROL MEASURES:** As used in Chapter 306 Soil Erosion and Sedimentation Control. 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.
2. Temporary seeding, producing short-term vegetative cover.
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 published by the Georgia Soil and Water Conservation Commission.

**VEHICLE:** A mechanical device with wheels or treads for transporting people and/or loads. Vehicles include automobiles, motorcycles, trucks, cranes, earth moving equipment, trailers, and other similar conveyances.

**VEHICLE, COMMERCIAL:** A vehicle greater than 30 feet in length with six or more wheels, including the cab portion of a tractor-trailer with or without the trailer, but not including light duty delivery trucks, motor homes, travel trailers, or school buses.

**VEHICULAR USE AREA:** As used in Chapter 328 Landscape, Buffers and Screening. Any ground surface area, paved or unpaved, excepting public right-of-way used by any type of vehicle, whether moving or at rest for the purpose of, including but not limited to, driving, parking, loading, unloading, storage or display, such as, but not limited to, new and used car lots, activities of a drive-in nature in connection with banks, restaurants, service stations, grocery and convenience stores.

**VENDING CART:** Any box or container with wheels that is not propelled or moved by an engine. Trailers of any type are not vending carts.

**VENDING STAND:** Any table, equipment or apparatus which is not a structure, which is designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display and accessory advertising of merchandise or food.

**VENDING TRAILER:** An occupiable trailer built on a single chassis with wheels, a roof and at least one service window, that is not self-propelled and is designed to be permanently towable by a light duty truck.

**VIOLATION:** As used in Chapter 320 Flood Damage Prevention. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance

## City of Valdosta Land Development Regulations

required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**VISUAL QUALITY:** As used in Chapter 218, Article 4 Telecommunications Facilities. The appropriate design arrangement and location of tower and /or antenna structures in relation to the built or natural environment to avoid abrupt or sever differences.

**WALL, BREAKAWAY:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**WALL, FOUNDATION:** A wall constructed on footings or piers and designed to bear the load of a building or major structure.

**WALL, RETAINING:** A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion, and not used as a foundation.

**WALL FACE:** A measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

**WALL SIGN:** See SIGN, WALL.

**WASTEWATER:** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

**WASTEWATER, DOMESTIC:** Wastewater discharged into the wastewater system from domestic sources such as toilets, washing machines, dishwashers, sinks, showers and bathtubs from normal household usage.

**WASTEWATER FACILITIES:** The structures, equipment and processes required to collect, carry away and treat domestic and non-domestic wastewater and to dispose of the effluent.

**WASTEWATER TREATMENT SYSTEM:** A system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system.

**WATER RESOURCE DISTRICT:** As used in Chapter 324 Environmental Planning Criteria. A mapped area, which imposes a set of requirements and/or specific development standards or sue restrictions.

**WATERCOURSE:** As used in Chapter 306 Soil Erosion and Sedimentation Control. 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.

**WATER SYSTEM:** The total water treatment and distribution facilities owned and operated by the City of Valdosta, also the administrative framework which operates the facilities.

**WATERSHED:** The land area that drains into a particular stream, river, lake, or impoundment.

**WELL:** An excavation or opening into the ground by which groundwater is sought or obtained.

## City of Valdosta Land Development Regulations

**WETLANDS:** Those areas that are inundated or saturated by surface or groundwater 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 are lands transitional between terrestrial and aquatic systems and generally include swamps, marshes, bogs and, similar areas. For this purpose, wetlands must have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes; and
2. The substrate is predominantly undrained hydric soil; and
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year, or is designated by the National Cooperative Soils Survey of the Soil Conservation Service by the U.S. Department of Agriculture as designed by the National Wetlands Inventory, United States Department of the Interior, or any future approved and designated state or federal agency.

**WETLANDS, JURISDICTIONAL:** Wetlands subject to permits issued by the U.S. Army Corps of Engineers.

**WINDOW, DRIVE-THROUGH:** An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

**WINDOW SIGN:** See SIGN, WINDOW.

**WORK OF ART:** A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. See Chapter 238 Historic Preservation.

**WORKING DRAWINGS:** Any supplementary drawings or similar data which the Applicant is required to submit to the City Engineer for approval including but not limited to stress sheets, shop drawings, erection plans, false work plans, framework plans and bending diagrams for steel.

**YARD:** An open space between the lot line and the wall of the principal building, on the same lot, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except for authorized landscaping, driveways, parking, sidewalks, signs, fences, retaining walls, lighting standards, encroachments and accessory buildings that are expressly permitted.

**YARD, FRONT:** A yard extending the full width of the lot or parcel and situated between the right-of-way line of the abutting street and the front yard line of the principal building or structure.

**YARD, REAR:** A yard extending the full width of the lot or parcel and extending from the rear line of the lot to the rear yard line of the principal building or structure.

**YARD, REQUIRED:** A yard situated between a lot line or lot line and the setback line established by the zoning district for the principal building or structure.

**YARD, SIDE:** A yard extending the full depth of a lot or parcel and situated between the side yard line and side lot line of the lot or parcel and the side of the building facing such lot line.

**ZONING ADMINISTRATOR:** The Zoning Administrator of the City of Valdosta or his or her designee.

**ZONING BOARD OF APPEALS.** The Valdosta-Lowndes County Zoning Board of Appeals.

**ZONING DISTRICT:** One or more sections of the City as set forth in Title 2 and delineated and designated on the Zoning Map, within which the zoning regulations are uniform.

# City of Valdosta Land Development Regulations

ZONING MAP: The “Official Zoning Map of the City of Valdosta, Georgia” as depicted by the zoning and other related data coverages of the computerized VALOR GIS database.

## Section 106-2 Abbreviations

As used in this LDR, the following abbreviations represent the terms set forth below.

|           |   |
|-----------|---|
| ALTA      | American Land Title Act   |
| ART.      | Article   |
| BOD       | Biochemical oxygen demand   |
| CFR       | Code of Federal Regulations   |
| CFS       | Cubic Feet per Second   |
| COD       | Chemical oxygen demand  |
| CWA       | Clean Water Act   |
| dBA       | Decibels measured on an A-weighted scale of a sound meter.                            |
| DBH       | Diameter at Breast Height (trees)   |
| DCA       | The Georgia Department of Community Affairs   |
| DHR       | The Georgia Department of Human Resources.  |
| DNR       | The Georgia Department of Natural Resources   |
| DRI       | Development of Regional Impact  |
| DSS       | Domestic Sewage Study   |
| EPA       | U.S. Environmental Protection Agency  |
| EPD       | The Environmental Protection Division of the Georgia Department of Natural Resources. |
| FAA       | The Federal Aviation Administration   |
| FCC       | The Federal Communications Commission   |
| FEMA      | The Federal Emergency Management Agency   |
| FHBM      | Flood Hazard Boundary Map   |
| FIRM      | Flood Insurance Rate Map  |
| FIS       | Flood Insurance Study   |
| GA.CONST. | Georgia Constitution  |



## City of Valdosta Land Development Regulations

|          |  |
|----------|--|
| GASWCC   | The Georgia Soil and Water Conservation Commission   |
| GDOT     | Georgia Department of Transportation   |
| GFA      | Gross Floor Area   |
| GLPC     | Greater Lowndes Planning Commission  |
| HGL      | Hydraulic Grade Line   |
| HPC      | Valdosta Historic Preservation Commission  |
| IRF      | Intermediate Regional Flood  |
| l        | Liter  |
| LDR      | Land Development Regulations   |
| Ldn      | Day-Night Average Sound Level  |
| mg       | Milligrams   |
| mg/l     | Milligrams per liter   |
| MRPA     | Metropolitan River Protection Act  |
| MUTCD    | Manual on Uniform Traffic Control Devices  |
| NA       | Not applicable   |
| NAICS    | North American Industry Classification System  |
| N.E.     | Northeast  |
| N.W.     | Northwest  |
| NOI      | Notice of Intent of coverage under General NPDES Permit for Construction Activities.               |
| NOT      | Notice of Termination to be covered under General NPDES Permits for Construction Activities.       |
| NPDES    | National Pollutant Discharge Elimination System  |
| NTU      | Nephelometric Turbidity Units  |
| O.C.G.A. | Official Code of Georgia Annotated   |
| O&M      | Operation and Maintenance  |
| OSHA     | Occupational Safety and Health Administration  |
| P.E.     | Professional Engineer  |
| pH:      | The logarithm (base 10) of the reciprocal of the molar concentration of hydrogen ions in solution. |

## City of Valdosta Land Development Regulations

|        |   |
|--------|---|
| PIRT   | Pretreatment Implementation Review Task Force                               |
| POTW   | Publicly owned treatment works  |
| psi    | Pounds per square inch  |
| SDR    | Sight distance required for vehicle approaching from right side of driveway |
| SDL    | Sight distance required for vehicle approaching from left side of driveway  |
| S.E.   | Southeast   |
| SFU    | Single-Family Unit  |
| S.W.   | Southwest   |
| SIC    | Standard Industrial Classification  |
| TSS    | Total suspended solids  |
| USGS   | United States Geological Survey   |
| U.S.C. | United States Code  |
| ZBOA   | Zoning Board of Appeals   |

# City of Valdosta Land Development Regulations

## Chapter 110 Enforcement and Penalties

### Section 110-1 Violations of the LDR

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use of any land in the City, or cause the same to be done, contrary to or in violation of the provisions of the LDR.

### Section 110-2 Inspections and Right of Entry

Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Director may enter during all reasonable hours, or outside reasonable hours in the event of an emergency threatening life or property, any property for the purpose of making inspections to determine compliance with the provisions of the LDR.

### Section 110-3 Inspection Warrants

The Director, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this Section. The warrant shall authorize such City representatives to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, as follows:

- (A) Inspection warrants may be issued by the Municipal Court or other court having jurisdictional authority, when the issuing judge is satisfied that all of the following conditions are met:
  - (1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance related to specific requirements of the LDR or the Standards and Specifications which legally justifies such an inspection of that property.
  - (2) The issuing judge determines that the issuance of the warrant is authorized by this Section.
- (B) The inspection warrant shall be issued validly only if it meets all of the following requirements:
  - (1) The warrant is attached to the affidavit required to be made in order to obtain the warrant.
  - (2) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
  - (3) The warrant indicates the conditions, objects, activities, or circumstances related to requirements of the LDR or the Standards and Specifications which the inspection is intended to check or reveal.

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- (4) The warrant refers, in general terms, to the LDR and the Standards and Specifications provisions sought to be enforced.

### Section 110-4 Correction Notices

- (A) Whenever the Director determines that a violation of any provision of the LDR or the Standards and Specifications is taking place, or that a condition of rezoning, conditional use permit, variance, or other permit or administrative approval are not complied with, said Director may present to the owner, owner's agent, or the owner, occupier or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- (B) The notice of violation shall:
  - (1) Be in writing.
  - (2) Include a brief description of the property sufficient to identify where the violation has occurred.
  - (3) List the provisions of the LDR, the Standards and Specifications, or other ordinance of The City of Valdosta that has been violated.
  - (4) State the deadline for correction.
- (C) If the violation has not been corrected within a reasonable length of time as determined by the Director, the owner of the property on which such violation has occurred or the agent, occupier or other party responsible for the violation shall be subject to the penalties set forth in Section 110-7, provided that the Director may, at his/her discretion, extend the time for compliance with any such notice.
- (D) The Director also shall have the authority to issue a warning notice prior to issuance of a notice of violation for any violation set forth in Section 110-4(A) of this LDR. A warning notice shall be discretionary when circumstances warrant such action in the opinion of said Director and shall under no circumstances be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in Section 110-4(B) of this LDR. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by said Director, said Director may proceed with a notice of violation or other authorized enforcement action.

### Section 110-5 Stop Work Orders and Revocations

Whenever any building, structure, or premises is being developed, demolished, expanded, renovated, constructed, used, or occupied contrary to the provisions of the LDR or the Standards and Specifications, or the public interest is otherwise threatened in a manner requiring immediate action, the Director may order the work stopped and said stop work order shall be posted on the property and delivered or mailed to the owner or person performing said unlawful work. The Director also may revoke any permit or certificate of occupancy for any land, building or structure that is being constructed, used or occupied in violation of any provision of the LDR or the Standards and Specifications in order to protect the health, safety and general welfare of the residents of the City.

# **City of Valdosta Land Development Regulations**

## **Section 110-6 Other Enforcement and Penalties**

Enforcement and penalty provisions set forth elsewhere in any Chapter of the LDR or any code adopted by reference shall be applicable as therein provided and such enforcement and penalties may be applied in addition to those enforcement and penalty provisions available in this Chapter 110.

## **Section 110-7 Penalties for Violations**

- (A) In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of any provision of the LDR or the Standards and Specifications, the City may, after due notice to the owner of the violation, issue a citation requiring the violator to appear in the Municipal Court of The City of Valdosta.
- (B) The owner of any buildings or premises or parts thereof, where anything in violation of this title exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (C) Penalties for such violations shall be in accordance with The City of Valdosta Code of Ordinances, Chapter I, Section 1-1013 entitled "General penalty, continuing violations".
- (D) Each day any violation of any provision of the LDR or the Standards and Specifications shall continue shall constitute a separate offense.

## **Section 110-8 Other Remedies and Penalties**

In addition to all other actions and penalties authorized in this Section and elsewhere in the LDR, the City may also:

- (A) Institute injunctive abatement or other appropriate judicial action or administrative proceedings to prevent, enjoin, abate, or remove any violations of the LDR or the Standards and Specifications.
- (B) Where a violation exists with respect to a structure or land, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of the LDR or the Standards and Specifications.
- (C) Revoke the business license of any entity found guilty of violating the LDR or the Standards and Specifications for a period of time not to exceed five (5) years, except to the extent prohibited by law.

# City of Valdosta Land Development Regulations

## Title 2 Land Use and Zoning

### Chapter 202 General Provisions

#### Section 202-1 Purpose

Title 2 is intended to implement the purposes set forth in Section 102-2, and further is enacted for the purposes of promoting the proper density and distribution of population and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities and other purposes in accordance with the Comprehensive Plan so as to promote the health, safety, morals, convenience, order, prosperity and general welfare of the city; lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; preventing urban sprawl, facilitating the adequate provision of transportation, sewerage, water, schools, parks and other public requirements; promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings; and encouraging the most appropriate use of land and buildings throughout the City of Valdosta.

#### Section 202-2 Authority

Title 2 is enacted pursuant to the City of Valdosta's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4 and by Article 9, Section 2, Paragraphs 1 and 3; pursuant to Chapters 66 and 70 of Title 36 of the Official Code of Georgia Annotated; by the Georgia Planning Act of 1989; by the City of Valdosta's authority to enact regulations and exercise powers granted by local laws and by the City's general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.

#### Section 202-3 Incorporation of Official Zoning Map

The "Official Zoning District Map for the City of Valdosta," hereinafter called Zoning Map, with all appendices, notations, references and other information shown thereon, shall be the official map and is incorporated by this reference and hereby made a part of Title 2 of the LDR. Said map shall show the date of its adoption, and shall be signed by the Mayor or City Clerk. Said map shall be made a public record and shall be maintained by the Community Development Department so as to show rezonings of property approved subsequent to the effective date of this ordinance, and kept permanently in the Community Development Department of the City of Valdosta, where the map or accurate reproductions thereof, will be accessible to the general public. Certified copies of said map shall be prepared by the City Clerk.

#### Section 202-4 Division of the City into Districts

For the purposes of these Land Development Regulations, the City is divided into the following districts:

|      |                                    |
|------|------------------------------------|
| E-R  | Environmental Resource District    |
| R-E  | Estate Residential District        |
| R-25 | Single-family Residential District |
| R-15 | Single-family Residential District |
| R-10 | Single-family Residential District |
| R-6  | Single-family Residential District |
| R-M  | Multi-family Residential District  |

## City of Valdosta Land Development Regulations

|     |                                      |
|-----|--------------------------------------|
| R-P | Residential Professional District    |
| O-P | Office Professional District         |
| C-N | Neighborhood Commercial District     |
| C-C | Community Commercial District        |
| C-H | Highway Commercial District          |
| C-D | Downtown Commercial District         |
| C-A | Adult Commercial District            |
| M-1 | Wholesale/Office Industrial District |
| M-2 | Manufacturing/Distribution District  |

### Section 202-5 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning Map of the City of Valdosta, the following rules shall apply:

- (A) Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street, highway, railroad right-of-way line, stream bed or river bed; such centerlines shall be construed to be such district boundaries. Streets and railroad rights-of-way or other areas on the Zoning Map which are not depicted as being part of a zoning district, shall be construed as being part of the same zoning district on both sides of said right-of-way or area. If different zoning districts are depicted on opposite sides of such right-of-way or area, then the boundary line between these zoning districts shall be construed as the centerline of such street or railroad right-of-way, or other area as applicable.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Where district boundaries are indicated on the zoning map as approximately following the corporate limit line of the City of Valdosta, then such corporate limit lines shall be construed to be such district boundaries.
- (D) Where district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries unless otherwise specifically indicated, shall be construed as being at the scaled distance from the centerline of such street, road, highway, railroad, stream, or river and as being parallel thereto.
- (E) In case the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Administrator shall make an interpretation as to the exact location of such boundary utilizing other means and best judgment. An aggrieved person or entity who disagrees with the Zoning Administrator's interpretation of a zoning district boundary, may appeal said interpretation to the Zoning Board of Appeals at a public hearing as prescribed in Section 242-8.
- (F) When a parcel is split by a zoning district boundary, each such portion of the parcel shall be used only for the uses authorized within the zoning district that each such portion is classified. However, at the discretion of the Zoning Administrator, a use may be extended across the zoning district boundary line onto a greater portion of said parcel by no more than 50 feet, provided that the encroaching use is in accordance with setbacks and buffer yard requirements of the more restrictive zoning district as applicable. Such encroachments beyond 50 feet or otherwise determined unacceptable by the Zoning Administrator, shall require an appropriate amendment to the Official Zoning Map (rezoning).

# City of Valdosta Land Development Regulations

## Section 202-6 Relationship to Comprehensive Plan

- (A) Land Use Role of the Comprehensive Plan. The Comprehensive Plan is hereby established as the official policy of the City concerning land development, under which the City of Valdosta is divided into the following Character Areas:
- (1) Park/Recreation/Conservation
  - (2) Linear Greenspace/Trails
  - (3) Established Residential
  - (4) Transitional Neighborhood
  - (5) Suburban Area
  - (6) Neighborhood Activity Center
  - (7) Community Activity Center
  - (8) Regional Activity Center
  - (9) Downtown
  - (10) Institutional Activity Center
  - (11) Industrial Activity Center
  - (12) Transportation/Communications/Utilities
- (B) Relationship between Character Areas and Zoning Districts.
- (1) The Comprehensive Plan does not change the existing zoning districts in the City, does not effectuate an amendment to the official zoning map, and does not itself permit or prohibit any existing land uses. Instead, the Comprehensive Plan establishes broad planning policy for current and future development and provides, among other things, designated categories within which only certain zoning districts may be authorized.
  - (2) The zoning districts that are permitted within each Character Area shall be restricted to those shown in the Table of Zoning Districts Permitted in Each Character Area of the Comprehensive Plan in this Section.



# City of Valdosta Land Development Regulations

**Table of Zoning Districts Permitted in Each Character Area of the Comprehensive Plan**

| <b>Comprehensive Plan Character Area</b> | <b>Permitted Zoning Districts</b>   |
|--|---|
| Parks/Recreation/Conservation            | E-R, R-E, R-25, R-15, R-10, R-6, R-M, R-P, C-N  |
| Linear Greenspace/Trails                 | E-R, R-E, R-25, R-15, R-10, R-6, R-M  |
| Established Residential                  | E-R, R-E, R-25, R-15, R-10, R-6, R-M  |
| Transitional Neighborhood                | E-R, R-25, R-15, R-10, R-6, R-M, R-P, O-P, C-N  |
| Suburban Area                            | E-R, R-E, R-25, R-15, R-10, R-6, R-M, R-P, O-P, C-N, C-C  |
| Neighborhood Activity Center             | E-R, R-6, R-M, R-P, O-P, C-N,<br><i>C-C (when property is located on a Collector or Arterial roadway)</i> |
| Community Activity Center                | E-R, R-6, R-M, R-P, O-P, C-N, C-C, C-H  |
| Regional Activity Center                 | E-R, R-M, R-P, O-P, C-C, C-H, C-A, M-1  |
| Downtown                                 | E-R, R-6, R-M, R-P, O-P, C-N, C-C, C-D  |
| Institutional Activity Center            | E-R, R-10, R-6, R-M, R-P, O-P, C-N, C-C   |
| Industrial Activity Center               | E-R, C-C, C-H, C-A, M-1, M-2  |
| Transportation/Communication/Utilities   | E-R, C-C, C-H, M-1, M-2   |

(C) Conformity of the Zoning Maps with the Comprehensive Plan. Within the various character areas described in this chapter and shown on the Future Development Map of the Comprehensive Plan, no amendment to the official zoning map shall permit a zoning district except in accordance with the districts permitted in the Comprehensive Plan character area applicable to the property to which the proposed zoning map amendment applies.

(D) Amendments to Comprehensive Plan. See Section 242-4

## **Section 202-7 Zoning Verification**

Upon request, the Planning and Zoning Administrator shall have authority to issue written zoning verifications stating the existing zoning of a particular parcel of property. Requests for verification shall be in writing, and accompanied by a fee as may be established by the Mayor and City Council

## **Section 202-8 Zoning Classification of Annexed Properties**

(A) For property to be annexed by the City of Valdosta, the subject property shall be subject to rezoning procedures consistent with Chapter 242 of this LDR except that:

- (1) In addition to the public notice requirements of Section 242-4 of this LDR, the City shall publish a notice of the public hearing as required in Section 242-4 of this LDR in a newspaper of general circulation within Lowndes County; and
- (2) The public hearing required by Section 242-4 (Rezoning) of this LDR shall be conducted prior to the annexation of the subject property into the City; and
- (3) The final vote of the Mayor and City Council to rezone the property shall take place prior to adoption of the annexation ordinance or resolution or the effective date of the annexation, but

## City of Valdosta Land Development Regulations

no sooner than the date of notice of the proposed annexation is provided to Lowndes County as required by O.C.G.A. Section 36-36-6.

(4) The zoning classification approved for the subject property shall become effective on the later of:

- (a) The date the zoning is approved by the City;
- (b) The date the annexation becomes effective;
- (c) Where Lowndes County has interposed an objection pursuant to O.C.G.A. Section 36-36-11, the date provided for in paragraph (8) of subsection (b) of said Section 36-36-11, O.C.G.A.

(B) The approval of zoning of an annexed parcel by the Mayor and City Council, as provided in subsection (a) of this section shall concurrently amend the Future Development Map of the Comprehensive Plan to the most appropriate Character Area designation with respect for the subject property. The designation of the appropriate Character Area for the annexed parcel shall be made by the Planning and Zoning Administrator.

### **Section 202-9 Enforcement and Penalties**

The provisions of Title 2 of the LDR shall be administered and enforced by the Planning and Zoning Administrator, except as to those limited code enforcement duties assigned to the City Marshals. The Community Development Director shall have authority to revoke, suspend, or void any development permit, building permit, or certificate of occupancy and shall have authority to immediately suspend all work on a site or portion thereof that is in violation of Title 2 pursuant to LDR Chapter 110, or any related section of the LDR.

# City of Valdosta Land Development Regulations

## Chapter 206 Base Zoning Districts

### Section 206-1 Standards for Uses, Structures, and Property Development

- (A) Principal Uses and Structures. Principal uses and structures permitted in each base zoning district are as listed in Section 218-1 Table of Permitted Uses. In some instances, additional requirements and limitations on principal uses and structures are contained in the individual sections addressing each zoning district contained in this Chapter.
- (B) Accessory Uses and Structures. Accessory uses and structures shall be permitted in each base district in accordance with Section 218-1 Table of Permitted Uses and provisions detailed in Section 218-7 Accessory Use Standards of the LDR. In some instances, additional requirements and limitations on accessory uses and structures are contained in the individual sections addressing each zoning district contained in this Chapter.
- (C) Conditional Uses. Conditional Uses may be permitted in each base zoning district in accordance with Section 218-1 Table of Permitted Uses. Conditional Uses shall be subject to approval of a Conditional Use Permit and subject to the additional use standards established in Section 218-13 of the LDR. In some instances, additional requirements and limitations on conditional uses are contained in the individual sections addressing each zoning district contained in this Chapter.
- (D) Property Development Standards for Residential Districts. Property in the E-R, R-E, R-25, R-15, R-10, R-6, R-M, and R-P Districts may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 1 Development Standards for Residential Zoning Districts, and Table 3 Minimum Heated Floor Area of Residential Uses. In some instances, additional development standards are contained in the individual sections addressing the residential zoning districts contained in this Chapter.
- (E) Property Development Standards for Non-Residential Districts. Property in the E-R, O-P, C-N, C-C, C-H, C-D, C-A, M-1, and M-2 Districts may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 2 Development Standards for Non-Residential Zoning Districts. In some instances, additional development standards are contained in the individual sections addressing the non-residential zoning districts contained in this Chapter.
- (F) Property Development Standards for Planned Developments. Planned Developments may be approved within each of the base zoning districts in accordance with Chapter 212 Planned Development Approval. Development standards and use standards for such Planned Developments shall be in accordance with the terms and conditions of approval for such Planned Developments, or as otherwise provided for in this LDR.
- (G) Signs. Signs in base zoning districts shall be as permitted in Chapter 230 of the LDR.

### Section 206-2 E-R Environmental Resource District

- (A) Purpose. The purpose of the E-R District is to protect the natural resources of the City of Valdosta and provide for appropriate recreation and institutional uses oriented towards these natural resources.
- (B) Property Development Standards.

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(1) *Road Standards.* At the discretion of the City Engineer, local and collector streets in the E-R district may be constructed without curbs and gutters or sidewalks. See Chapter 332, Art. 1.

### **Section 206-3 R-E Estate Residential District**

- (A) Purpose. The R-E District is intended to provide for single-family detached residences at low densities.

### **Section 206-4 R-25 Single-family Residential District**

- (A) Purpose. The purpose of the R-25 District is to provide for single-family detached residences on larger lots.

### **Section 206-5 R-15 Single-family Residential District**

- (A) Purpose. The purpose of the R-15 District is to provide for single-family detached residences on moderately sized lots.

### **Section 206-6 R-10 Single-family Residential District**

- (A) Purpose. The purpose of the R-10 District is to provide for single-family detached residences on smaller lots.

### **Section 206-7 R-6 Single-family Residential District**

- (A) Purpose. The purpose of the R-6 District is to provide for an urban small lot pattern of single-family residential development.

### **Section 206-8 *Reserved***

### **Section 206-9 *Reserved***

### **Section 206-10 R-M Multi-family Residential District**

- (A) Purpose. The purpose of the R-M District is to provide orderly development of high density residential areas for multi-family dwellings.
- (B) Property Development Standards. Property in the R-M District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 1 Development Standards for Residential Zoning Districts and the standards listed in Section 218-13 (V).

### **Section 206-11 *Reserved***

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## Section 206-12 R-P Residential Professional District

- (A) Purpose. The purpose of the R-P District is to create and provide areas in which residential, professional, educational and institutional uses not normally involving the sale of merchandise can be compatibly mixed and encouraged while maintaining a healthy living environment for the residents of the district.
- (B) Property Development Standards. Property in the R-P District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 1 Development Standards for Residential Zoning Districts, Table 3 Minimum Heated Floor Area of Residential Uses, and the following provisions:
- (1) Where abutting incompatible uses or districts, a transitional buffer is required in conformance with Chapter 328, Article 1 of the LDR.
  - (2) Off-street parking and loading spaces shall be provided in accordance with Chapters 222 and 226 of the LDR.
  - (3) All uses in this district shall be conducted entirely within an enclosed building with no outside storage or display of equipment, vehicles or materials.

## Section 206-13 *Reserved*

## Section 206-14 O-P Office Professional District

- (A) Purpose. The purpose of the O-P District is to promote a suitable business environment for service-oriented business and professional services, administrative services, non-profit, public institutions and related offices located along with community facilities. Limited retail and service uses normally supportive of office and institutional tenants also are permitted as accessory uses within the same building. This district may serve as a transition between less intense residential and more intense commercial or industrial districts. Unless part of a planned office park development, properties within this district should be located on streets classified as arterial or collector streets and uses shall not generate excessive noise, traffic congestion or other adverse impacts to surrounding properties.
- (B) Property Development Standards. Property in the O-P District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 2 Development Standards for Non-Residential Zoning Districts and the following provisions:
- (1) Off-street parking and loading spaces shall be provided in accordance with Chapters 222 and 226 of the LDR.
  - (2) Where abutting incompatible uses or districts, a transitional buffer is required in conformance with Chapter 328, Article 1 of the LDR.
  - (3) All uses in this district shall be conducted entirely within an enclosed building with no outside storage or display of equipment, vehicles or materials.

## Section 206-15 C-N Neighborhood Commercial District

- (A) Purpose. The purpose of the C-N District is:

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- (1) To provide low-impact commercial services and retail goods in developments that are walkable, have a similar appearance to residential buildings and that are located within convenient range of residents and employees in adjacent neighborhoods.
  - (2) To provide for the needs of a diverse population with well-designed and human-scale structures which are compatible with other residential neighborhoods.
  - (3) To provide a transition between single-family residential neighborhoods and commercial, civic or office uses.
  - (4) To encourage design flexibility for innovative development projects that set high standards for landscaping, openspace, public space, community design and public amenities.
- (B) Property Development Standards. Property in the C-N District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 2 Development Standards for Non-Residential Zoning Districts and the following provisions:
- (1) Maximum Building Length or Width: 150 feet
  - (2) Spacing between Buildings: Minimum 20 feet
  - (3) Parking Requirements: Off-street parking and loading space shall be provided in accordance with Chapters 222 and 226 of the LDR.
  - (4) Compatibility with Existing Development within Zones and Transition to Adjacent Zones:
    - (a) Uses should be of a residential scale and character that is compatible with adjacent neighborhoods.
    - (b) Businesses should provide storefronts and entrances that are oriented to the street and adjacent to sidewalks.
    - (c) Buildings over 35 feet high shall not be closer than 75 feet from the lot lines of adjacent single-family residential property.
    - (d) All lot lines abutting residential zoning districts (R-E, R-25, R-15 and R-10) shall be screened from adjacent residential property. Screening shall be accomplished by one of two methods: [Also see the transitional buffer requirements table in Section 328-7.]
      - i. An opaque landscape transitional buffer at least 20 feet wide; or
      - ii. A 10-foot wide opaque landscape transitional buffer with a 6-foot to 8-foot high solid fence or wall.
    - (e) Outside storage is prohibited.

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- (f) Outdoor (sales) displays and/or seating areas for food service may be permitted with a Conditional Use Permit. See Sections 242-6 and 218-13.

### Section 206-16 C-C Community Commercial District

- (A) Purpose. The C-C District is composed primarily of low-intensity retail and commercial services generally designed to serve the common and frequent needs of the residents of nearby neighborhoods. C-C Districts should be located on collector streets where they are convenient by car and on foot to surrounding neighborhoods but will not cause excessive traffic on residential streets.
- (B) Property Development Standards. Property in the C-C District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 2 Development Standards for Non-Residential Zoning Districts, and the following requirements.
  - (1) **Parking Requirements:** Off-street parking and loading space shall be provided in accordance with Chapters 222 and 226 of the LDR.
  - (2) **Buffer:** Where abutting incompatible uses or districts, a transitional buffer is required in conformance with Article 1 of Chapter 328 of the LDR.

### Section 206-17 C-H Highway Commercial District

- (A) Purpose. The purpose of the C-H District is to provide suitable areas for the various types of community and regional-oriented commercial activities including retail uses and wholesale uses, serving a large sector of the population. C-H Districts are intended to be located along arterial streets and at locations that are appropriate for regional commercial areas, as opposed to locations that primarily serve local neighborhoods.
- (B) Property Development Standards. Property in the C-H District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 2 Development Standards for Non-Residential Zoning Districts and the following provisions:
  - (1) **Parking Requirements.** Off-street parking and loading space shall be provided in accordance with Chapters 222 and 226 of the LDR.
  - (2) **Buffer.** Where abutting incompatible uses or districts, a transitional buffer is required in conformance with Article 1 of Chapter 328 of the LDR.

### Section 206-18 C-D Downtown Commercial District

- (A) Purpose. The purpose and intent of the C-D District is as follows:
  - (1) To enhance and protect shopping facilities in the central business district of the city.
  - (2) To promote a sustainable mixture of residential and commercial uses.

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- (3) To provide the City with a focal point and center of activity that serves the commercial, civic, social and recreation needs of the community with walkable areas.
- (4) To design streets, sidewalks, and buildings to provide an attractive and lively streetscape that encourages pedestrian activity.
- (B) Application. To be considered for this district properties must be located within the official boundaries of the Central Valdosta Development Authority set forth in the 1974 amendment to the Georgia Constitution, which created said Authority.
- (C) Property Development Standards. Property in the C-D District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 2 Development Standards for Non-Residential Zoning Districts and the following provisions:
  - (1) Minimum Floor Area: 1,000 square feet
  - (2) Outside storage is prohibited.

### Section 206-19 C-A Adult Commercial District

- (A) Purpose. The purpose of the Adult Commercial District is to provide a reasonable location within the community for the development of adult-oriented businesses including adult entertainment establishments.
- (B) Location Requirements.
  - (1) A C-A district may not be established within 1,000 feet of any parcel of land which is zoned for multi-family, single-family, or residential-professional uses unless such use has been discontinued for one year or the property is rezoned to a non-residential district.
  - (2) A C-A district may not be established within 1,000 feet of any parcel of land upon which a church, school, governmental building, college or university, library, civic center, conference center, convention center, cultural center, public park, recreation facility or neighborhood is located.
  - (3) A C-A district may not be established within 1,000 feet of the nearest property line of any parcel used as an adult entertainment establishment that is subject to Chapter 4 of the City of Valdosta Code of Ordinances.
  - (4) A C-A district may not be established within the central downtown business district as defined by the Central Valdosta Downtown Development Authority district.
  - (5) A C-A district may not be established within the Valdosta Historic District as defined by Chapter 238.



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## Section 206-20 M-1 Wholesale / Light Industrial District

- (A) Purpose. The purpose of the M-1 District is to provide a suitable location along arterial highways for office, wholesale warehousing, trade shops and light manufacturing uses, usually located on or near existing community facilities and transportation corridors. The intent of this district is to establish areas of industrial use that would not be objectionable by reasons of dust, odor, noise, traffic safety or congestion. Such uses should be encouraged to locate away from residential districts and in accordance with the following conditions:
- (1) Such proposed use will not detrimentally impact or alter nearby property values.
  - (2) The site plan for such use provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic safety or congestion problems in the area.
- (B) Property Development Standards. Property in the M-1 District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 1 Development Standards for Non-Residential Zoning Districts and the following provisions:
- (1) Parking Requirements.
    - (a) Off-street parking and loading space shall be provided in accordance with Chapters 222 and 226 of the LDR.
    - (b) Off-street loading and service areas shall be oriented away from adjacent residential property and shall be screened from public streets by an opaque transitional buffer at least 8 feet in height.
  - (2) Buffer. Where abutting incompatible uses or districts, a transitional buffer is required in conformance with Article 1 of Chapter 328 of the LDR.
  - (3) Outdoor Operations Prohibited. All manufacturing operations in this district shall be conducted entirely within an enclosed building.

## Section 206-21 M-2 Manufacturing and Distribution District

- (A) Purpose. The purpose of the M-2 District is to provide suitable locations accessible to interstate highways and railroad lines for assembly, warehousing, distribution processing and manufacturing uses. The intent of this district is to establish such areas of industrial use in locations that would protect densely populated areas from dust, odor, noise, traffic safety or congestion. Such uses should be encouraged to locate away from residential districts and under the following conditions:
- (1) The site plan for such use provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic safety or congestion problems in the area.
- (B) Property Development Standards. Property in the M-2 District may be developed in accordance with Section 214-1 of the LDR, Dimensional Standards for Zoning Districts, Table 1 Development Standards for Non-Residential Zoning Districts and the following provisions:

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- (1) Parking Requirements.
  - (a) Off-street parking and loading space shall be provided in accordance with Chapters 222 and 226 of the LDR.
  - (b) Off-street loading and service areas shall be oriented away from adjacent residential property and shall be screened from public streets by an opaque buffer at least 8 feet in height.
- (2) Buffer. Where abutting incompatible uses or districts, a transitional buffer is required in conformance with Article 1 of Chapter 328 of the LDR.

# City of Valdosta Land Development Regulations

## Chapter 210 Overlay Districts

### Section 210-1 Procedures Governing Overlay Districts

(A) Application.

- (1) Overlay Districts are supplemental to the underlying zoning district classifications established in the City of Valdosta LDR that govern all properties within the City. Within areas mapped as Overlay Districts in this Chapter, these Overlay District regulations shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations. These Overlay District regulations shall also be integrated, as deemed appropriate, into the design of any Planned Development as approved pursuant to Chapter 212.
- (2) The provisions of each Overlay District apply to all applications for rezoning, conditional use permit, land disturbance permit, plan review, plat approval which includes the creation of additional parcels or substantial reconfiguration of existing parcels, and building permits for all property and rights-of-way within the boundaries of the Overlay District.
- (3) Review and approval of administrative variances and enforcement of design guidelines shall be performed by the Director subject to meeting all the requirements of this LDR.
- (4) All applicable plan reviews, plat approvals, permits and zoning decisions for parcels located within each Overlay District shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the Overlay District applicable to the parcel. All road and utility projects shall adhere to all requirements of the Overlay District.
- (5) Any parcel of land that is wholly or partly within the boundary shall be included in the Overlay District.

(B) Relationship to Underlying Zoning District Standards. In any case where the standards and requirements of an Overlay District vary from those of the base zoning district, the standards and requirements of the Overlay District shall govern.

(C) Overlay District Boundary Maps. Boundary maps for each Overlay District are an integral part of the administration of this Chapter. Copies of these maps are available for inspection during normal business hours in the Department.

(D) Map Amendments. No change in the boundary of an Overlay District shall be authorized, except by the City Council of the City of Valdosta pursuant to procedures in Section 242-4.

# City of Valdosta Land Development Regulations

## Section 210-2 Inner Perimeter Road Corridor Overlay District.

- (A) Purpose. The purposes of the Inner Perimeter Road Corridor Overlay District are to:
- (1) Promote the general health, safety, and welfare of the community.
  - (2) Implement the Greater Lowndes 2030 Comprehensive Plan.
  - (3) Promote the safe and efficient movement of vehicles and pedestrians within the Overlay District.
  - (4) Create an attractive gateway that is aesthetically appealing and environmentally responsible.
  - (5) Encourage innovative development projects that set standards for landscaping and community design.
  - (6) Establish consistent and harmonious design standards within the Overlay District so as to unify the distinctive visual quality of the Inner Perimeter Road corridor.
  - (7) Protect public investment in a major highway and ensure that it can continue to serve its primary function of moving volumes of traffic safely.
  - (8) Promote a development pattern that encourages pedestrian and transit mobility alternatives.
- (B) Design Guidelines. The Inner Perimeter Road Corridor Design Guidelines (Appendix B) are hereby adopted and made part of this Section and shall apply to property in the Inner Perimeter Road Corridor Overlay District. Within the Inner Perimeter Road Corridor Overlay District, building design and construction that is not in substantial conformity with the Inner Perimeter Road Corridor Overlay District Design Guidelines is prohibited. In cases of a conflict between the Design Guidelines and the text of this Section, the text of this Section shall govern.
- (C) Boundaries. This Section applies to land parcels of record within the City of Valdosta having frontage on Inner Perimeter Road from Madison Highway to North Oak Street Extension as of the date the City of Valdosta LDR is effective (1-1-2009). This Section shall also apply to land parcels of record within the City of Valdosta having a portion of said parcel fall within 500 feet of the centerline of Inner Perimeter Road as of said effective date this ordinance is adopted. Any parcel subject to this Section on said effective date shall continue to be subject, even if the parcel is subdivided in the future. The Planning Commission may recommend, and the Mayor and City Council may approve, exemptions from these requirements for parcels or portions of a parcel that would otherwise be included in the Inner Perimeter Road Corridor Overlay District, based on one or more of the following findings:
- (1) The subject property to be exempted lies more than 500 feet from the centerline of Inner Perimeter Road.
  - (2) The property to be exempted does not have access to Inner Perimeter Road and will not require access to Inner Perimeter Road when developed.
  - (3) Due to site topography, development of the property to be exempted will not be visible from Inner Perimeter Road.
  - (4) Due to the location, size, and shape of the property, development of the parcel under its current zoning and in conformity with the requirements of the Inner Perimeter Road Corridor Overlay District would present a severe and undue hardship.

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### (D) Effect of Inner Perimeter Road Corridor Overlay District Provisions.

- (1) Application. This Overlay District is supplemental to the underlying zoning district classifications established in the City of Valdosta LDR governing all properties and permits within this Overlay District. The provisions of this Section shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other ordinances of the City of Valdosta. The Director is authorized to draft appropriate forms, procedures, regulations, rules, guidelines and enforcement procedures to administer this Section, subject to the review and approval of the Planning Commission and City Council.
- (2) Relationship to Underlying Zoning District Standards and Other Provisions of the LDR. In any case where the standards and requirements of the Inner Perimeter Road Corridor Overlay District conflict with those of the base zoning district or with other provisions of the LDR, the standards and requirements of the Inner Perimeter Road Corridor Overlay District shall govern.
- (3) Exemptions. The following activities are exempt from the development requirements of the Inner Perimeter Road Corridor Overlay District:
  - (a) Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to the effective date of this Section.
  - (b) Improvements and additions that are made to a single-family residence previously permitted and built on a lot of record prior to enactment of this Section.
  - (c) 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 Section, provided that the new construction shall be of a similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
  - (d) 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 Section shall not be subject to the provisions of this Inner Perimeter Road Corridor Overlay District, provided that such construction is on a lot of record and does not result in an increase of more than 50% of the existing gross floor area of a permitted structure or 5,000 gross square feet, whichever is less.

### (E) Land Development Applications. All land development applications for property subject to this Section shall contain the following additional information:

- (1) Site plans and landscape plans demonstrating compliance with Title 3 and Section 210-2 (G), (H), (I), (J), and (K) of this LDR and the Inner Perimeter Road Corridor Design Guidelines.
- (2) Preliminary architectural drawings sufficient to demonstrate compliance with Section 210-2(L) of this LDR and the Inner Perimeter Road Corridor Design Guidelines.
- (3) Architectural drawings should clearly show the building location and calculate the percentages of all building materials per facade as required in Section 210-2(L)(2) of this LDR.

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- (4) Developments with more than 75,000 gross square feet of non-residential space or more than 200 dwelling units shall submit a traffic study conducted in accordance with The City of Valdosta Traffic Study Standards found in Appendix I.

### (F) Property Use Standards.

#### (1) Prohibited Uses.

- (a) Adult entertainment establishments.
- (b) Salvage operation, junkyard, or recyclable material wholesalers.

#### (2) Conditional Uses. If allowed in the underlying zoning district, the following uses shall require approval of a Conditional Use Permit subject to the standards in Section 242-6.

- (a) Manufactured home sales lot.
- (b) New commercial building with ground floor area in excess of 150,000 gross square feet.
- (c) Outdoor recreation facility producing odor or excessive noise.
- (d) Outdoor sales or display.
- (e) Self-storage facilities or mini-warehouses in newly-constructed buildings.
- (f) Major automotive service and repair.

### (G) Lot Standards.

- (1) Minimum Lot Frontage along Inner Perimeter Road for Non-residential Uses: 200 feet.
- (2) Residential subdivisions shall be platted as reverse-fronting lots with no direct access to Inner Perimeter Road. The subdivision shall provide a 20-foot wide landscaped no-access easement along Inner Perimeter Road placed adjacent to the public right-of-way for purposes of beautification and access control. The easement shall be landscaped with street trees, fencing and plant materials consistent with Chapter 328 and Figure 1 of the Inner Perimeter Road Corridor Overlay District Design Guidelines found in Appendix B.

### (H) Streetscape Standards. Sidewalks within the Inner Perimeter Road Corridor Overlay District shall be installed and constructed in accordance with City and GDOT standards as applicable.

### (I) Site Development Standards.

- (1) Parking Lots. Parking areas shall incorporate landscaped areas as required in Section 222-9. Parking lots containing more than 10 parking spaces, that are located adjacent to public streets, shall be separated from the street by a building or a minimum 10-foot wide landscaped street yard pursuant to Section 328-24(C)(1).
- (2) Lighting.
  - (a) Parking Lot Illumination. Parking lot lighting fixtures shall have a maximum height of 25 feet, and shall be of a design consistent with Figure 10 of the Inner Perimeter Road Corridor Overlay District Design Guidelines. See Section 222-10 for outdoor illumination levels.
  - (b) Sign Illumination. Signs may be internally or externally lit. External lighting fixtures shall be directed downward and away from adjacent property and public streets. All

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sign lighting shall be fully shielded, have recessed luminaries, or be full cut-off luminary fixtures.

- (J) **Driveways and Streets.** Driveways and streets shall be designed or altered in accordance with the provisions of Chapter 332 and shall be consistent with the following standards:
- (1) On a divided arterial street that includes a median, driveways should align with median breaks whenever possible. Driveways not meeting this standard shall be limited to right turn access and right turn egress.
  - (2) Driveway throat length. The length of a driveway or “throat length” for a commercial or office development shall be designed in accordance with the vehicle storage required for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site vehicle circulation. The throat lengths specified in Table 210-2.1 are generally acceptable guidelines intended for the major entrance driveway of a commercial development (see Figure 12 of the Inner Perimeter Road Corridor Overlay District Design Guidelines).

**Table 210-2.1 Driveway Throat Length for Commercial Centers**

| Commercial Center Total Gross Floor Area   | Throat Length of Principal Driveway* |
|--|--------------------------------------|
| Under 25,000 square feet   | 50 feet – 60 feet                    |
| 25,000 -50,000 square feet   | 60 feet – 85 feet                    |
| 51, 000 - 100,000 square feet  | 85 feet – 135 feet                   |
| 101,000 – 150,000 square feet  | 135 feet – 180 feet                  |
| 151,000 – 200,000 square feet  | 180 feet – 200 feet                  |
| Over 200,000 square feet   | 200 feet or more                     |
| * Note: For driveways that allow right turns only the throat length may be reduced by one third. |                                      |

- (K) **Street Network Standards.** It is the intent of this section that the walkways, streets, and driveways in the Inner Perimeter Road Corridor Overlay District contribute to an inter-connected and continuous network providing convenient vehicular and pedestrian access to abutting properties. Therefore, when land is subdivided for a residential or non-residential development other than in the M-2 zoning district, the following standards shall apply unless an Administrative Variance is approved by the Director and the City Engineer where there is undue hardship or unique existing site conditions that warrant such a variance.
- (1) Median Cuts.
    - (a) Spacing of median breaks shall be subject to approval of the City Engineer.
    - (b) Minimum spacing in urban sections shall be 660 feet.
    - (c) Minimum spacing in rural sections shall be 1,320 feet.

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- (2) Inter-parcel Access. Joint driveways, cross-access drives, and access easements shall be provided in accordance with the provisions of Chapter 332, except where the City Engineer determines that they are unfeasible because of topographic or other site-specific constraints. Sidewalks or other designated pedestrian pathways shall be provided between adjacent parcels to connect the developments and facilitate inter-parcel pedestrian access. When adjacent property is vacant, the developer shall stub out the inter-parcel access feature (access drive or pedestrian pathway) to the property line to allow completion of inter-parcel access at such time that said adjacent tract is developed.
- (3) Stub Streets Required.
  - (a) Where feasible, development plans shall provide for future public street connections (stub streets) to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed 1,000 feet along each development plan boundary that abuts potentially developable land having a compatible zoning designation.
  - (b) Where feasible, these stub streets shall be continued through adjacent property at such time as the adjacent property is developed or redeveloped.
- (4) Crosswalks.
  - (a) All new street intersections and new driveways that cross sidewalks shall provide marked pedestrian crosswalks that connect to sidewalks in all quadrants.
  - (b) Crosswalks shall be either demarcated with high-reflectivity thermoplastic paint, or designated pedestrian pathways as shown in Figure 6.

### (L) Architectural Standards

- (1) Franchise Architecture. In order to be consistent with local architectural character, building designs are encouraged to reflect local, unique, and traditional designs rather than chain or franchise designs. This is to help avoid a common generic appearance within the Overlay District and to establish the District's sense of place and promote adaptive reuse of existing buildings where feasible. Therefore, the use of creative context-sensitive building designs that reflect local character are encouraged. However, unique building designs utilizing franchise elements, which are well-integrated into the overall building design, may be acceptable.
- (2) Exterior Building Materials.
  - (a) Types of building materials shall be limited as follows:
    - i. Allowed materials for exterior walls:
      - 1. Brick.
      - 2. Glass, including glass storefront construction.
      - 3. Stone.
      - 4. Split-face block/concrete masonry units (CMU) may be used if limited to 50% of the surface area of the façade.
      - 5. Finished precast concrete limited to 50% of exterior wall surfaces.
      - 6. Stucco.
      - 7. Natural wood and/or cement-based siding.
    - ii. Materials prohibited in exterior walls:



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1. Unfinished concrete and precast "T's".
2. Unfinished concrete block.
3. Metal siding on wall surfaces facing or plainly visible from a street or parking lot.
4. Vinyl siding.

(b) Ratios and Amounts of Allowed Building Materials.

- i. Facade Calculations. With the exception of accent/trim materials, there shall be no more than three primary building materials used. The allowed facade materials shall not apply to entry doors and/or roll-up doors.
- ii. The amount of permitted material shall be calculated using the gross square footage of wall area per facade.

*For example, a building has a front facade with a gross facade area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with 1,200 square feet for required building material calculations. A wall area of 1,200 square feet shall have no more than 600 square feet of stucco on the front facade [e.g. (1,200 X 50% = 600)]. The balance shall be brick or other allowed material. Trim or accent material may account for up to 10% or 120 square feet.*

- (c) Roof Materials for Pitched Roofs. Materials for pitched roofs shall be limited to architectural grade composition shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.

(3) Building Massing and Modulation. The massing of building facades longer than 150 feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, as follows: (See Figure 14 of the Inner Perimeter Road Corridor Overlay District Design Guidelines).

- (a) Facades of buildings that are larger than 50,000 square feet on the ground floor shall be varied in form and shall give the outward appearance of a series of compatible elements clustered or joined together. This appearance should be achieved by using a variety of roof forms, parapet heights and shapes, facade modulations, pronounced entries and other architectural details.
- (b) Building facades in non-industrial zoning districts that are more than 100 feet long and visible from public streets or parking lots shall have off-sets in the horizontal plane (plan view) that are at least four feet in depth and at least 20 feet in length. At least one offset in horizontal plane shall be provided for every additional 50 feet of facade length beyond 100 feet.
- (c) Blank wall facades. The length of a blank wall (no windows, doors, or offsets in the horizontal plane) shall no exceed 50 feet for building facades in non-industrial zoning districts which are visible from public streets or parking lots.

(4) Pronounced Entries. Principal building entrances must be oriented for convenient pedestrian access and provide cover from sun and rain. This may be accomplished by recessing the entry way, placing it within an arcade, under a projecting canopy, or within a mass or tower projecting from the primary façade.

(5) Satellite Dish Antennae. No satellite dishes greater than 3 feet in diameter shall be permitted within unobstructed view from public streets.

(6) Off-street Loading Areas. Off-street loading areas required in Chapter 226 shall be located in the rear of buildings and screened from view from adjacent property or streets.

(M) Signs. All freestanding signs shall be limited to a maximum height of 18 feet.

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## Section 210-3 Urban Commercial Corridor Overlay District

- (A) Purpose. The purposes of the Urban Commercial Corridor Overlay District are to:
- (1) Promote the general health, safety, and welfare of the community.
  - (2) Implement the Greater Lowndes 2030 Comprehensive Plan.
  - (3) Create a 24-hour urban environment where people can live, work, and play.
  - (4) Encourage mixed-use redevelopment and revitalization of important commercial corridors of the City.
  - (5) Encourage the appropriate infill and revitalization of portions of these corridors that are designated as Regional and Community Activity Centers in the Comprehensive Plan in a manner that will protect adjacent neighborhoods.
  - (6) Promote a walkable, transit-oriented, and bicycle-friendly environment.
  - (7) Create an attractive streetscape that is aesthetically appealing and will encourage pedestrian-oriented businesses and activities.
- (B) Design Guidelines. The Urban Commercial Corridor Design Guidelines (Appendix C) are hereby adopted and made part of this Section and shall apply to property in the Urban Commercial Corridor Overlay District. Within the Urban Commercial Corridor Overlay District, building design and construction that is not in substantial conformity with the Urban Commercial Corridor Overlay District Design Guidelines is prohibited. In cases of a conflict between the Design Guidelines and the text of this Section, the text of this Section shall govern.
- (C) Boundaries. This Section applies to land parcels of record within the City of Valdosta designated "Urban Commercial Corridors" on the map, in Appendix C or as otherwise approved by the Mayor and Council as provided in Section 242-4. The Planning Commission may recommend, and the City Council may approve, exemptions from these requirements for parcels or portions of a parcel that would otherwise be included in the Urban Commercial Corridor Overlay District, based on one or more of the following findings:
- (1) The property to be exempted does not have access to the primary street in the Urban Commercial Corridor and will not require access to such street when developed.
  - (2) Due to site topography, development of the property to be exempted will not be visible from the primary street in the corridor
  - (3) Due to the location, size, and shape of the property, development of the parcel under its current zoning and in conformity with the requirements of the Urban Commercial Corridor Overlay District would present a severe and undue hardship.
- (D) Effect of Urban Commercial Corridor Overlay District Provisions.
- (1) Application. This Overlay District is supplemental to the underlying zoning district classifications established in the City of Valdosta LDR governing all properties and permits within this Overlay District. The provisions of this Section shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other ordinances of the City of Valdosta. The Director is authorized to draft appropriate forms, procedures, regulations, rules, guidelines and enforcement procedures to administer this Section, subject to the review and approval of the Planning Commission and City Council

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- (2) Relationship to Underlying Zoning District Standards and other provisions of LDR. In any case where the standards and requirements of the Urban Commercial Corridor Overlay District conflict with those of the base zoning district or with other provisions of the Land Development Regulations, the standards and requirements of the Urban Commercial Corridor Overlay District shall govern.
- (3) Exemptions. The following activities are exempt from the development requirements of the Urban Commercial Corridor Overlay District:
  - (a) Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to the effective date of this Section.
  - (b) Improvements and additions that are made to a single-family residence previously permitted and built on a lot of record prior to enactment of this Section.
  - (c) 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 Section, provided that the new construction shall be of a similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
  - (d) 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 Section shall not be subject to the provisions of this Urban Commercial Corridor Overlay District, provided that such construction is on a lot of record and does not affect a change to more than 20% of the existing gross floor area of a permitted structure or 2,000 gross square feet, whichever is less.
- (E) Land Development Applications. All land development applications for property subject to this Section shall contain the following additional information:
  - (1) Site plans and landscape plans demonstrating compliance with Title 3 and Section 210-3 (G), (H), and (I) of this LDR and the Urban Commercial Corridor Design Guidelines.
  - (2) Preliminary architectural drawings sufficient to demonstrate compliance with 210-3(J) of this LDR and the Urban Commercial Corridor Overlay District Design Guidelines.
  - (3) Architectural drawings should clearly show the building location and calculate the percentages of all building materials per facade as required in Section 210-3(J)(2)(b) of this LDR.
  - (4) Developments with more than 75,000 gross square feet of non-residential space or more than 200 dwelling units shall submit a traffic study conducted in accordance with the City of Valdosta Traffic Study Standards found in Appendix I.
- (F) Property Use Standards.
  - (1) Authorized Uses. In addition to the uses authorized in the underlying zoning district, the following additional uses shall be authorized for any property zoned for commercial uses, subject to the supplemental use standards of Chapter 218 Article 3:
    - (a) Live-work dwelling units.
    - (b) Loft dwelling units.
    - (c) Mixed-use development.
    - (d) Parking garages, when accessory to a commercial, institutional, mixed-use or multi-family residential development.

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- (2) Prohibited Uses.
  - (a) Adult entertainment establishments.
  - (b) Manufactured home dealers.
  - (c) Salvage operation, junkyard, or recyclable material wholesalers.
  - (d) Outdoor recreation facility producing odor or excessive noise.
- (3) Conditional Uses. If allowed in the underlying zoning district, the following uses shall require approval of a Conditional Use Permit subject to standards in Section 242-6:
  - (a) Major automotive service and repair.
  - (b) Outdoor sales and display.
  - (c) Self-service storage or mini-warehouses in newly-constructed buildings
- (G) Streetscape Standards. Sidewalks within the Urban Commercial Corridor Overlay District shall be installed and constructed in accordance with City and GDOT standards as applicable.
- (H) Site Development Standards.
  - (1) Building Orientation and Setbacks.
    - (a) Front Yard Building setbacks provided in Section 214-1 shall not apply.
    - (b) At least 50% of the façade of each building shall be placed along a “build-to line” parallel to the curbline and no more than 90 feet behind the right-of-way line of the nearest public street. For properties located in the North Ashley Street portion of the Overlay District and south of East Park Avenue, this “build to line” shall be located no more than 65 feet behind the right-of-way line of the nearest public street. A building located on a corner of two public streets shall also place no less than 50% of its side elevation along a similar “build-to line” parallel to the secondary street.
    - (c) Principal building entrances shall be oriented to streets and sidewalks rather than to parking lots. Entrances oriented to street corners are encouraged.
  - (2) Parking Lots.
    - (a) Off-street parking areas shall incorporate landscaped areas as required in Section 222-9.
    - (b) Parking lots containing more than 10 parking spaces that are located adjacent to public streets shall be separated from the street by a building or minimum 10-foot wide landscaped street yard pursuant to Section 328-24(C)(1).
  - (3) Lighting.
    - (a) Parking Lot Illumination.
      - i. Parking lot light fixtures shall have a maximum height of 25 feet and shall be of a design consistent with Figure 3 of the Urban Commercial Corridor Overlay District Design Guidelines.
      - ii. See also Section 222-10.

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- (b) Sign Illumination. Signs may be internally or externally lit. External lighting fixtures shall be directed downward and away from adjacent property and public streets. All lighting shall be fully shielded, have recessed luminaries, or be full cut-off luminary fixtures.
  - (c) Canopy Illumination. The luminaries at drive-under canopies and pump islands at gasoline stations shall be recessed into the canopy ceiling so that the bottom of the luminary does not extend below the ceiling.
- (I) Driveways and Streets. Driveways and streets shall be designed or altered in accordance with provisions of Chapter 332. It is the intent that the walkways, streets, and driveways in the Urban Commercial Corridor Overlay District contribute to an inter-connected and continuous network providing convenient vehicular and pedestrian access to abutting properties. An Administrative Variance from the requirements of Chapter 332 may be considered and approved by the Director and the City Engineer for properties undergoing redevelopment where there is undue hardship or unique existing site conditions that warrant such a variance.
- (1) Inter-parcel access. Joint driveways, cross-access drives, and access easements shall be provided in accordance with the provisions of Chapter 332, except where the City Engineer determines that they are unfeasible because of topographic or other site-specific constraints. Sidewalks or other designated pedestrian pathways shall be provided between adjacent parcels to connect the developments and facilitate inter-parcel pedestrian access. When adjacent property is vacant, developer shall stub-out the inter-parcel access feature (access drive or pedestrian pathway) to the property line to allow completion of inter-parcel access at such time that said adjacent property is developed.
- (J) Architectural Standards.
- (1) Franchise Architecture. In order to be consistent with local architectural character, building designs are encouraged to reflect local, unique, and traditional designs rather than chain or franchise designs. This is to help avoid a common generic appearance within the Overlay District and to establish the District's sense of place and promote adaptive reuse of existing buildings where feasible. Therefore, the use of creative context-sensitive building designs that reflect local character are encouraged. However, unique building designs utilizing franchise elements, which are well-integrated into the overall building design, may be acceptable.
  - (2) Exterior Building Materials.
    - (a) Types of building materials shall be limited as follows:
      - i. Allowed materials:
        - 1. Brick.
        - 2. Glass, including glass storefront construction.
        - 3. Stone.
        - 4. Split-face block/concrete masonry units (CMU) may be used if limited to 50% of the surface area of the facade.
        - 5. Finished precast concrete limited to 50% of exterior wall surfaces.
        - 6. Stucco.
        - 7. Natural wood and/or cement-based siding.
      - ii. Materials prohibited in exterior walls:
        - 1. Unfinished concrete and precast "T's".

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2. Unfinished concrete block.
  3. Metal siding on wall surfaces facing or plainly visible from a street or parking lot.
  4. Vinyl siding.
- (b) Ratios and Amounts of Allowed Building Materials.
- i. Facade Calculations. With the exception of accent/trim materials, there shall be no more than three primary building materials used. The allowed facade materials shall not apply to entry doors and/or roll-up doors.
  - ii. The amount of permitted material shall be calculated using the gross square footage of wall area per facade.  
  
*For example, a building has a front facade with a gross facade area of 1,200 square feet with 400 square ft. consisting of windows and doors. Begin with 1,200 square feet for required building material calculations. A wall area of 1,200 square feet shall have no more than 600 square feet of stucco on the front facade [e.g. (1,200 X 50% = 600)]. The balance shall be brick or other allowed material. Trim or accent material may account for up to 10% or 120 square feet.*
- (c) Roof Materials for Pitched Roofs. Materials for pitched roofs shall be limited to architectural grade composition shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.
- (3) Building Massing and Modulation. The massing of building facades longer than 150 feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, as follows: (See Figure 8 of Urban Commercial Corridor Overlay District Design Guidelines.)
- (a) Facades of buildings that are larger than 10,000 square feet on the ground floor shall be varied in form and shall give the outward appearance of a series of compatible elements clustered or joined together. This appearance should be achieved by using a variety of roof forms, parapet heights and shapes, facade modulations, pronounced entries and other architectural details.
  - (b) Building facades that are more than 100 feet long shall have off-sets in the horizontal plane (plan view) that are at least four (4) feet in depth and at least 20 feet in length. At least one offset in horizontal plane shall be provided for every additional 50 feet of facade length beyond 100 feet.
  - (c) Blank Wall Facades. The length of a blank wall (no windows, doors, or other offsets in the horizontal plane) shall not exceed 50 feet for building facades in non-industrial zoning districts which are visible from public streets or parking lots.
- (4) Pronounced Entries. Principal building entrances must be oriented to the public street and provide cover from sun and rain. This may be accomplished by recessing the entry way, placing it within an arcade, under a projecting canopy, or within a mass or tower projecting from the primary facade.
- (5) Architectural Details. All exterior building facades shall provide visual interest through the repetitive use of one or more architectural features such as columns, awnings, canopies, arches, balconies, towers, dormers, cupolas, etc.
- (6) Building Facades for Buildings in Commercial Zoning Districts. The following standards shall apply to building facades visible from public streets or parking lots on properties within the Overlay Districts:

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- (a) The length of a blank wall (no windows or doors) along the facade shall not exceed 50 feet.
- (b) A minimum of 20 percent (20%) of the ground floor exterior wall facing an arterial street, and located within 50 feet of the street, shall consist of windows. (See Urban Commercial Corridor Overlay District Design Guidelines, Figure 9).
- (7) Satellite Dish Antennae. No satellite dishes greater than 3 feet in diameter shall be permitted within unobstructed view from public streets.
- (8) Off-street Loading Areas. Off-street loading areas as required in Chapter 226 shall be located in the rear of buildings and screened from view from adjacent property or streets.
- (K) Signs. In addition to the signs permitted by Chapter 230, buildings in a commercial zoning district shall be permitted one additional sign of one of the following types, for each tenant. Each such sign shall be attached to the principal building and may be no larger than 10 square feet per tenant:
  - (1) Projecting sign.
  - (2) Suspended sign.
  - (3) Awning sign.

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## Section 210-4 Baytree-University Corridor Overlay District

- (A) Purpose. The purposes of the Baytree-University Corridor Overlay District are to:
- (1) Promote the general health, safety, and welfare of the community.
  - (2) Implement the Greater Lowndes 2030 Comprehensive Plan.
  - (3) Establish an appropriate architectural scale with harmonious design standards that distinguish between types of character areas along the corridor.
  - (4) Promote development patterns that encourage walking, biking and use of public transportation.
  - (5) Create an attractive streetscape that is aesthetically appealing and environmentally responsible.
  - (6) Provide for appropriate infill development and land use transitions between commercial corridors, university-based activities, and adjacent residential neighborhoods.
- (B) Design Guidelines. The Baytree-University Corridor Overlay Design Guidelines (Appendix D) are hereby adopted and made part of this ordinance and shall apply to property in the Baytree-University Corridor Overlay District. Within the Baytree-University Corridor Overlay District, building design and construction that is not in substantial conformity with the Baytree-University Corridor Overlay District Design Guidelines is prohibited. In cases of a conflict between the Design Guidelines and the text of this Section, the text of this Section shall govern.
- (C) Boundaries. This ordinance applies to land parcels of record within the City of Valdosta having frontage along Baytree Road from Ellis Drive to North Oak Street as shown on the map in Appendix D. Any parcel subject to this Section on the date of adoption shall continue to be subject to this Section, even if the parcel is subdivided in the future. The Planning Commission may recommend, and the Mayor and Council may grant, exemptions from these requirements for parcels or portions of a parcel that would otherwise be included in the Baytree-University Corridor Overlay District, based on one or more of the following findings:
- (1) The property to be exempted does not have access to Baytree Road and will not require access to Baytree Road when developed.
  - (2) Due to site topography, development of the property to be exempted will not be visible from Baytree Road.
  - (3) Due to the location, size, and shape of the property, development of the parcel under its current zoning and in conformity with the requirements of the Baytree-University Corridor Overlay District would present a severe and undue hardship.
- (D) Effect of Baytree-University Corridor Overlay District Provisions.
- (1) Application. This Overlay District is supplemental to the underlying zoning district classifications established in the City of Valdosta Land Development Regulations governing all properties and permits within this Overlay District. The provisions of this Section shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other ordinances of the City of Valdosta. The Director is authorized to draft appropriate forms, procedures, regulations, rules, guidelines and enforcement procedures to administer this Section, subject to the review and approval of the Planning Commission and the City Council.
  - (2) Relationship to Underlying Zoning District Standards and other provisions of LDR. In any case where the standards and requirements of the Baytree-University Corridor Overlay District conflict with those of the base zoning district or with other provisions of the Land



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Development Regulations, the standards and requirements of the Baytree-University Corridor Overlay District shall govern.

(3) Exemptions. The following activities are exempt from the development requirements of the Baytree-University Corridor Overlay District:

- (a) Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to the effective date of this Section.
- (b) Improvements and additions that are made to a single-family residence previously permitted and built on a lot of record prior to enactment of this Section.
- (c) 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 Section, provided that the new construction shall be of a similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
- (d) 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 Section shall not be subject to the provisions of this Baytree-University Corridor Overlay District, provided that such construction is on a lot of record and does not affect a change to more than 50% of the existing gross floor area of a permitted structure or 5,000 gross square feet, whichever is less.

(E) Land Development Applications. All land development applications for property subject to this Section shall contain the following additional information:

- (1) Site plans demonstrating compliance with Title 3 and Section 210-4 (G), (H), and (I) of this LDR and the Baytree-University Corridor Overlay Design Guidelines.
- (2) Preliminary architectural drawings sufficient to demonstrate compliance with Section 210-4(J) of this LDR and the Baytree-University Corridor Overlay Design Guidelines.
- (3) Architectural drawings should clearly show the building location and calculate the percentages of all building materials per facade as required in Section 210-4(J)(2)(b) of this LDR.
- (4) Developments with more than 75,000 gross square feet of non-residential space or more than 200 dwelling units shall submit a traffic study meeting the standards of Chapter 332.

(F) Property Use Standards.

- (1) Authorized Uses. In addition to the uses authorized in the underlying zoning district, the following additional uses shall be authorized for any property zoned for commercial uses, subject to the supplemental use standards of Chapter 218 Article 3:
  - (a) Parking garages, when accessory to a commercial, institutional, mixed-use or multi-family residential development.
- (2) Prohibited Uses.
  - (a) Adult entertainment establishments.
  - (b) Gasoline station with more than 8 pumps when located in the University Zone.
  - (c) Major automotive service and repair.
  - (d) Manufactured home sales lot.
  - (e) Outdoor recreation facility producing odor or excessive noise
  - (f) Salvage operation, junkyard, or recyclable material wholesalers.

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- (3) Conditional Uses. If allowed in the underlying zoning district, the following uses shall require approval of a Conditional Use Permit subject to the standards in Section 242-6:
- (a) Commercial buildings in excess of 75,000 square feet when located in the Market Zone.
  - (b) Commercial buildings in excess of 25,000 square feet when located in the University Zone.
  - (c) Minor automobile service and repair when located in the University Zone.
  - (d) Outdoor sales and display.
  - (e) Self-service storage or mini-warehouses in newly constructed buildings.
  - (f) Car wash.

(G) Streetscape Standards. The streetscape standards differ for the two zones of the Baytree-University Corridor Overlay District: The Market Zone and the University Zone. (See the map in Appendix D.)

- (1) *Market Zone*. The intent of the Market Zone is to accommodate infill and redevelopment of the existing non-residential uses in this part of the City in accordance with the Regional Activity Center and Community Activity Center character areas indicated for this corridor in the Comprehensive Plan. The Market Zone is comprised of all parcels in the Baytree-University Overlay District that are west of the Norfolk-Southern Railroad. The following streetscape standards apply within the Market Zone:

- (a) Front Yard Setback: Front yard setbacks in Section 214-1 do not apply. Front yard setback distances from the right-of-way line for principal buildings shall be as follows:

Minimum: 15 feet

Maximum: 90 feet for at least 50% of the building façade.

- (b) Pedestrian Circulation. Parking areas shall be designed with sidewalks and/or other designated pedestrian pathways to facilitate safe and convenient use by pedestrians such as shown in Figure 3 of the Baytree-University Corridor Overlay District Design Guidelines.

- i. Designated pedestrian pathways may be accomplished either by use of decorative pavers approved by the City or by construction of a 5-foot wide flat platform raised at least 4 inches above the driveway, flanked by 4-foot wide ramps, as shown in Figure 4.
- ii. Provide continuous designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street as shown in Figure 5.
- iii. Provide sidewalks or designated pedestrian pathways connecting the entrance of each occupied building to the adjacent buildings within a development with more than one such building.

- (2) *University Zone*. The University Zone is intended to preserve and enhance the character of this area in accordance with the Neighborhood Activity Center and Transitional Neighborhood character areas indicated in the Comprehensive Plan. It is comprised of parcels in the Baytree-University Overlay District that are east of the Norfolk-Southern Railroad. The following streetscape standards apply within the University Zone. See map of the Baytree-University Corridor Overlay District in Appendix D:

- (a) Front Yard Setback: Front yard setbacks shall be compatible with the average setbacks of existing buildings that are located within 200 feet along the same side of the street as the subject property. If no buildings exist within this distance, or the variability in existing

## City of Valdosta Land Development Regulations

setbacks is more than 50 feet, the Director shall have the authority to establish the front yard setback based on the prevailing standards in the University Zone.

### (H) Site Development Standards.

#### (1) Parking Lots.

- (a) Parking areas shall incorporate landscaped areas as required in Section 222-9.
- (b) Parking lots containing more than 10 parking spaces, that are located adjacent to public streets, shall be separated from the street by a building or minimum 10-foot wide landscaped street yard pursuant to Section 328-24(C)(1).

#### (2) Lighting.

- (a) Parking Lot Illumination: Parking lot light fixtures shall be no taller than 25 feet and shall be of a design consistent with Figure 7 of the Baytree-University Corridor Overlay District Design Guidelines. See also Section 222-10.
- (b) Sign Illumination: Signs may be internally or externally lit. External lighting fixtures shall be directed downward and away from streets and adjacent property and public streets. All lighting shall be fully shielded, have recessed luminaries, or be full cut-off luminary fixtures.
- (c) Canopy Illumination. The luminaries at drive-under canopies and pump islands at gasoline stations shall be recessed into the canopy ceiling so that the bottom of the luminary does not extend below the ceiling.

### (I) Driveways and Streets. Driveways and streets shall be designed or altered in accordance with the provisions of Chapter 332. It is the intent that the walkways, streets, and driveways in the Baytree-University Corridor Overlay District contribute to an inter-connected and continuous network providing convenient vehicular and pedestrian access to abutting properties. An Administrative Variance from the requirements of Chapter 332 may be considered and approved by the Director and the City Engineer for properties undergoing redevelopment where there is undue hardship or unique existing site conditions that warrant such a variance.

- (1) Inter-parcel Access. Joint driveways, cross-access drives, and access easements shall be provided, in accordance with the provisions of Chapter 332, except where the City Engineer determines that they are unfeasible because of topographic or other site-specific constraints. Sidewalks or other designated pedestrian pathways shall be provided between adjacent parcels to connect the developments and facilitate inter-parcel pedestrian access. Where adjacent property is vacant, the developer shall stub-out the inter-parcel access feature (access drive or pedestrian pathway) to the property line to allow completion of inter-parcel access at such time that said adjacent tract is developed.

### (J) Architectural Standards.

- (1) Franchise Architecture. In order to be consistent with local architectural character, building designs are encouraged to reflect local, unique, and traditional designs rather than chain or franchise designs. This is to help avoid a common generic appearance within the Overlay District and to establish the District's sense of place and promote adaptive reuse of existing buildings where feasible. Therefore, the use of creative context-sensitive building designs that reflect local character are encouraged. However, unique building designs utilizing franchise elements, which are well-integrated into the overall building design, may be acceptable.
- (2) Exterior Building Materials.
  - (a) Types of building materials shall be limited as follows:
    - i. Allowed materials:

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1. Brick.
  2. Glass, including glass storefront construction.
  3. Stone.
  4. Split-face block/concrete masonry units (CMU) may be used if limited to 50% of the surface area of the facade;
  5. Finished precast concrete limited to 50% of exterior wall surfaces.
  6. Stucco.
  7. Natural wood and/or cement-based siding.
- ii. Materials prohibited in exterior walls:
1. Unfinished concrete and precast "T's".
  2. Unfinished concrete block.
  3. Metal siding on wall surfaces facing or plainly visible from a street or parking lot.
  4. Split-face block/concrete masonry unit (CMU) on buildings located in the University Zone.
  5. Vinyl siding.
- (b) Ratios and Amounts of Allowed Building Materials.
- i. Facade Calculations. With the exception of accent/trim materials, there shall be no more than three primary building materials used. The allowed facade materials shall not apply to entry doors and/or roll-up doors.
  - ii. The amount of permitted material shall be calculated using the gross square footage of wall area per facade.  
  
*For example, a building has a front facade with a gross facade area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with 1,200 square feet for required building material calculations. A wall area of 1,200 square feet shall have no more than 600 square feet of stucco on the front facade [e.g. (1,200 X 50% = 600)]. The balance shall be brick or other allowed material. Trim or accent material may account for up to 10% or 120 square feet.*
- (3) Pitched Roofs. In the University Zone, all new buildings with less than 5,000 square feet of ground floor area shall have pitched roofs. Materials for pitched roofs shall be limited to architectural grade composition shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.
- (4) Building Massing and Modulation. The massing of building facades longer than 150 feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, as follows: (See Figure 12 of Baytree-University Corridor Overlay District Design Guidelines.)
- (a) Facades of buildings that are larger than 25,000 square feet, or 10,000 square feet in the University Zone, shall be varied in form and shall give the outward appearance of a series of compatible elements clustered or joined together. This appearance should be achieved by using a variety of roof forms, parapet heights and shapes, facade modulations, pronounced entries and other architectural details.
  - (b) Building facades that are more than 100 feet long shall have off-sets in the horizontal plane (plan view) that are at least 4 feet in depth and at least 20 feet in length. At least one offset in horizontal plane shall be provided for every additional 50 feet of facade length beyond 100 feet.

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- (c) Blank Wall Facades. The length of a blank wall (no windows, doors, or offsets in the horizontal plane) shall not exceed 50 feet for building facades in non-industrial zoning districts which are visible from public streets or parking lots.
- (5) Pronounced Entries. Principal building entrances must be oriented to the public street and provide cover from sun and rain. This may be accomplished by recessing the entry way, placing it within an arcade, under a projecting canopy, or within a mass or tower projecting from the primary facade.
- (6) Architectural Details. All exterior building facades shall provide visual interest through the repetitive use of one or more architectural features such as columns, awnings, canopies, arches, balconies, towers, dormers, cupolas, etc.
- (7) Building Facades. The following standards shall apply to building facades visible from public streets or parking lots on all properties within the Market Zone and on commercially zoned properties in the University Zone.
  - (a) The length of a blank wall (no windows or doors) along the facade shall not exceed 50 feet.
  - (b) A minimum of 20 percent (20%) of the ground floor exterior wall facing Baytree Road, and located within 50 feet of the street, shall consist of windows (See Baytree-University Corridor Overlay District Design Guidelines, Figure 13).
- (8) Satellite Dish Antennae. No satellite dishes shall be permitted within unobstructed view from public streets.
- (9) Off-street Loading Areas. Off-street loading areas that are required in Chapter 226 shall be located in the rear of buildings and screened from view from adjacent property or streets.

# City of Valdosta Land Development Regulations

## Section 210-5 Valdosta Regional Airport Overlay District (VRA)

- (A) Intent. Airport zoning regulations are important for both the protection of airspace and land use compatibility in relation to the airport. The regulations set forth in this section are intended to prevent encroachment into the runway protection zones, airspace zones, and noise zones of the Valdosta Regional Airport. Further, these regulations are intended to ensure that structures, such as but not limited to telecommunication towers/cellular antennas, buildings, water tanks, smokestacks, power lines, and cranes, are not erected in such a way as to interfere with airport safety or general function.
- (B) Purpose. The specific purposes of the regulations set forth in this section are:
- (1) To protect the health, safety, and welfare of persons and the value of property within the vicinity of the Valdosta Regional Airport in the City of Valdosta, Georgia;
  - (2) To provide for the safe and efficient operation of the Valdosta Regional Airport;
  - (3) To ensure the safety of pilots and passengers using the Valdosta Regional Airport from hazards to air navigation;
  - (4) To ensure compatibility between Valdosta Regional Airport and surrounding land uses; and
  - (5) To protect the Valdosta Regional Airport from encroachment of incompatible uses, structures, and natural growth.
- (C) Application.
- (1) Illustrations and additional details regarding FAA designations of approach zones, surface zones, runways, and other physical features of the airport layout may be found in *FAA Advisory Circular 150* and in the *Airport Master Plan Update*, dated August 2007, prepared for the Valdosta – Lowndes County Airport Authority.
  - (2) Runway protection zones are established within the VRA Overlay District. These protection zones are described on the Part 77 Plan, and as depicted on drawing “16 of 16” in the Airport Layout Plan portion of the *Airport Master Plan Update*.
  - (3) This section establishes standards that apply to any development, use, alteration, structure, or natural growth on any lot or portion thereof, which is in whole or in part contained within the boundaries of the VRA Overlay District. The standards and criteria apply only to that portion of the subject property within the boundaries of the VRA Overlay District. These standards and criteria shall be applied in addition to the site design standards for the underlying zoning district. In the event of a conflict between the requirements of the VRA Overlay District and the underlying zoning district, the stricter standard shall apply.
  - (4) The provisions of this section do not require any change in the construction, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this LDR and which is pursuant to a valid building permit.
- (D) The following generalized land uses and activities are prohibited within runway protection zones:
- (1) Any natural or man-made structure that exceeds thirty (30) ft. in height.
  - (2) All uses listed in the Table of Permitted Uses in Section 218-1 that are within the Residential category.
  - (3) Public or private schools, colleges, universities, places of public assembly, places of worship, and any other uses or activities that include public assembly of more than 50 people.
  - (4) All uses listed in Table of Permitted Uses in Section 218-1 that are within the within the Waste Management Remediation Facilities category and any other land use that may include storage of combustible materials or include land uses or activities that attract birds or which

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significantly increase the potential for interference of airborne fowl with landing and departing aircraft such as stormwater management facilities.

- (5) Construction activities and land uses that would produce smoke and/or dust in such a manner to impair visibility of pilots using the airport.
  - (6) High intensity lighting, including, but not limited to, lighting for signage, private drives, parking lots, and security, which is located in such a manner as to impair the visibility of pilots using the airport, unless such lighting is properly shielded.
  - (7) Any other land uses or activities which create electrical interference with navigational signals or radio communications between the airport and aircraft.
  - (8) Any other land uses or activities which make it difficult for flyers to distinguish between airfield lights and other lights, results in glare in the eyes of flyers using the airfield, impairs visibility in the vicinity of the airfield, or otherwise endangers the landing, takeoff, or maneuvering of aircraft.
- (E) No building or structure shall be erected, altered, or maintained in a zone created by this section to a height in excess of the height limit established below. Such height limitations are computed from the established airport elevation.
- (1) Precision approach zone – Slopes fifty (50) ft. outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline; thence slopes upward forty (40) ft. horizontally for each foot vertically to an additional horizontal distance of 40,000 ft. along the extended runway centerline.
  - (2) Non-precision approach zone – Slopes thirty-four (34) ft. outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.
  - (3) Visual approach zone – Slopes twenty (20) ft. outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.
  - (4) Transitional surface zone – One (1) foot in height for each seven (7) ft. in horizontal distance beginning at the lateral edge of each approach zone of the runways, measured at right angles to the longitudinal center line of the runway, extending upward to a maximum height of 1,026 ft. above mean sea level. Where the non-precision instrument approach zones project beyond the conical zone, there are established height limits sloping seven (7) ft. outward for each one (1) foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 ft. measured at ninety (90) degree angles to the extended runway centerline.
  - (5) Horizontal surface zone – 1,026 ft. above mean sea level.
  - (6) Conical surface zone – One (1) foot in height for each twenty (20) ft. of horizontal distance beginning at the periphery of the horizontal zone and at 1,026 ft. above mean sea level and extending to a height of 1,226 ft. above mean sea level.
- (F) Noise protection requirements apply within the area shown on drawing “16 of 16” in the Airport Layout Plan portion of the *Airport Master Plan Update* within the 65 Ldn noise contour for the specified uses below.
- (1) The noise protection zones are based on the LDN noise contours for airport noise developed as part of the *Airport Master Plan Update*. A property is considered inside the noise zones if any LDN noise contour line crosses all or part of the property.
  - (2) All new residential, school, hospital, nursing home, or library, buildings shall be constructed with sound protection based on the level of noise exposure, which can be determined by the

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location of the building within the adopted noise contour maps. Sound attenuation is not required if the site is located outside the 65 LDN noise contour. Noise reduction standards, construction, and methods are specified in *FAA Advisory Circular 150*.

- (G) Permits for certain other future uses. The following types of permits sought for property located in that portion of the VRA Overlay Zone located in the City of Valdosta shall require prior review and written approval from the Director of the Valdosta – Lowndes County Airport Authority:
- (1) Zoning map amendment as provided in Section 242-4.
  - (2) Variance, as provided in Section 242-9.
  - (3) Sign permit for a high-rise identification sign, as provided in Section 230-11(b).
  - (4) Land disturbance permit as provided in Section 302-44.
  - (5) Landscape plan that includes planting of trees, as provided in Section 328.
  - (6) Building permit, as provided in Section 302-46.
- (H) Hazard Marking and Lighting. In order to carry out the intended purpose of this section, any permit or variance granted under the provisions of this LDR may be granted with the conditions that the owner of the structure or natural growth in question shall, at his or her own expense, install, operate, and maintain thereon such markers and lights as may be necessary, to indicate to aircraft pilots the presence of a hazard to air navigation.
- (I) Navigation Easement. Any permit or variance granted under the provisions of this LDR may be granted with the condition that the owner of the structure or natural growth in question shall enter into a navigation easement, which shall be in a form established by the City of Valdosta, signed by the landowner, recorded in the City Clerk's Office, and a note on all final plats and site improvements plans, indicating the book and page of the recorded easement, shall be required.



# City of Valdosta Land Development Regulations

## Section 210-6 Historical Overlay District

- (A) Intent. The intent of the Historical Overlay District is to allow land uses within the Valdosta Local Historic District that will enable traditional and adaptive uses of existing, historically significant buildings that are appropriate to and consistent with the cultural and architectural heritage of Valdosta. It is also the intent of this section to prevent demolition of historic resources and preserve a greater number of historic buildings by expanding land uses that are compatible with historic buildings, but not permissible within their underlying zoning district without this Overlay District.
- (B) Purpose. The purposes of the Historical Overlay District are to:
- (1) Protect and preserve historic buildings within the Valdosta Local Historic District.
  - (2) Protect, promote, and enhance the health, safety, and welfare of persons, as well as the value of property, within the Valdosta Local Historic District.
  - (3) Accommodate property uses that support the adaptive use of historic buildings.
  - (4) Encourage innovative redevelopment and infill projects that respect traditional lot siting and architectural design.
  - (5) Support Valdosta's sense of place and contribute to its sustainability and lasting value.
- (C) Boundaries. The boundaries of the Historical Overlay District shall be the same as the Valdosta Local Historic District, which is shown on the City of Valdosta Historic District Map, as maintained by the Planning and Zoning Division. The provisions of this Chapter shall apply to all parcels of land, within the boundaries of the Valdosta Local Historic District. Any parcel of land that is wholly or partially within the boundary shall be included.
- (D) Effect of Historical Overlay District Provisions.
- (1) Application. This Overlay District is supplemental to the underlying zoning district classifications established in the City of Valdosta LDR governing all properties and permits within this Overlay District. The provisions of this Section shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other ordinances of the City of Valdosta. The Director is authorized to draft appropriate forms, procedures, regulations, rules, guidelines and enforcement procedures to administer this Section, subject to the review and approval of the Historic Preservation Commission, Planning Commission, and/or City Council.
  - (2) Relationship to Underlying Zoning District Standards and other provisions of LDR. This Overlay District is complementary to Chapter 238 of the LDR and the Valdosta Historic District Design Guidelines. In any case where the standards and requirements of the Historical Overlay District conflict with those of the base zoning district, the standards and requirements of the Historical Overlay District shall govern.
  - (3) Exemptions. The following activities are exempt from the development requirements of the Historical Overlay District:
    - (a) Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to the effective date of this Section.
    - (b) Improvements and additions that are made to a single-family residence previously permitted and built on a lot of record prior to enactment of this Section.

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### (E) Property Use Standards.

- (1) Conditional Uses. In addition to the uses authorized in the underlying zoning district, the following uses shall require approval of a Conditional Use Permit (per Section 242-6) for any residentially-zoned property and shall be subject to the supplemental use standards of Chapter 218, Article 3:
  - (a) Civic or Social Organization.
  - (b) Library, Archives.
  - (c) Museum, Historical Site, or similar institution.
  - (d) Bed and Breakfast Inn.
  - (e) Event Center, or similar place of public assembly.

### (F) Site Development Standards.

- (1) Infill of development on residentially-zoned property. Existing lots measuring less than 60 feet in width may be developed for principal, accessory, and conditional uses provided that the following requirements are met.
  - (a) Minimum side yard setbacks: None, except that buildings may not be located less than 15 feet from buildings on lots on either side of the subject property.
  - (b) Minimum front yard setbacks: No more than five (5) feet less than the prevailing setbacks of existing buildings on the other lots on the same side of the same block as the subject property, except that front porches or balconies may encroach up to 10 feet into minimum required front yards, provided that no structure shall be closer than 10 feet from the right-of-way line.
  - (c) Minimum rear yard setbacks: No more than five (5) feet less than the prevailing setbacks of existing buildings on the other lots on the same side of the same block as the subject property, except that porches may encroach up to 10 feet into minimum required rear yards, provided that no structure shall be closer than 10 feet from the right-of-way line.
  - (d) Front-facing garages and carports shall be set back a minimum of 25 feet from the right-of-way line of public streets.
- (2) Multi-family dwellings in the R-M or R-P zoning districts.
  - (a) Maximum building height shall be limited to 35 feet.

# City of Valdosta Land Development Regulations

## Chapter 212 Planned Development Approval

### Section 212-1 Purpose and Intent

Planned Development Approvals are intended to provide an alternative method of land development and redevelopment not available within the framework of the City's standard zoning districts. The standards and procedures of Planned Development Approvals are intended to promote flexibility of design and allow for planned diversification and integration of uses and structures while at the same time, retaining in the Mayor/Council the absolute authority to establish such conditions, limitations and regulations as it deems necessary to maintain community aesthetics and to protect the public health, safety and general welfare. In doing so, Planned Development Approvals are designed to achieve the following objectives:

- (A) Accomplish a more desirable development pattern than would be possible through strict adherence of standard development regulations.
- (B) Accommodate a mixture of uses and/or development patterns which are compatible both internally and externally through limitations on building orientation, architecture, site layout, buffering, signage control, or other techniques which may be appropriate to a particular development proposal.
- (C) Encourage flexible and creative concepts of site development design which meet changing needs, technologies, market economics and consumer preferences.
- (D) Permit the combining and coordinating of architectural styles, building forms and building relationships within a Planned Development.
- (E) Preserve natural amenities of the land by encouraging scenic and functional open areas.
- (F) Encourage an efficient use of land, where appropriate and beneficial to the City, resulting in smaller networks of streets and utilities thereby lowering development and housing costs.
- (G) Maintain consistency with the Goals, Policies, Future Development Character Areas, and related Community Agenda elements of the Comprehensive Plan.
- (H) Maintain general integrity and compatibility with the underlying zoning districts and their prescribed standards of use and development density.

### Section 212-2 Relation to Zoning Districts and Other Regulations

Planned Development Approvals are not the same as a zoning change, but instead reflect a special development approval which supersedes the underlying zoning district regulations. If development approval is by some means revoked or deleted, then all development regulations of the underlying zoning district will apply. A Planned Development Approval may also be ignored and the property may still be developed at any time in accordance with the current zoning district regulations. However, once development has commenced under a Planned Development Approval, development must continue under the terms and conditions of the approval until it is completed or until the Planned Development Approval is properly amended or deleted.

- (A) Planned Developments shall meet the intent of all applicable development regulations of the City of Valdosta. Where such regulations are in conflict, the Planned Development Approval's plans, terms and conditions shall take precedence. All proposed deviations from the City's development standards shall be itemized and depicted in the Planned Development's proposal. City standards regarding emergency vehicle access and utilities shall be met in all approved Planned Developments without deviation or variance.

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- (B) Planned Developments shall closely conform to the allowable uses and the development density standards of the zoning district which already applies to the subject property, as well as provisions of any applicable Overlay Zoning District. Applicants may request up to a maximum 20% increase in otherwise allowable development density, in exchange for superior aesthetics and creative site design with due justification. Applicants may also request approval of land uses which are deemed less intensive than the allowable uses of the existing zoning district.
- (C) Planned Developments within the local Historic District shall remain subject to the City's Historic Preservation requirements and applicable approvals from the Historic Preservation Commission.
- (D) Planned Development Approvals shall not be used as merely a means to avoid full compliance with standard development regulations for purposes of private gain. Development proposals that can easily be accomplished under standard development regulations and/or a different zoning classification or a Conditional Use Permit, will not be considered for Planned Development Approval.
- (E) Planned Development proposals for traditional neighborhood design, and/or infill residential development on small parcels, are encouraged to utilize the design guidelines for these found in Appendix F and Appendix E respectively.

### Section 212-3 Eligibility Requirements

Unless otherwise stipulated in this Chapter, minimum total acreages for Planned Development Approvals shall be as follows:

- (A) All-residential development: 0.5 acres
- (B) Non-residential or mixed use development: 1 acre

### Section 212-4 Planned Development Submittals and Review Process

Requests for Planned Development Approval shall be reviewed and advertised in the same manner as a Conditional Use Permit (CUP) described in Section 242-6. Application submittal requirements, fees and attachments shall also follow those of a Conditional Use Permit. However, application submittals for a Planned Development Approval shall also include the following items as determined by the Director:

- (A) Letter of Intent. This shall be signed by the applicant and consist of a brief narrative describing the proposed project. This shall include but not be limited to: location, specific list of proposed uses, gross/net acreages for development, building sizes, dwelling unit densities, development timeline, hours of operation where appropriate, etc..
- (B) Phasing Concept Plan. If developed in phases, a master concept plan shall be submitted delineating the area of each phase. If deemed necessary, each phase of the development shall be reviewed and approved separately.
- (C) Building Elevations. If deemed applicable by the Director, building elevation drawings and/or sample photographs shall be submitted which depict one or more of the buildings being proposed.
- (D) Signage Plan. If integral to the proposed Development design and deemed applicable by the Director, a proposed signage plan depicting locations, sizes, and conceptual elevation drawings of all permanent signs requiring a sign permit.
- (E) Deviations. Proposed list of applicable deviations from the City's development standards.
- (F) Unified Control. Evidence of unified control over the Development by a single developer or entity

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during construction of the project. This may include protective covenants, deed restrictions, maintenance agreements, etc.. During the development process, more than one builder may participate in the development of the approved project, provided that each parcel or portion of the development remains subject to all the terms and conditions of the approved Planned Development. Conditions of approval for the development shall be made binding on all heirs, assigns, and successors to the property.

### Section 212-5 Terms and Conditions of Approval

Planned Development Approvals shall be tied to all approved site plans and other materials made part of the public hearing. Conditions of approval shall address but not be limited to the following:

- (A) Time limits by which to begin and/or complete the total development or each development phase where appropriate.
- (B) Dedications and/or maintenance of public rights-of-way, easements, and other public spaces.
- (C) Complete list of all land uses to be permitted under the Planned Development Approval.
- (D) Hours of operation, where deemed appropriate.

### Section 212-6 Planned Development Amendments or Deletions

- (A) Amendment. Substantial amendments to a Planned Development Approval shall be reviewed and processed in the same manner as if it were a completely new development proposal. The term substantial shall include but not be limited to any of the following:
  - (1) Greater than 10% increase in overall building size(s), building height, or total impervious surface area.
  - (2) For Developments in excess of 5 acres, greater than 10% increase in numbers of dwelling units.
  - (3) Reduction by greater than 10% of landscaped or open space areas, or building setbacks.
  - (4) Significant relocation of buildings or other site features.
  - (5) Any change in the boundaries of the Planned Development Approval property.

Non-substantial amendments to an approved Planned Development shall be reviewed and approved jointly by the Director and the City Engineer. At their discretion, such amendments may be presented to Mayor/Council at a public hearing for their consideration.

- (B) Deletion. Revocation or deletion of an approved Planned Development Approval, or any portion thereof, shall be reviewed and considered in the same manner as a substantial amendment described above. It may be initiated by either the Planning Commission, the original applicant(s), or the City of Valdosta. However, if the total development or phased portion thereof has not commenced construction within its specified time period, then the Planned Development Approval for all/that portion shall be automatically revoked. The applicant(s) would then need to re-apply and obtain another Planned Development Approval in order for the development to proceed.

### Section 212-7 Enforcement and Penalties

The terms and conditions of Planned Development Approvals shall be enforceable in the same manner as any other provision of this LDR. Violations shall be punishable as provided in Chapter 110.

# **City of Valdosta Land Development Regulations**

## **Chapter 214                      Standards Applying to All Districts**

### **Section 214-1                      Dimensional Standards of Zoning Districts**

Dimensional standards for zoning districts are summarized in Tables 1, 2 and 3. See Chapter 206 for additional standards. Should a standard in Table 1, 2, or 3 conflict with a standard in Chapter 206, the Chapter 206 standard shall apply.

# City of Valdosta Land Development Regulations

**TABLE 1: Development Standards for Residential Zoning Districts**

| <b>Zoning District</b> | <b>Minimum Lot Size (square feet)</b>                         | <b>Max Unit Density per Acre</b>             | <b>Min. Lot Width (feet)</b> | <b>Min. Front Setback <sup>5</sup> (feet)</b>  | <b>Min. Side Setback <sup>1,2</sup> (feet)</b> | <b>Min. Rear Setback <sup>1</sup> (feet)</b> | <b>Max. % Impervious Surface <sup>4</sup></b> | <b>Max. Bldg. Height (feet)</b> |
|------------------------|---|--|------------------------------|--|--|--|---|---------------------------------|
| R-E                    | 1 Acre  | 1  | 150                          | 35   | 10 / 30  | 40   |   | 35                              |
| R-25                   | 25,000  | 1.7  | 125                          | 35   | 10 / 30  | 30   |   | 35                              |
| R-15                   | 15,000  | 2.9  | 100                          | 30   | 10 / 25  | 25   |   | 35                              |
| R-10                   | 10,000  | 4.3  | 80                           | 20<br><br>Except that a front facing garage or carport opening shall be set back a minimum of 30 feet from the right-of-way line | 10 / 20  | 25   |   | 35                              |
| R-6                    | 6,000<br><br>2,500 Single-family attached<br><br>9,000 Duplex | 7.2 Single-family attached<br><br>4.8 Duplex | 60                           | 20<br><br>Except that a front facing garage or carport opening shall be set back a minimum of 30 feet from the right-of-way line | 8 / 15   | 20   |   | 35                              |

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| Zoning District | Minimum Lot Size (square feet)   | Max Unit Density per Acre   | Min. Lot Width (feet)                  | Min. Front Setback <sup>5</sup> (feet)   | Min. Side Setback <sup>1,2</sup> (feet)                | Min. Rear Setback <sup>1</sup> (feet) | Max. % Impervious Surface <sup>4</sup> | Max. Bldg. Height (feet) |
|-----------------|--|---|--|--|--|---------------------------------------|--|--------------------------|
| R-M             | 6,000<br><br>2,500<br>Single-family attached<br><br>9,000<br>Duplex<br><br>20,000<br>Multi-family  | 7.2<br>Single-family attached<br><br>18<br>Multi-family   | 60<br><br>25<br>Single-family Attached | 15<br><br>Except that a front facing garage or carport opening shall be set back a minimum of 30 feet from the right-of-way line | 8 / 15<br><br>20<br>Multi-family with 3 or more floors | 25                                    | 65                                     | None <sup>3</sup>        |
| R-P             | 6,000<br><br>2,500<br>Single-family attached<br><br>4,000<br>Live-work units (see Section 218-13)<br><br>9,000<br>Duplex<br><br>10,000<br>Multi-family | 7.2<br>Single-family attached<br><br>8<br>Live-work dwellings<br><br>18<br>Multi-family or Loft Dwellings | 60<br><br>25<br>Single-family Attached | 15<br><br>Except that a front facing garage or carport opening shall be set back a minimum of 30 feet from the right-of-way line | 8 / 15<br><br>20<br>Multi-family with 3 or more floors | 25                                    | 70                                     | None <sup>3</sup>        |

Notes for Table 1:

1. Minimum required setbacks do not include buffers, if required by Chapter 328.
2. Larger side yard dimension is for corner lots (side yard setback from the street)
3. The minimum setback for those portions of a building over 35 feet in height shall be increased one foot for every two feet (or part of 2 feet) of building height greater than 35 feet.
4. Required open space is not included in maximum impervious surface calculations.
5. Setback is measured from lot line



# City of Valdosta Land Development Regulations

**TABLE 2: Development Standards for Non-Residential Zoning Districts**

| <b>Zoning District</b> | <b>Min. Lot Size<br/>(square feet)</b> | <b>Max. Dwelling<br/>Unit Density<br/>per Acre</b> | <b>Max.<br/>Building Height<br/>(feet)</b> | <b>Min.<br/>Lot Width<br/>(feet)</b> | <b>Min. Front<br/>Setback<sup>1, 6</sup><br/>(feet)</b> | <b>Min. Side<br/>Setback<sup>1,2,6</sup><br/>(feet)</b> | <b>Min. Rear<br/>Setback<sup>1</sup><br/>(feet)</b> | <b>Max. %<br/>Impervious<br/>Surface<sup>4</sup></b> |
|------------------------|--|--|--|--------------------------------------|---|---|---|--|
| E-R                    | None                                   | n/a  | None <sup>3</sup>                          | 60                                   | 40  | 0 / 20  | 12  | 75   |
| O-P                    | 6,000                                  | n/a  | None <sup>3</sup>                          | 60                                   | 15  | 8 / 10  | 30  | 75   |
| C-N                    | 6,000                                  | 8  | None <sup>3</sup>                          | 60                                   | 15  | 0 / 10  | 30  | 75   |
| C-C                    | 4,000                                  | 60 <sup>9</sup><br>bedrooms / acre                 | None <sup>3</sup>                          | 60                                   | 15  | 0 / 10  | 12  | 75   |
| C-H                    | 4,000                                  | n/a  | None <sup>3</sup>                          | 60                                   | 25  | 0 / 15  | 12  | 75   |
| C-D                    | None                                   | None   | 80   | None                                 | None  | None  | None  | None   |
| C-A                    | 1 Acre                                 | n/a  | None <sup>3</sup>                          | 150                                  | 60  | 40 / 45   | 40  | 75   |
| M-1                    | 4,000                                  | n/a  | None <sup>3</sup>                          | 60                                   | 40  | 0 / 20<br>25 / 40 <sup>8</sup>                          | 12 <sup>7</sup><br>50 <sup>2</sup>                  | 75   |
| M-2                    | 4,000                                  | n/a  | None <sup>3</sup>                          | 60                                   | 50  | 0 / 30<br>25 / 50 <sup>8</sup>                          | 12 <sup>7</sup><br>50 <sup>2</sup>                  | 75   |

*Notes for Table 2:*

- 1 Minimum required setbacks do not include buffers, if required by Chapter 328.
- 2 Larger side yard dimension is for corner lots (side yard setback from the street).
- 3 The minimum setback for those portions of a building over 35 feet in height shall be increased one foot for every two feet (or part of 2 feet) of building height greater than 35 feet.
- 4 Required open space is not included in maximum impervious surface calculations.
- 5 See Chapter 218 for open space standards.
- 6 Setback is measured from lot line.
- 7 No rear setback is required if the rear lot line abuts an active rail line.
- 8 These setbacks required when adjacent to any zoning district other than M-1 or M-2.
- 9 Higher density may be allowed with a Conditional Use Permit.

## City of Valdosta Land Development Regulations

**TABLE 3: Minimum Heated Floor Area per Dwelling Unit by Zoning District**

\* All minimum floor areas are depicted in “square feet” For accessory Dwelling Units, see Section 218-13.

| Zoning District   | Single Family Detached <sup>1</sup> | Single Family Attached <sup>2</sup><br>or Duplex | Multi-Family <sup>3</sup>                          |
|---|-------------------------------------|--|--|
| R-E   | 3,000                               | n/a  | n/a  |
| R-25  | 2,300                               | n/a  | n/a  |
| R-15  | 1,200                               | n/a  | n/a  |
| R-10  | 1,000                               | n/a  | n/a  |
| R-6   | 800                                 | 800  | n/a  |
| R-M   | 800                                 | 800  | Efficiency 400<br>1-bedroom 600<br>2+ bedrooms 800 |
| R-P   | 800                                 | 800  | Efficiency 400<br>1-bedroom 600<br>2+ bedrooms 800 |
| O-P   | 800                                 | 800  | n/a  |
| C-N   | 800                                 | 800  | Efficiency 350<br>1-bedroom 500<br>2+ bedrooms 700 |
| C-C   | 800                                 | 800  | Efficiency 350<br>1-bedroom 500<br>2+ bedrooms 700 |
| C-D   | n/a                                 | 800  | Efficiency 350<br>1-bedroom 500<br>2+ bedrooms 700 |
| <i>Notes for Table 3</i>  |                                     |  |  |
| 1. Single-family detached includes Zero Lot Line Dwellings<br>2. Single-family attached includes Live-Work Dwellings<br>3. Multi-family includes Loft Dwellings |                                     |  |  |

# City of Valdosta Land Development Regulations

## Section 214-2 Building Projections into Yards

- (A) No part of a lot's required yard, setback, buffer or open space shall be included as part of the yard, setback, buffer or open space required for another lot, except as specifically provided for herein.
- (B) Architectural features such as cornices, eaves, steps, gutters and fire escapes may project not more than 3 feet beyond any required setback line, except where such projections would obstruct access for service and/or emergency vehicles; provided, however, that canopies extending from faces of buildings over sidewalks or entryways to shelter pedestrians shall be allowed to encroach into required setbacks so long as they are no closer than 5 feet to the street right-of-way line.

## Section 214-3 Corner Lots

The side of a corner lot fronting on the street with the highest functional classification, according to the most recent GDOT Classification System for the City of Valdosta, shall be deemed to be the front of the lot. If both streets have the same functional classification, then the front of the lot shall be deemed to be the side with the most street frontage.

On corner lots within all zoning districts, no fence, shrubbery or other obstruction to the traffic sight distances, except utility poles, lights or sign standards, shall exceed a height of 3 feet within a triangular area formed by the intersection of the right-of-way lines of 2 streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at 2 points, each 15 feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are completely located at least 9 feet above the finished grade shall be permitted. (See Section 230-9(c)(3) and Section 332-5(g) for additional provisions.)

## Section 214-4 Height Limits

The height limitations of this Article shall not apply to spires for places of worship, belfries, flag poles, monuments, cupolas, domes, ornamental towers or observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or antennas. These exclusions shall not apply in the vicinity of airports where Federal Aviation Administration runway protection zone standards shall apply. The height of telecommunication facilities is regulated in Chapter 218, Article 4.

## Section 214-5 *Reserved*

## Section 214-6 Fences, Walls and Hedges

- (A) Height of Fencing or Walls. In a residential district, no wall or fence shall exceed 4 feet in height in a front yard or 8 feet in height in a side yard or rear yard.
- (B) Fence Material. Fences in front yards constructed of barbed wire, tires, scrap metal, sheet metal, plastic/fiberglass strips or sheeting, common concrete block or other similar material shall be prohibited. Razor wire fences are prohibited in all residential districts.
- (C) Fences and Hedges, Measurement Rule. Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the adjacent grade, whichever is highest. On inside lot lines, the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.
- (D) Fences and Hedges, Exception. The Planning Commission and the City Council may condition the approval of a rezoning or conditional use to require that walls, fences or plantings of a height in excess of these regulations shall be placed in any yard where such wall, fence or planting is necessary to provide appropriate screening.

## **City of Valdosta Land Development Regulations**

- (E) Site design and installation of fences and walls shall not interfere with easements and shall be coordinated with the stormwater management design of the site so as to not unintentionally impede the flow of stormwater runoff.

### **Section 214-7 Exterior Building Materials and Landscaping**

Except for properties zoned M-1 or M-2, sheet metal, exposed common concrete block and similar materials shall not be permitted as exterior materials on sides of buildings facing the front yard. The exterior materials of the face of said buildings on the sides facing the front yard shall consist of glass, brick, stone, textured masonry block, stucco, wood siding, hardiplank or similar building materials and shall extend along the entire front and along both sides of the building for a minimum distance of 10 feet. Front yards shall be landscaped with ground cover, sod, shrubbery and trees that are well-maintained.

### **Section 214-8 Minimum Space Between Buildings**

When not indicated elsewhere in the LDR, the minimum distance between buildings located on the same lot shall be 10 feet.

### **Section 214-9 Uses Requiring Occupation Tax and Business License**

All uses requiring an occupation tax and business license pursuant to the Valdosta Code of Ordinances, Chapter 90, shall be located in a zoning district that permits such business activity in accordance with the Table of Uses in Section 218-1. All such uses shall comply with all such licensing requirements and shall not be considered lawful uses under Title 2 of the LDR if in violation of such licensing requirements

### **Section 214-10 Tents**

Tents or tent-like structures shall not be erected as principal structures on any property or lot in any district, except as may be permitted for temporary use in accordance with the standards of Chapter 218, Article 3.

# City of Valdosta Land Development Regulations

## Chapter 218 Use Regulations

### Article 1 Permitted and Conditional Uses.

#### Section 218-1 Table of Permitted Uses

- (A) The uses set forth in the table below shall be permitted only in the zoning district where it is listed, and only in the manner so listed. Any use not listed in said table is prohibited in all districts. No use shall be permitted and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as one of the following:
- (1) "P": A permitted use in the listed zoning district.
  - (2) "C": A use requiring a Conditional Use Permit subject to approval following the application procedures and requirements as prescribed in Section 242-6.
  - (3) "A": An accessory use subject to the requirements specified and generally applicable to accessory uses as prescribed in Section 218-7.
  - (4) "AP": A use requiring an Administrative Permit from the Director. See Section 242-14.
- (B) Any use not listed with the letter P, C, A or AP in a particular zoning district shall be prohibited in that zoning district, unless it is a non-conforming use lawfully established prior to the effective date of the regulation that rendered it legally non-conforming. (See Chapter 234).
- (C) Any use listed with a "Yes" in the column headed by the words "Suppl. Reg?" in the table below shall satisfy the applicable supplemental use standards established in Section 218-13 of this Chapter, in addition to the development regulations of the district in which it is located.
- (D) Restrictions on the location of telecommunication facilities in certain zoning districts are provided in Section 218-24.
- (E) The majority of uses listed in the table below are based on the North American Industry Classification System (NAICS). Where the use is not defined in Chapter 106 of this Ordinance and where the use has a NAICS code indicated in the table below, the NAICS definition (2012 Edition) shall apply. For uses that fall within more than one use category, the more detailed definition shall apply (the definition of a 6-digit NAICS class overrides the definition of a 5-digit NAICS class, the definition of a 5-digit NAICS class overrides the definition of a 4-digit NAICS class and so on). All remaining uses identified in the LDR are intended to have the commonly accepted definitions contained in the July 2005 edition of the Merriam Webster Dictionary. The Zoning Administrator shall have the discretion of determining the closest and most appropriate classification of allowable uses in accordance with the table below.

# City of Valdosta Land Development Regulations

## TABLE OF PERMITTED USES

| USE  | NAICS Codes            | Suppl. Reg? | E-R | R-E | R-25 | R-15 | R-10 | R-6 | R-M | R-P | O-P | C-N | C-C | C-H | C-D | C-A | M-1 | M-2 |
|--|------------------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <b>RESIDENTIAL &amp; INSTITUTIONAL USES</b>                          |                        |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| Boarding / Rooming House   | 721310                 | Yes         |     |     |      |      |      |     | P   | P   |     | P   | P   | P   | C   |     |     |     |
| Cemetery, Mausoleum; freestanding                                    | 812220                 | Yes         | C   | C   | C    | C    | C    | C   | C   | C   | C   | C   | P   | P   |     |     | P   | P   |
| Church, Place of Worship; and related uses                           |                        | Yes         |     | C   | C    | C    | C    | C   | C   | P   | P   | P   | P   | P   | P   |     | C   | C   |
| Civic/Social Club, Lodge, Professional or other similar organization | 8132, 8133, 8134, 8139 |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   | P   |
| Community Center   |                        |             |     |     |      | C    | C    | C   | C   | P   | P   | P   | P   | P   | P   |     |     |     |
| Dwelling; Accessory  |                        | Yes         |     | C   | C    | C    | C    | C   | P   | P   | P   | P   | P   | P   |     |     |     |     |
| Dwelling; Caretaker  |                        |             |     |     |      |      |      |     |     |     | C   | P   | P   | P   |     |     | P   | P   |
| Dwelling, Duplex   |                        |             |     |     |      |      |      | P   | P   | P   |     |     |     |     | C   |     |     |     |
| Dwelling; Industrialized Home (modular home)                         |                        | Yes         | C   | P   | P    | P    | P    | P   | P   | P   | P   | P   | P   | P   |     |     |     |     |
| Dwelling; Live-Work  |                        | Yes         |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | C   |     |     |     |
| Dwelling; Loft   |                        | Yes         |     |     |      |      |      |     |     | P   |     | P   | P   | P   | P   |     |     |     |
| Dwelling; Manufactured Home – Class A                                |                        | Yes         |     |     |      |      |      | C   | C   |     |     |     |     |     |     |     |     |     |
| Dwelling; Multi-family   |                        | Yes         |     |     |      |      |      |     | P   | P   |     | C   | P   |     | C   |     |     |     |
| Dwelling; Single-family Attached (townhouses)                        |                        | Yes         |     |     |      |      |      | C   | P   | P   |     |     |     |     | C   |     |     |     |
| Dwelling; Single-family Detached                                     |                        |             | C   | P   | P    | P    | P    | P   | P   | P   | P   | P   | P   | P   |     |     |     |     |
| Dwelling; Zero Lot Line  |                        | Yes         |     |     |      |      |      | C   | C   | C   |     |     |     |     |     |     |     |     |
| Fraternity / Sorority House or Fraternal Facility                    |                        | Yes         |     |     |      | C    | C    | C   | C   | C   | C   | C   | C   |     |     |     |     |     |
| Halfway House  | 623220 623990          | Yes         |     |     |      |      |      | C   | C   | C   | C   | C   | C   | C   | C   |     |     |     |
| Home Business  |                        | Yes         |     | C   | C    | C    | C    | C   | C   | C   | C   | P   | P   | P   | C   |     |     |     |
| Home Occupation  |                        | Yes         |     | A   | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   |     |     |     |
| Hospital   | 622                    | Yes         |     |     |      |      |      |     |     | C   | P   | C   | P   | P   | C   |     |     |     |
| Library, Museum or similar institution                               | 51912, 71211, 71212    | Yes         | P   |     |      |      | C    | C   | C   | C   | P   | P   | P   | P   | P   |     | P   | P   |
| Manufactured Home Park or Subdivision                                |                        | Yes         |     |     |      |      |      |     | C   |     |     |     |     |     |     |     |     |     |

## City of Valdosta Land Development Regulations

| USE   | NAICS Codes            | Suppl. Reg? | E-R | R-E | R-25 | R-15 | R-10 | R-6 | R-M | R-P | O-P | C-N | C-C | C-H | C-D | C-A | M-1 | M-2 |
|---|------------------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Nursing Care Home, Residential Care Facility  | 623                    |             |     |     |      |      |      | C   | C   | C   | C   | C   | P   | P   | P   |     |     |     |
| Park; passive recreation  | 71219                  |             | P   | P   | P    | P    | P    | P   | P   | P   | P   | P   | P   | P   | P   |     | P   | P   |
| Personal Care Home; Family (2-3)  |                        | Yes         |     | P   | P    | P    | P    | P   | P   | P   | P   | P   | P   | P   | P   |     |     |     |
| Personal Care Home; Family (4-6)  |                        | Yes         |     | C   | C    | C    | C    | C   | C   | C   | P   | P   | P   | P   | C   |     |     |     |
| Personal Care Home; Group (7-15)  |                        | Yes         |     |     |      |      |      |     | C   | C   | C   | P   | P   | P   | C   |     |     |     |
| Personal Care Home; Congregate (16+)  |                        | Yes         |     |     |      |      |      |     | C   | C   | C   | C   | P   | P   | C   |     |     |     |
| School; pre-K – Grade 12  | 6111                   | Yes         |     |     | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   |     |     |     |
| School; college or university   | 6112, 6113             | Yes         |     |     |      |      |      |     |     | C   | P   | C   | P   | P   | P   |     |     |     |
| School; professional, technical, trade, other                                       | 6113, 6114, 6115, 6116 | Yes         |     |     |      |      |      |     |     |     | C   | C   | P   | P   | P   |     | P   | P   |
| School; private residential, boarding   |                        | Yes         |     | C   | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   |     |     |     |
| Transitional Housing Facility (freestanding or accessory)                           |                        | Yes         |     |     |      |      |      |     | C   | C   | C   | C   | C   | C   | C   |     |     |     |
| Zoo or Botanical Garden   | 712130                 |             | C   |     |      |      |      |     |     | C   |     | C   | C   | P   | C   |     | P   |     |
| <b>BUSINESS and PROFESSIONAL USES</b>   |                        |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| Adult Entertainment Establishment   |                        | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     | P   |     |     |
| Alarm/Security System Monitoring or Service   | 561621                 |             |     |     |      |      |      |     |     |     | P   | P   | P   | P   | P   |     | P   |     |
| Amusement (indoors); arcade, billiards, bowling, skating, shooting range or similar | 71312, 71395, 71399    |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | P   |     | C   |     |
| Amusement (outdoors); mini-golf or similar use producing little or no noise         | 71399                  | Yes         |     |     |      |      |      |     |     |     |     |     | P   | P   |     |     |     |     |
| Amusement (outdoors); batting cage, go-karts or similar use producing noise         | 71399                  | Yes         |     |     |      |      |      |     |     |     |     |     | C   | C   |     |     | C   |     |
| Amusement Park, Theme Park  | 71311                  | Yes         |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | C   |     |
| Animal Care, non-veterinary; boarding/daycare, grooming, kennel, training           | 81291                  | Yes         | C   |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   | P   |

## City of Valdosta Land Development Regulations

| USE   | NAICS Codes  | Suppl. Reg? | E-R | R-E | R-25 | R-15 | R-10 | R-6 | R-M | R-P | O-P | C-N | C-C | C-H | C-D | C-A | M-1 | M-2 |
|---|--------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Animal Care, veterinary services; veterinarian office, animal clinic or hospital  | 54194        | Yes         |     |     |      |      |      |     |     |     |     | C   | P   | P   |     |     | P   | P   |
| Appliance or Electronics Repair or Maintenance                                    | 8112, 811412 |             |     |     |      |      |      |     |     |     |     |     | P   | P   | C   |     | P   | P   |
| Appliance or Electronics Store (incl camera store, photo processing)              | 443          |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |
| Art Gallery or Store, Auction House   | 45392        |             |     |     |      |      |      |     |     |     | C   | P   | P   | P   | P   |     |     |     |
| Automotive; car wash  | 811192       | Yes         |     |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   | P   |
| Automotive; mobile car wash   |              | Yes         |     | AP  | AP   | AP   | AP   | AP  | AP  | AP  | AP  | AP  | AP  | P   | P   |     | P   | P   |
| Automotive; gasoline station (may incl. convenience store)                        | 447          | Yes         |     |     |      |      |      |     |     |     |     | C   | P   | P   | C   |     | P   | P   |
| Automotive; motor vehicle sales (incl: cars, trucks, motorcycle, ATV, golf carts) | 4411, 4412   | Yes         |     |     |      |      |      |     |     |     |     |     |     | P   |     |     | P   |     |
| Automotive; motor vehicle sales (incl: boats, large recreational vehicles)        | 4412         | Yes         |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   |     |
| Automotive; store for parts, accessories, tires, etc..                            | 4413         |             |     |     |      |      |      |     |     |     |     |     | P   | P   | C   |     | P   |     |
| Automotive; repair and maintenance (minor)  | 8111         | Yes         |     |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   | P   |
| Automotive; repair and maintenance (major)  | 8111         | Yes         |     |     |      |      |      |     |     |     |     |     |     | P   |     |     | P   | P   |
| Automotive; rental or leasing (incl: car, truck, trailer)                         | 5321         | Yes         |     |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   |     |
| Automotive; towing or wrecker service   | 488410       |             |     |     |      |      |      |     |     |     |     |     |     | P   |     |     | P   | P   |
| Automotive; truck stop or other fueling station                                   | 447190       | Yes         |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Bail bonding service  | 812990       |             |     |     |      |      |      |     |     |     |     | C   | C   | P   | C   |     | P   |     |
| Book Store or Newsstand   | 4512         |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |



## City of Valdosta Land Development Regulations

| USE   | NAICS Codes                        | Suppl. Reg? | E-R | R-E | R-25 | R-15 | R-10 | R-6 | R-M | R-P | O-P | C-N | C-C | C-H | C-D | C-A | M-1 | M-2 |
|---|------------------------------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Building Contractor Office; residential, general contractor   | 236                                |             |     |     |      |      |      |     |     |     | C   | C   | P   | P   | P   |     | P   | P   |
| Building Contractor Office; heavy construction, utilities   | 237                                |             |     |     |      |      |      |     |     |     |     | C   | C   | P   | P   |     | P   | P   |
| Building Contractor Office; special trades  | 238                                |             |     |     |      |      |      |     |     |     | C   | C   | P   | P   | P   |     | P   | P   |
| Building Material, Hardware, Garden Center, Paint Store, Home Center, Farm Supply, or similar store | 444                                | Yes         |     |     |      |      |      |     |     |     |     | C   | P   | P   | C   |     | P   |     |
| Bus Station, Urban/Rural Transit facility, Tour Operator  | 4851, 4852, 4854, 4855, 46152, 487 |             |     |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   | P   |
| Business Management holding companies   | 55                                 |             |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     | P   | P   |
| Business Office (for administration only)   |                                    |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   | P   |
| Business Support; copy center, document prep, mailing, other support                                | 56141, 56143                       |             |     |     |      |      |      |     |     |     | C   | P   | P   | P   | P   |     | P   |     |
| Business Support; Employment service, telephone call center   | 5613, 56142                        |             |     |     |      |      |      |     |     |     | P   | P   | P   | P   | P   |     | P   |     |
| Business Support; security, investigation   | 56161                              |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   |     |
| Business Support; not elsewhere classified  | 561                                |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   |     |
| Cleaing Service (indoors); carpet, furniture, janitorial  | 56172, 56174                       |             |     |     |      |      |      |     |     |     |     |     | P   | P   | C   |     | P   |     |
| Cleaning Service (outdoor); pool service, pressure washing  | 56179                              |             |     |     |      |      |      |     |     |     |     |     | P   | P   |     |     | P   |     |
| Cleaning Services; drycleaners, laundromat  | 81231, 81232                       | Yes         |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     | P   |     |
| Cleaning Services; Industrial laundry, linen/uniform service  | 81233                              | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| Clothing or Clothing Accessory Store, or Repair; Including jewelry, leather, luggage, shoes, etc..  | 448, 81143                         |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     | P   |     |
| Convenience Store   | 445120                             |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     | P   |     |
| Courier, Messenger, or Postal Service   | 491, 492                           |             |     |     |      |      |      |     |     |     |     |     | P   | P   | C   |     | P   | P   |

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|---|---|---|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Daycare Facility; Family (6 or fewer)   | 624120, 624410                          | Yes   |     | P   | P    | P    | P    | P   | P   | P   | P   | P   | P   | P   | P   |     |     |     |
| Daycare Facility; Group (7-18)  | 624120, 624410                          | Yes   |     | C   | C    | C    | C    | C   | C   | C   | C   | P   | P   | P   | P   |     | C   |     |
| Daycare Facility; Commercial (19+)  | 624120, 624110                          | Yes   |     |     |      |      |      |     |     |     | C   | C   | P   | P   | P   |     | C   |     |
| Drug Rehabilitation Center, or similar out-patient facility   | 623220, 62142                           | Yes   |     |     |      |      |      |     |     |     | C   | C   | C   | C   | C   |     | C   |     |
| Educational Support Service   | 6117                                    |   |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     |     |     |
| Event Center, or similar place of Public Assembly not elsewhere classified                                |   |   |     |     |      |      |      |     |     |     |     | C   | C   | C   | C   |     | C   |     |
| Financial Institution; bank, credit union   | 5221                                    | Yes   |     |     |      |      |      |     |     |     | P   | P   | P   | P   | P   |     | P   |     |
| Financial Institution; Brokerage, finance office, collections/credit bureau, title pawn, consumer lending | 5222, 5223, 523, 525, 533, 56144, 56145 |   |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   |     |
| Florist Shop  | 4531                                    |   |     |     |      |      |      |     |     |     | A   | P   | P   | P   | P   |     |     |     |
| Food Service; Restaurant – full-service   | 722511, 722514, 722515                  |   | A   |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |
| Food Service; Restaurant - limited service (incl fast food, snack bar, icecream parlor)                   | 722513, 722515                          | Yes   | A   |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     | P   |     |
| Food Service; Restaurant - Brewpub  | 722511, 722514, 312120                  |   |     |     |      |      |      |     |     |     |     | C   | C   | C   | C   |     | P   |     |
| Food Service; caterer, contractor   | 72231, 72232                            |   |     |     |      |      |      |     |     |     |     |     | P   | P   | P   |     | P   |     |
| Food Service; mobile food vending   | 72233                                   | Yes   | AP  |     |      |      |      |     |     |     |     | AP  | AP  | AP  | AP  |     | AP  | AP  |
| Food or Beverage Store; bakery, grocery, specialty  | 4451, 4452                              |   |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |
| Food or Beverage Store; beer, wine, liquor  | 4453                                    | Must meet Alcoholic Beverage Ordinance requirements |     |     |      |      |      |     |     |     |     |     | P   | P   | P   |     | P   | P   |
| Food or Beverage Store; produce, farmers market   | 445230                                  |   | C   |     |      |      |      |     |     |     |     | C   | C   | C   | C   |     | P   |     |
| Funeral Home, Crematory   | 812210, 812220                          |   |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   |     |

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|---|---------------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Furniture or Home Furnishings Store (incl floor covering)                                     | 442                 |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | P   |     |     |     |
| Furniture Repair, Reupholstery, other household items repair                                  | 811420, 811490      |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | C   |     | P   | P   |
| Gift or Novelty Store   | 45322               |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |
| Golf Course, Country Club   | 71391               | Yes         | P   | C   | C    | C    | C    | C   | C   | C   | C   | C   |     |     |     |     |     |     |
| Government Office   | 921 - 926           |             |     |     |      |      |      |     |     |     | P   | P   | P   | P   | P   |     | P   | P   |
| Hobby Store; toys, games, sewing, crafts, music supplies, etc..                               | 45112, 45113, 45114 |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |
| Information/Data Technology and related services  | 517, 518            |             |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     | P   |     |
| Landscaping Service   | 56173               |             |     |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   | P   |
| Locksmith   | 561622              |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | P   |     | P   |     |
| Lodging Facility; bed & breakfast inn, hostel   | 721191, 721199      | Yes         | C   | C   |      |      |      |     | C   | P   | P   | P   | P   | P   | C   |     |     |     |
| Lodging Facility; hotel   | 72111               | Yes         |     |     |      |      |      |     |     |     |     |     | P   | P   | P   |     |     |     |
| Lodging Facility; motel   | 72111               | Yes         |     |     |      |      |      |     |     |     |     |     | C   | P   | C   |     | P   |     |
| Lodging Facility; RV park or campground   | 7212                | Yes         | C   |     |      |      |      |     |     |     |     |     |     | C   |     |     | C   |     |
| Manufactured Home or other pre-fabricated building dealer                                     | 45393, 444190       |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Medical Clinic; emergency walk-in, bloodbank, dialysis, plasma center, other out-patient care | 62141, 62149, 62199 |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   |     |
| Medical Laboratory; testing (incl dental)   | 6215, 339116        |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   |     |
| Medical Office; Physician, dentist, etc.. (non-veterinary) (may include out-patient care)     | 6211, 6212, 6213    |             |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     | P   |     |
| Medical Office; home healthcare, other  | 6216                |             |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     | P   |     |
| Monument Store, or similar  | 453998              |             |     |     |      |      |      |     |     |     |     |     |     | P   |     |     | P   |     |
| Movie Theatre, Cinema (indoor)  | 512131              |             |     |     |      |      |      |     |     |     |     |     | P   | P   | P   |     |     |     |
| Office Supply or Stationery Store   | 45321               |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |

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|--|------------------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Parking Services; valet, rental parking deck/lot   | 812903                 | Yes         |     |     |      |      |      |     |     |     |     |     | C   | P   | P   |     | P   | P   |
| Performing Arts, Spectator Sports and related activities (indoor); including stage theatre, concert hall, etc..  | 711                    | Yes         |     |     |      |      |      |     |     |     | P   |     | P   | P   | P   |     | P   |     |
| Performing Arts, Spectator Sports and related activities (outdoor); including stadium, ampitheatre, drive-in theatre   | 711, 512132            | Yes         | C   |     |      |      |      |     |     |     |     |     | C   | C   | C   |     | C   |     |
| Personal Care Items Store (incl. cosmetics, healthcare items, optical goods, other)  | 44612, 44613, 44619    |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |
| Personal Service Shop; Barbershop, hair salon, manicure, electrolysis  | 812111, 812112, 812199 |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     |     |     |
| Personal Service Shop; massage, sauna/spa, tattoo  | 812199                 |             |     |     |      |      |      |     |     |     | C   | C   | P   | P   | P   |     |     |     |
| Pest Control, Exterminator   | 56171                  |             |     |     |      |      |      |     |     |     |     |     | C   | P   | P   |     | P   | P   |
| Pets or Pet Supply Store   | 45391                  |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | C   |     |     |     |
| Pharmacy – Drug Store (includes other mdse)  | 44611                  |             |     |     |      |      |      |     |     |     | C   | P   | P   | P   | P   |     |     |     |
| Pharmacy – Apothecary (very limited mdse)  | 44611                  |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     |     |     |
| Printing or Publishing facilities (commercial)   | 323, 511               |             |     |     |      |      |      |     |     |     | C   | C   | P   | P   | C   |     | P   | P   |
| Professional Office (non-medical, non-retail, non-laboratory), not elsewhere classified; including offices for: accounting, advertising, architecture, attorney, consulting, drafting, designing, engineer, insurance, real estate, research, surveying, etc | 524, 531, 541          |             |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     | P   | P   |
| Recreation (indoor); fitness center and recreational sports  | 71394                  | Yes         |     |     |      |      |      |     |     |     |     |     | P   | P   | P   |     |     |     |
| Recreation (outdoor); Swimming pool, tennis, other   | 71394, 71399           | Yes         | C   | C   |      |      |      |     |     |     |     |     | C   | P   | C   |     |     |     |

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|--|-------------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Rental Center; appliances, clothing, electronics, furnishings, home health, video, other | 5322, 53242       |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |
| Rental Center; heavy equipment, materials  | 5323, 5324        |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Rental Center; small equipment, general  | 5323, 5324        |             |     |     |      |      |      |     |     |     |     |     | P   | P   |     |     | P   |     |
| Retail Sales, general; department store, general merchandise store                       | 452               |             |     |     |      |      |      |     |     |     |     |     | P   | P   | P   |     |     |     |
| Retail Sales; non-store retail, mail order, direct selling                               | 454               |             |     |     |      |      |      |     |     |     |     | C   | C   | P   | C   |     | P   | P   |
| Retail Sales or Service not elsewhere classified   | 45399             |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | P   |     |     |     |
| Seasonal Agricultural Sales (pumpkins, Christmas trees, etc..)                           |                   | Yes         | AP  |     |      |      |      |     |     |     |     | AP  | AP  | AP  | AP  |     |     |     |
| Shopping Center  | 451120            |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | C   |     |     |     |
| Social Assistance; Temporary shelter, counseling services, food bank                     | 624               |             |     |     |      |      |      |     |     | C   | C   | C   | C   | C   | C   |     | P   | P   |
| Studio; ballet, dance, gymnastics, martial arts, etc..                                   | 61161, 61162      |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     |     |     |
| Studio; photography  | 54192             |             |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     |     |     |
| Studio; motion picture, music, video, television, radio, other broadcasting              | 512110, 515, 519  |             |     |     |      |      |      |     |     | C   | P   | P   | P   | P   | P   |     | P   | P   |
| Taxi Service, Limousine, Shuttle, Ambulance  | 4853, 4859, 62191 |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | C   |     | P   |     |
| Taxidermist  | 711510            |             |     |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   |     |
| Temporary Commercial (temporary vendors)   | 454390            | Yes         | AP  |     |      |      |      |     |     |     |     | AP  | AP  | AP  | AP  |     | AP  | AP  |
| Testing Laboratory (non-medical)   | 541380            |             |     |     |      |      |      |     |     |     | C   | P   | P   | P   | C   |     | P   | P   |
| Travel Agency, other travel reservation services   | 56151, 561599     |             |     |     |      |      |      |     |     | P   | P   | P   | P   | P   | P   |     |     |     |
| Used Merchandise Store; antique shop   | 453310            |             |     |     |      |      |      |     |     |     |     | P   | P   | P   | P   |     |     |     |

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|---|----------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Used Merchandise Store; Flea market   | 453310         |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   |     |
| Used Merchandise Store; pawnshop  | 522298         |             |     |     |      |      |      |     |     |     |     |     | C   | P   | C   |     | P   |     |
| Used Merchandise store; thrift, consignments, other   | 453310         |             |     |     |      |      |      |     |     |     |     | C   | P   | P   | P   |     |     |     |
| <b>INDUSTRIAL USES</b>  |                |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| Accessory Building for Industrial Use   |                |             |     |     |      |      |      |     |     |     |     |     |     | A   |     |     | A   | A   |
| Commercial or Industrial machinery and equipment (excl. automotive and electronics) repair and maintenance                          | 81131, 811411  |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Concrete mixing batch plant   | 327320         |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | P   |
| Distribution Center   |                | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | P   |
| Electric Power Generation; solar array  | 22111          | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     | P   | P   |
| Electric Power Generation; oil, gas, wind, other  | 22111          | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | C   |
| Fuel Dealers & Distributors; Gasoline, LP gas, other fuels  | 42472, 45431   |             |     |     |      |      |      |     |     |     |     |     |     | P   |     |     | P   | P   |
| Junk Yard, Salvage Operation, Heavy Materials Scrapping or Recycling  | 423140, 423930 | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     | C   |
| Landfill (non-hazardous); municipal solid waste, inert, construction debris   | 562212         | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     | C   |
| Manufacturing or Processing of wood products; including saw mills, planning mills, wood treatment facilities, or similar processing | 321            | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     | P   |
| Manufacturing – LIGHT: Microbrewery   | 312120         |             |     |     |      |      |      |     |     |     |     |     | C   | C   | C   |     | P   | P   |

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|--|--|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Manufacturing – LIGHT, not elsewhere classified, including the following:<br>appliances or electronics, light machinery and related parts, canning/bottling of non-meats or other foods, dairy products, industrial bakery, ice, non-alcoholic beverages, jewelry, apparel or footwear, textile products assembly, leather goods, toys, machine shop, signs, metal fabrication, furniture or related products, caskets, cooperage, medical equipment and supplies, sporting goods, musical instruments, office supplies, or assembly of products from previously prepared material | 3113, 31211, 3114, 3115, 3118, 3119, 314, 315, 316210, 316992, 316998, 332, 333, 334, 335, 337, 3391, 3392 |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Manufacturing – HEAVY (non-hazardous) not elsewhere classified, including the following:<br>animal rendering & meat foods processing, grain milling, brewery/distillery, tobacco products, textile mill, leather and hide tanning, chemical or pharmaceuticals, plastics or rubber products, autos/boats and other transportation equipment  | 3111, 3112, 3116, 3117, 31212, 31214, 3122, 313, 316110, 325, 326, 336                                     |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | P   |

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|---|-------------------------|-------------|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Manufacturing – HEAVY, not elsewhere classified, including the following: petroleum or other fossil fuel refining/processing, metal or mineral products primary manufacturing, heavy machinery manufacturing, paper/pulp mill, or any other manufacturing/processing facility that emits substantial fumes, smoke, odor, dust, noise or vibration | 322, 324, 327, 331, 333 |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     | C   |
| Mining Activities   | 21                      |             | C   |     |      |      |      |     |     |     |     |     |     |     |     |     |     | C   |
| Railroad Station or transfer/support facilities   | 482, 4882               |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     | P   |
| Recycling Center, Materials Recovery Facility   | 562920                  | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | P   |
| Solid Waster Transfer Station   | 562111                  | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     |     | C   |
| Transportation Support Services; packing & crating, shipping arrangements, other services   | 48849, 4885, 4889       |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Trucking Terminal, Freight Service  | 4841, 4842              | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     | P   | P   |
| Warehousing and Storage; general  | 493110                  |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Warehousing and Storage; mini-warehouse, self-storage   | 531130                  | Yes         |     |     |      |      |      |     |     |     |     |     | C   | P   |     |     | P   | P   |
| Warehousing and Storage; moving & storage services  | 484210                  |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Warehousing and Storage; refrigerated, freezer locker   | 49312                   |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Warehousing and Storage; farm products, lumber, other   | 49313, 49319            |             |     |     |      |      |      |     |     |     |     |     |     |     |     |     | P   | P   |
| Warehousing and Storage; bulk storage tanks with flammable liquids  | 49319                   | Yes         |     |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | P   |
| Wholesale Trade not elsewhere classified  | 42                      |             |     |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |



## City of Valdosta Land Development Regulations

| USE  | NAICS Codes              | Suppl. Reg? | E-R                              | R-E | R-25 | R-15 | R-10 | R-6 | R-M | R-P | O-P | C-N | C-C | C-H | C-D | C-A | M-1 | M-2 |
|--|--------------------------|-------------|----------------------------------|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <b>MISCELLANEOUS USES or STRUCTURES</b>  |                          |             |                                  |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| Agriculture, private garden (non-commercial)   |                          |             | A                                | A   | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   |
| Agriculture, commercial; crop production, aquaculture, forestry/silviculture, winery | 111, 1125, 113, 114, 115 |             | C                                |     |      |      |      |     |     |     |     |     |     |     |     |     | P   | P   |
| Agriculture, commercial; plant nursery, greenhouse                                   | 1114, 115, 1132          |             | C                                |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Agriculture, commercial; livestock   | 112, 115                 |             |                                  |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | C   |
| Airport or related facilities  | 481, 4881                |             |                                  |     |      |      |      |     |     |     |     |     |     |     |     |     | P   | P   |
| Antennae; amateur radio, satellite   |                          | Yes         | A                                | A   | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   |
| Armory   |                          |             |                                  |     |      |      |      |     |     |     |     |     |     | P   |     |     | P   | P   |
| Horse Stables, Riding & Boarding   |                          | Yes         | C                                |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| Incarceration Facility; jail, prison, detention center                               |                          |             |                                  |     |      |      |      |     |     |     |     |     |     |     |     |     | C   | P   |
| Incarceration Facility; transitional center  |                          |             |                                  |     |      |      |      |     |     |     |     |     |     | C   |     |     | P   | P   |
| Outdoor Storage  |                          | Yes         |                                  |     |      |      |      |     |     |     |     |     | A   | A   |     |     | A   | P   |
| Special Events   |                          | Yes         | AP                               | AP  | AP   | AP   | AP   | AP  | AP  | AP  | AP  | AP  | AP  | AP  | AP  | AP  | AP  | AP  |
| Telecommunications Tower (see Chapter 218 – Article 4)                               |                          | Yes         | ** See Section 218 --- Article 4 |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| Temporary Construction Buildings   |                          | Yes         | P                                | P   | P    | P    | P    | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   |
| Tents & Canopies   |                          | Yes         | A                                | A   | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   |     | A   | A   |
| Utility Substations; electric, petroleum, or gas                                     |                          | Yes         | C                                | C   | C    | C    | C    | C   | C   | C   | C   | C   | P   | P   | C   | C   | P   | P   |
| Vending Machines   |                          | Yes         | A                                | A   | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   |

**Sec. 218-2. through 218-6. Reserved.**

# City of Valdosta Land Development Regulations

## Article 2 Accessory Use Standards

### Section 218-7 Accessory Use Standards

- (A) All accessory buildings, structures and uses of land, including off-street parking, shall be clearly subordinate to and supportive of the principal use and located on the same lot as the principal use to which they are accessory.
- (B) All accessory buildings or structures shall be located in the rear yard or in the side yard behind the front yard setback line. Accessory buildings in front yards are prohibited. Front yards for corner lots shall be as required in Section 214-3.
- (C) Accessory structures shall not be allowed in the side yard of a corner lot that faces a public street.
- (D) No accessory building shall be utilized unless the principal structure is also occupied.
- (E) No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
- (F) If more than two accessory buildings are located on a lot, they must be separated by at least 15 feet.
- (G) Accessory buildings and structures shall be no closer than 10 feet from an abutting side or rear property line or the nearest point along any required buffers, whichever is greater.
- (H) There shall be a distance of not less than 15 feet between a principal and detached accessory building located on the same lot or parcel.
- (I) The following accessory uses and structures, including similar uses and structures, shall be permitted in the R-E District, provided that they comply with all stated conditions and standards in Section 218-7, paragraphs (A) and (C) through (H):
  - (1) Garages for the parking of automobiles, decks, garbage pads and storage buildings, subject to the following conditions:
    - (a) Maximum height of two stories or 35 feet.
    - (b) When an accessory building, with the exception of a deck, is attached to the principal building, it shall comply with the minimum setback requirements of the principal building to which it is accessory.
  - (2) Heating and air conditioning units provided that heating and air conditioning units and related equipment shall be located within the buildable area of the lot.
  - (3) Swimming pools in compliance with Section 218-13 of the LDR.
  - (4) Tennis courts and other play and recreation areas.
  - (5) Antennae and satellite dishes in compliance with Section 218-13 of the LDR.
  - (6) Doghouses, runs, pens, rabbit hutches, cages and other similar structures for the housing of household pets, but not including pet boarding kennels, provided that:
    - (a) The number of household pets on a single lot shall be limited to three (not including litters under 6 months of age).
    - (b) The distance from the enclosure to the nearest property line shall not be less than 75 feet unless the enclosure incorporates at least 1/3 of the lot and is bounded by both side lot lines.

## City of Valdosta Land Development Regulations

- (7) Gardening.
  - (8) Statues, arbors, trellises, clotheslines, barbeque stoves, flagpoles, fences, walls and hedges, gates and gateposts and basketball standards.
  - (9) Signs in compliance with Chapter 230 of the LDR.
  - (10) Accessory dwelling in compliance with Section 218-13 of this Chapter.
- (J) All residential accessory uses and structures permitted in the R-E, except for those provided in Section 218-7(I)(4) are permitted in the R-25, R-15, R-10, R-6, and R-M districts provided that they comply with all stated conditions and standards of Section 218-7(A) through (H), and meet each of the following additional standards:
- (1) The accessory structure must maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
  - (2) No single accessory building shall exceed 1,200 square feet; and the total floor area of accessory structures shall not exceed 50% of floor area of the principal dwelling on the lot.
  - (3) An accessory garage shall not be any larger than 900 square feet. Such accessory garage shall be used solely to house vehicles and other accessory items such as garden tools, lawn mowers, weed eaters, carpenter tools, etc. as related to residential use.
  - (4) No accessory structure shall exceed the height of the principal structure.
  - (5) Satellite dish antennae shall be permitted as accessory structures only in rear yards, unless it can be documented that reception is impaired by such a location. In this case, an antenna would be permitted in a side yard. Satellite dish antennae larger than 18 inches in diameter shall not be located on the roof of a residential structure.
  - (6) Accessory dwelling units shall meet the requirements of Section 218-13 of this Chapter.
- (K) The following accessory uses and structures, including similar uses and structures, shall be permitted in the R-P, O-P, C-N, C-C, C-H, C-D, C-A, M-1 and M-2 Districts, provided that they comply with all stated conditions and standards of Section 218-7(C) through (H):
- (1) Free-standing parking structures complying with Section 218-13 and with the following conditions:
    - (a) Maximum height of 50 feet and no more than five stories.
    - (b) Free-standing parking structures are not permitted in the C-N District.
    - (c) When abutting any residential property line, structures shall not be located closer than 10 feet to the nearest point along any property line.
  - (2) Heating and Air-conditioning Units with the following conditions:
    - (a) When abutting a residential district, heating and air conditioning units shall not be located within any required buffer as established in Section 328 of the LDR.
    - (b) When abutting a zoning district other than a residential district, heating or air conditioning units shall not be located closer than 5 feet to a side or rear lot line.
    - (c) Units may be installed on the roof of any structure so long as the unit does not exceed the height restrictions and the units are placed so as to be hidden from a front or side view.
    - (d) No ground-based heating and air-conditioning unit shall exceed 35 feet in height.
  - (3) Incidental storage structures.
  - (4) Antenna and satellite dishes in compliance with Article 4 of this Chapter.

## City of Valdosta Land Development Regulations

- (5) Garbage dumpsters and recycling collection bins in compliance with the requirements of Section 226-3 of the LDR.
  - (6) Signs in compliance with Chapter 230 of the LDR.
  - (7) Other uses permitted as accessory uses in the same zoning district as the principal use in the Table of Permitted Uses, provided that such use meets the standards of Section 218-7(A) through (H) and Section 218-7(L).
- (L) In the R-P, O-P, C-N, C-C, C-H, C-D, C-A, M-1 and M-2 Districts, accessory uses located within the principal structure, shall comply with the following conditions:
- (1) The total area of all accessory uses shall not account for more than 20% of the gross floor area of the principal structure.
  - (2) Accessory uses shall not have separate entrances.
  - (3) Accessory uses shall not have exterior signage.

**Section 218-8 through 218-11                      Reserved**

# City of Valdosta Land Development Regulations

## Article 3 Supplemental Use Standards

### Section 218-12 Purpose and Intent

- (A) The uses listed in Section 218-13 are in alphabetic order. Each of these uses is indicated in the Table of Permitted Uses as requiring Supplemental Use Standards. The purpose of these Supplemental Use Standards is to supplement Article 1, Permitted and Conditional Uses by providing more specific standards for certain uses listed in the Table of Permitted Uses for which site development and design standards are necessary to ensure that they will be compatible with surrounding uses, have minimal impact on the environment, and promote the health, safety and welfare of the community
- (B) These standards apply to specific uses in all zoning districts and shall be enforced by the Department.
- (C) Where a Conditional Use Permit is required in order for a use to be authorized in any zoning district, these standards shall be reviewed, considered and applied by the Department, the Planning Commission and the City Council, along with standards in Section 242-6, prior to granting a Conditional Use Permit for a given use.
- (D) Any use that is regulated by this Article and is authorized in a zoning district shall be developed in conformity with the applicable Supplemental Use Standards for that use provided in this Article. No permit shall be issued for such a use, building or structure that does not conform to applicable provisions of this Article.

### Section 218-13 Standards of Use and Development

#### (A) Accessory Dwelling Units.

- (1) One accessory dwelling unit per primary dwelling unit.
- (2) Primary dwelling unit shall be owner-occupied.
- (3) Heated floor area: minimum 600 square feet maximum 1,200 square feet.
- (4) Accessory dwelling unit shall not be larger than 50% of the size of the primary dwelling unit.
- (5) Accessory dwelling unit may be in the same building or separate building from the primary dwelling unit, including the garage.
- (6) If the accessory dwelling is in a separate building, then the height of the building containing the accessory dwelling shall not exceed the height of the principal building.
- (7) Accessory dwelling unit shall be constructed with the same or very similar and compatible exterior style, materials, roof type and slope, doors, window style and proportions, color, trim and landscaping.
- (8) If the accessory dwelling unit has a separate entrance from the primary dwelling unit, the exterior doorway shall not be visible from the front yard of the principal structure.
- (9) Windows of an accessory dwelling unit shall not be directly opposite windows of a dwelling unit on the abutting lot unless screened by a fence, wall or hedge, or separated by more than 50 feet.
- (10) An accessory dwelling unit shall contain a kitchen and at least one bedroom and at least one full bathroom.
- (11) An accessory dwelling unit shall have at least one parking space in addition to the parking spaces required for the primary dwelling unit

## City of Valdosta Land Development Regulations

- (B) Adult Entertainment Establishments. This use is subject to all provisions of Chapter 4 of the City of Valdosta Code of Ordinances, Section 206-19 of the LDR and all of the following:
- (1) No adult entertainment establishment shall sell or dispense alcoholic beverages
  - (2) Adult book stores shall maintain all windows in a clear and unobstructed manner so as to provide an open and unobstructed view throughout the interior of the book store.
  - (3) Adult movie houses shall maintain all windows in a clear and unobstructed manner, so that the entire reception area, lobby, ticket sales area of the theater is open and unobstructed to the view by the public from all adjoining public rights-of-way.
  - (4) Adult service establishments (bath houses, etc.) shall maintain all windows in a clear and unobstructed manner, so that the entire reception area, lobby, and sales area of the services establishment is open and unobstructed to view by the public from all adjoining public rights-of-way
- (C) Amusement Theme Park. An outdoor recreation facility consisting of amusement rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, water slides or any similar commercial outdoor recreation shall be limited as follows:
- (1) Minimum lot size: 5 acres.
  - (2) Outdoor rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, water slides or other similar commercial outdoor recreation facilities and equipment must be enclosed within an 8 foot high fence with gates that are to be locked except when the facility is open to the public.
  - (3) Outdoor activities are limited to the hours within 9 AM to 11 PM.
  - (4) A site plan shall be prepared at a scale of 1 inch = 50 feet to indicate access and egress, type, location and height of recreation facilities, buildings and other structures and lights, parking areas, landscaping, buffers and drainage. A site location plan at a scale of 1"= 200 feet shall illustrate surrounding property uses and the location of the nearest residence.
  - (5) The site shall have at least one approved vehicular entrance to an arterial street.
  - (6) All outdoor equipment, rides, vehicles and structures taller than 35 feet shall be setback at least 75 feet from property lines.
  - (7) Lighting must be designed to direct light downward and away from adjacent properties.
  - (8) An environmental-acoustical study shall be submitted to the Director for review and approval. The study shall be prepared by an acoustical engineer indicating compliance with all City of Valdosta noise control regulations. It shall identify and analyze all sources of noise emanating from the site including outdoor speakers, sound effects or sound systems as well as rides, vehicles, and mechanical equipment. Noise levels shall not exceed 65 decibels, dbA measured at property lines.
  - (9) A 100-foot buffer shall be maintained adjacent to all abutting residentially zoned property.
- (D) Antennae, Amateur Radio.
- (1) No such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 50 feet.
  - (2) Amateur radio service antenna structures exceeding 50 feet in height shall be permitted only by the Zoning Board of Appeals subject to all of the requirements of the LDR.
  - (3) Amateur radio service antennae shall be located a distance of at least one-half the height of the tower from all property lines

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### (E) Antennae, Satellite.

- (1) Satellite antennae shall be located as follows:
  - (a) In any office, commercial, industrial or multifamily residential district, satellite antennae may be located anywhere in the buildable area of the lot or on a building thereon, subject to applicable zoning district setback regulations.
  - (b) In other districts, satellite antennae shall be located only to the rear of any principal structure. If usable communication signals cannot be obtained from the rear location, the satellite antenna may be located in the side yard. Both locations shall be subject to applicable zoning district setbacks or regulations.
  - (c) In the event that usable satellite communication signals cannot be received by locating the antennae in the rear or to the side of the principal structure, such antennae may be placed in the front yard or on the roof of the dwelling, provided that approval of the Director shall be obtained prior to such installation. The Director shall issue such a permit only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.
- (2) Satellite antennae shall comply with the following regulations for height, screening and grounds:
  - (a) In any district other than office, commercial, industrial or multifamily residential, a satellite antenna shall not exceed 36 inches in diameter.
  - (b) A ground-mounted satellite antenna shall not exceed 20 feet in height including any platform or structure upon which said antenna is mounted or affixed. All non-ground-mounted satellite antennae shall not exceed 35 feet in height.
  - (c) If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (2) above, such satellite antenna may be installed at a greater height, provided the greater height is approved by the Director. Such approval shall be granted only upon a showing by the applicant that installation at a greater height is necessary for the reception of usable communication signals. Under no circumstances shall said antennae exceed 50 feet in height.
  - (d) Except in office, commercial, industrial or multifamily residential districts, satellite antennae shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.
  - (e) All satellite antennae shall meet all manufacturers' specifications, be located on non-combustible and corrosion-resistant material and be erected in a secure, wind-resistant manner, in accordance with the latest version of International Building Code and designed to withstand winds in accordance with ANSI/EIA/TIA 222 standards (latest revision) as applicable.
  - (f) All satellite antennae shall be adequately grounded for protection against a direct strike of lightning.

### (F) Automotive Repair and Maintenance, Minor.

- (1) Minor repair shall be limited to routine maintenance, alignment, installation of oil, filters, batteries, installation of tires, carburetors, fuel injection, ignition parts, brake repairs and other minor accessory parts and repair services that do not require disassembly of major vehicle components, transmission, glass, painting or body work.
- (2) All repair and maintenance activities shall be carried on entirely within an enclosed building.
- (3) There shall be no outdoor storage.

## City of Valdosta Land Development Regulations

- (4) Oil change facilities shall provide a minimum of 3 stacking spaces for the facility.

### **(G) Automotive Repair and Maintenance, Major**

- (1) Outdoor storage shall be in the rear yard, screened by an 8-foot high opaque fence or wall and be limited to 25% of the parcel area.
- (2) A property that includes outdoor storage and repair shall be no closer than 200 feet from a property zoned or used residentially, measured along a straight line connecting the nearest points of the two properties in question.
- (3) There shall be no junkyards.

### **(H) Bed and Breakfast Inn**

- (1) The operator of the establishment shall reside on the site.
- (2) The use shall have a lot area of not less than 10,000 square feet and a floor area within the dwelling unit of no less than 2,000 square feet.
- (3) No guest shall reside in a Bed and Breakfast Inn for a period in excess of 14 consecutive days.
- (4) The residential character of the neighborhood shall not be changed as a result of increased traffic in the neighborhood caused by the use.
- (5) The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk. Any modifications to the structure shall be compatible with the character of the neighborhood.
- (6) The proposed use shall maintain acceptable residential noise standards.
- (7) No restaurant use shall be permitted. Meals may be served on the premises only for guests and employees of the Bed and Breakfast Inn.
- (8) Rooms may not be equipped with cooking facilities.

### **(I) Building Material, Garden Equipment and Supplies Dealers.**

- (1) All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
- (2) Security fencing, a minimum of 6 feet in height, shall be provided around the outside of all storage areas.
- (3) All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

### **(J) Car Washes.**

- (1) Car washes shall utilize a low-volume water recycling system which provides for an average of at least 80% recycled water per wash.
- (2) Paved stacking lanes with the capacity for up to five vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per bay for self-service car washes.
- (3) No storage or repair of vehicles shall be allowed within the car washing facility.
- (4) The use shall provide a safe access to the street. Access shall only be through defined driveway locations.
- (5) Mobile car washes shall meet the following criteria:



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- (a) The mobile car/vehicle wash business must catch all water coming off the vehicle if such vehicle is washed on any impervious surface.
- (b) A single vehicle may be washed on a non-paved or pervious surface provided there is a good stand of live grass and the grass is able to absorb the water into the ground without any water run-off.

**(K)** Cellular and Other Wireless Telecommunications. See Article 4 of this Chapter.

**(L)** Cemeteries. Private and public cemeteries shall comply with all provisions of state law. In addition:

- (1) A plat of the cemetery shall be recorded in the office of the Lowndes County Clerk of Superior Court.
- (2) Any new private cemetery shall be located on a site containing not less than 10 acres.
- (3) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare by way of an access way not less than 20 feet wide.
- (4) Any new cemetery shall be enclosed by a fence or wall not less than 4 feet in height.
- (5) All structures shall be set back no less than 25 feet from any property line or street right-of-way line.
- (6) All graves or burial lots shall be set back not less than 25 feet from any property line or local street right-of-way lines and not less than 50 feet from any collector, arterial, expressway or freeway right-of-way line.
- (7) The entire cemetery property shall be landscaped and maintained.
- (8) Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Department.

**(M)** Reserved.

**(N)** Day Care Facility, (Family, Group, Commercial) Adults or Children

- (1) The use shall comply with all applicable state day care requirements for standards, licensing and inspections.
- (2) The use must provide at least 100 square feet of outdoor recreation and play area per one-third (1/3) of the center's licensed capacity for children.
- (3) The outdoor play area must be enclosed with a 4-foot high fence.
- (4) The use shall provide paved driveways with drop-off areas and turnarounds to be reviewed by the City Engineer so that traffic associated with the use does not impede the flow of traffic on adjacent streets. Pick-up and drop-off shall be conducted on the property and not in the public right-of-way.
- (5) Day Care Facilities with more than 18 children must have direct access to a collector or arterial street as classified in the most recent GDOT Functional Classification System for the City of Valdosta.
- (6) If located in a single-family residential zoning district, the operator of the facility shall reside on the premises and the use shall maintain a residential appearance compatible with the neighborhood and not be detrimental to adjacent residential properties as a result of traffic, noise, light, refuse, parking or other activities.

**(O)** Reserved

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### **(P) Distribution Center.**

- (1) A distribution center site must have direct access to the Interstate via designated truck routes traveling through areas only zoned or used for commercial and industrial uses.
- (2) The minimum lot size shall be 3 acres.
- (3) The setbacks shall be 50 feet on all sides.
- (4) All outdoor storage areas shall be screened from the public right-of-way.
- (5) All loading docks shall be screened from view of the public right-of-way.
- (6) Loading docks shall be located so that there shall be no maneuvering in any adjacent street right-of-way.
- (7) All parking and loading areas shall be located outside of required yards.
- (8) No fence constructed of chain link, barbed or concertina wire shall be visible from a public right-of-way.
- (9) Any assembling and/or processing activities must be conducted entirely within an enclosed building.

### **(Q) Drive-Thru Facilities**

- (1) Drive-thru facilities shall provide a minimum of six (6) stacking spaces (within the site) for a single lane order board, or a minimum of three (3) stacking spaces for each lane or order board in the case of multiple drive-thrus, in a line before the order board or transaction window where the order is placed. For redevelopment of existing drive-thru facilities, fewer stacking spaces may be allowed upon approval of an Administrative Variance.
- (2) Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lanes shall be a minimum of twelve (12) feet in width along curved segments.
- (3) Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping or the use of alternative paving materials or raised medians.
- (4) Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.
- (5) Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent streets or driveways. The circulation shall: (a) separate drive-thru traffic from site circulation, (b) not impede or impair access into or out of parking spaces, (c) not impede or impair vehicle or pedestrian traffic movement, and (d) minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two. Stacking lanes shall not interfere with required loading and trash storage areas, and loading or trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency bypass or exit shall be provided.
- (6) Stacking lanes shall not enter directly from a public right-of-way. Stacking lanes shall be integrated with the on-site circulation pattern.
- (7) The intersection of stacking lanes and walk-in customer access shall be a minimum of fifty (50) feet from any access connections and/or transaction windows. Said intersections shall be provided with a crosswalk. These crosswalks shall use distinctive paving or striping and include warning signage aimed at both the pedestrian and vehicle.
- (8) Any outdoor service facilities (including menu boards, speakers, etc.) shall be a minimum of one hundred (100) feet from the property line of residential uses.

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### **(R) Drycleaning Plant.**

- (1) The drycleaning plant and its operations shall meet the requirements of the National Fire Protection Association (NFPA) and the Underwriters Laboratories, Inc.
- (2) The drycleaning plant shall serve not more than one pick-up and delivery station exclusive of one occupying the same premise as the plant.
- (3) The drycleaning plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste material and which will not produce noise that will carry beyond the walls of the building occupied by such plant.
- (4) Fuel for operation of equipment shall be smokeless fuel.
- (5) The applicant for the dry cleaning plant shall certify in writing, at the time of application, that all of the above conditions will be met.

### **(S) Drug Rehabilitation Out-Patient Center.** If in a residential district or abutting a residential district, the following standards shall apply.

- (1) No meals or overnight accommodation shall be provided.
- (2) The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
- (3) Services shall only be provided on a temporary, "out-patient basis" during daylight hours.
- (4) At least 1,000 feet shall separate a drug rehabilitation center from another drug rehabilitation center, transitional housing facility, rooming and boarding house, or personal care home.
- (5) The operator must be licensed to provide treatment and rehabilitation services for persons with drug and alcohol dependency by the State of Georgia.
- (6) If a rezoning or Conditional Use permit application is made for location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, public hearing requirements shall conform to O.C.G.A. 36-66-4(f).

### **(T) Dwelling, Live-Work.**

- (1) The following standards shall apply to all live-work dwelling units.
  - (a) Dwelling unit must be owner-occupied.
  - (b) Only one business may be operated in each dwelling.
  - (c) Business owner shall be the owner of the dwelling unit in which the business is located.
  - (d) The businesses shall be located on the ground floor only and shall have direct entry from the sidewalk along the street frontage.
  - (e) No more than 40% of the dwelling unit may be used for conducting the business.
  - (f) Firewalls: A minimum of a two-hour rated firewall shall be required between each attached dwelling unit. A four-hour rated firewall shall be required between every fourth attached dwelling unit. Firewalls shall be constructed in accordance with all applicable building codes.
- (2) The following standards shall apply to live-work dwelling units when located in an R-P zoning district.
  - (a) Minimum lot width: 30 feet
  - (b) Minimum lot depth: 125 feet
  - (c) Minimum road frontage per lot: 24 feet

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- (d) Setbacks.
  - i. Maximum front yard setback: 25 feet
  - ii. Minimum front yard setback: 15 feet, except that covered front porch or balcony may encroach up to 10 feet into front setback, provided that no portion of the porch is close than 5 feet from the right-of-way.
  - iii. Rear: 35 feet from principal structure, not including detached garage.
  - iv. Corner side: 15 feet.
- (e) Minimum spacing between buildings: 15 feet.
- (f) Maximum building height: Three stories.
- (g) Maximum building size: 15,000 square feet.
- (h) Minimum number of dwelling units in a building is two.
- (i) Maximum building length is 6 dwelling units attached, or 200 feet, whichever is less.
- (j) Maximum impervious surface: 75 %.
- (k) Each live-work unit shall contain a minimum heated floor area of 2,400 square feet.
- (l) Minimum heated residential floor area is 1,400 square feet.
- (m) Up to 1,200 square feet on the ground floor may be used for business purposes, such as a commercial office, studio, workshop, or business of the following types:
  - i. Barber or Beauty Shop
  - ii. Music instruction
  - iii. Professional office (engineering, real estate, marketing, counseling, computer software or similar).
  - iv. Professional studio (art, architecture, antiques, furniture, jewelry, sculpture, painting, photography, pottery, stained glass, textiles, woodwork, or similar).
  - v. Tutoring.
- (n) Bulk storage for businesses is limited to 250 cubic feet on premises.
- (o) The Fire Marshall shall approve all businesses.
- (p) Only services are allowed. Direct sales of merchandise are prohibited.
- (q) Hours during which customers are admitted shall be limited to 8 AM to 8 PM.
- (r) Fumes, odors, and vibrations associated with any business use may not leave the premises.
- (s) The owner of the live-work unit shall be both the resident of the live-work unit and the owner-proprietor.
- (t) The live-work unit is entitled to either one wall sign or one window sign not larger than 6 square feet. No sign may be artificially illuminated.
- (u) All live-work units shall include a minimum of two parking spaces per dwelling unit in an enclosed garage.
- (v) At least one additional parking space shall be provided (on street or off street) within 300 feet of the dwelling unit.
- (w) For lot widths less than 60 feet garages must be accessed from an alley located behind the rear yard. The face of the garage shall be set back a minimum of five feet from the edge of pavement of the alley.

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- (x) The exterior materials of principal buildings must be finished in brick or stone (70%) with siding or stucco no more than 30% of exterior wall area.

### (U) Dwelling, Loft

- (1) Loft dwelling units shall be located in mixed-use buildings.
- (2) No loft dwelling units shall be located on the ground floor.
- (3) Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of non-residential portions of the building.
- (4) The primary entrance for residential portion of the building shall be clearly visible from the street and shall face the public street. If a building fronts more than one public street, the primary entrance shall face the street with the highest classification.
- (5) Each loft dwelling unit shall contain a minimum heated floor area of 800 square feet.
- (6) Ground floor commercial uses shall have entrances opening directly onto the sidewalk or a common area adjacent to the sidewalk.
- (7) Ground floor commercial uses shall have at least one ground floor façade facing a public street with a minimum of 65% of its length being clear glass to a height at least 10 feet above the adjacent sidewalk.
- (8) Surface parking for loft dwelling units shall be well-lit and provided in the rear or side yards, and if visible from the street, shall be screened as provided in Chapter 222.
- (9) Architectural standards for buildings containing loft dwellings.
  - (a) Building facades shall incorporate architectural modulations at intervals of no more than every 25 feet.
  - (b) The exterior materials of principal buildings must be finished in brick or stone (70%) with siding or stucco no more than 30% of exterior wall area.
  - (c) No exposed concrete masonry units may be used on exterior building walls.
  - (d) Preliminary architectural building elevations of buildings containing loft dwelling units shall be submitted prior to approval of rezoning or building permit.

### (V) Dwelling, Multi-family.

- (1) Multi-family dwelling units shall not consist of more than 4 bedrooms.
- (2) Multi-family developments with more than 150 units must have access to a collector or arterial street as classified in the most recent GDOT Functional Classification System for the City of Valdosta.
- (3) Minimum building spacing. Buildings shall be separated by a minimum of 15 feet side to side, 40 feet front to back or front to front, and 25 feet back to back or back to side.
- (4) No building façade shall measure greater than 250 feet in length.
- (5) Architectural Standards for multi-family development:
  - (a) Building facades shall incorporate architectural modulations at intervals of no more than every 25 feet.
  - (b) Buildings must have pitched roofs with a minimum of 4:12 pitch.
  - (c) No exposed concrete masonry units may be used on exterior building walls.
  - (d) Preliminary architectural building elevations shall be submitted prior to approval of rezoning or building permit.

## City of Valdosta Land Development Regulations

### (6) Streets and Circulation.

- (a) Private streets may be permitted, provided such streets meet the standards of public streets as specified in Chapter 332, Article 1.
- (b) Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures and parking areas on the premises; including fire fighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service and other public and private services and individuals who would require access to the premises.

### (7) Open Space and Recreation: In residential zoning districts, multi-family residential developments with more than 50 dwelling units shall provide a minimum of 300 square feet of open space or outdoor recreation per dwelling unit.

### (8) Parking

- (a) Parking areas shall be screened from view of public streets by buildings or by an evergreen hedge, solid fence, or wall not less than 4 feet in height.
  - (b) If parking is provided in covered garages or carports, such parking shall be with in the principal building or in separate garages that are constructed of similar materials, roof slope, and design as the principal structure.
  - (c) Required parking for multi-family developments shall be provided off-street in small parking lots grouped in bays with no more than 100 parking spaces in a non-linear area. No off-street parking space shall be more than 200 feet, by the most direct route on the ground, from a ground floor exterior entrance of the dwelling unit it intends to serve.
  - (d) Parking areas with more than 25 parking spaces shall provide at least two points of access.
- (9) Non-residential zoning districts. Multi-family developments in non-residential zoning districts shall be located on their own parcel of land, unless otherwise approved as part of a Planned Development pursuant to Chapter 212.

### **(W)** Dwelling, Single-Family Attached. (Townhouses)

- (1) Minimum lot depth: 100 feet.
- (2) Minimum spacing between buildings: 15 feet.
- (3) Minimum building façade height: 18 feet.
- (4) Maximum building height: 3 stories.
- (5) Maximum building length, width, and depth: 200 feet.
- (6) Maximum building floor area (all floors): 10,000 square feet.
- (7) Minimum first floor building size (other than garages and unoccupied storage buildings): 2,000 square feet of heated floor area.
- (8) Maximum impervious surface: 65% of parcel.
- (9) No more than six or fewer than three continuous townhouses shall be connected in a row within the same building.
- (10) Garages must be accessed from an alley located behind the rear yard.
- (11) Exterior walls shall be constructed of brick, stone, stucco or siding. Exposed concrete block is not permitted.

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- (12) Preliminary architectural building elevations of single-family attached dwellings shall be submitted prior to approval of rezoning or building permit.

**(X) Dwelling, Single-Family Zero Lot Line.**

- (1) Adjacent interior lots on the block face shall be developed as zero lot line dwellings.
- (2) The side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain twice the minimum side yard dimension of the zoning district.
- (3) Each lot shall meet the minimum area requirements of the zoning district.
- (4) Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line.
- (5) When the minimum side yard is used, a privacy fence at least 6 feet high is required between buildings.

**(Y) Electric Power Generation.**

- (1) Structures shall be placed not less than 50 feet from any property line.
- (2) Structures are to be enclosed by a fence or wall at least 8 feet high.

**(Z) Electric, Petroleum or Gas Substation.**

- (1) Structures shall be placed not less than 50 feet from any property line.
- (2) Structures are to be enclosed by a fence at least 8 feet high.
- (3) The lot shall be suitably landscaped, including a buffer strip at least 10 feet wide along the front, side and rear property lines; planted with evergreen trees and shrubs that grow at least 8 feet tall and provide an effective visual screen.

**(AA) Fitness and Recreational Sports Centers.** This regulation shall apply equally to outdoor tennis courts, neighborhood recreation centers (i.e. swim/tennis), basketball courts, ice rinks, hockey rinks, soccer, field hockey and football fields, baseball and softball fields, gymnasiums, spas, group exercise and fitness centers, yoga, karate and similar facilities.

- (1) If in a residential district or abutting a residential district, the following standards shall apply:
  - (a) Hours of operation shall be limited to the hours of 6 AM to 11 PM.
  - (b) Outdoor recreation activities shall be limited to the hours of 8:30 AM to 10 PM.
  - (c) No outdoor loudspeakers or sound amplification systems shall be permitted.
  - (d) No outdoor storage shall be permitted.
  - (e) No building, swimming pool, tennis court, ball field or other form of outdoor recreation shall be closer than 50 feet from abutting property zoned for single-family residential use.
  - (f) Outdoor lights shall be no more than 10 feet in height nor closer than 25 feet from a property line. Outdoor lighting fixtures shall be cut-off luminaries designed to cast light downward and away from adjacent property.
  - (g) Property lines abutting properties used for single-family dwellings shall provide a minimum 25-foot buffer continuous except where penetrated from driveways or utility lines that shall be located perpendicular to property lines.
  - (h) Swimming pools shall meet applicable regulations contained elsewhere in this Article.

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- (2) When the use is accessory to a residential subdivision the following standards shall apply in addition to those listed in (1) above:
  - (a) The facility shall be owned by the subdivision's property owners association.
  - (b) To limit cut through traffic in the subdivision, membership shall be limited to residents of the subdivision.
- (3) When the use not accessory to another use, but is permitted as of right is shall meet the following standards is addition to those listed in (1) above:
  - (a) The use shall not be located except with direct access to a roadway designated as a collector or higher category in the latest GDOT Functional Classification System for the City of Valdosta.

### **(BB) Fraternity / Sorority Houses, or Fraternal Facility**

- (1) Properties used for fraternity / sorority houses, or fraternal facilities must be located in proximity to a university campus in eligible areas as depicted on Map 218-13-BB below. Such facilities shall be operated under the auspices of the university, or by an organization sanctioned by the university.
- (2) Regular lodging or meals may only be provided to residents of the facility.
- (3) When adjacent to property zoned for single-family residential uses, provide either a solid opaque fence that is at least 6 feet in height or a 10-foot landscaped buffer along the property line adjacent to such property.
- (4) The structure and any site modifications shall be compatible with the character of the surrounding properties in terms of height, setbacks and bulk.
- (5) All parking areas shall be paved and located in the required rear or side yard, unless otherwise approved as part of a Conditional Use Permit. Parking outside of designated, paved driveways or parking areas shall not be permitted.
- (6) The proposed use shall meet the residential noise standards of the City of Valdosta.
- (7) Any outdoor recreational areas provided shall be located to the rear of the site.



# City of Valdosta Land Development Regulations

## Map 218-13-BB



**(CC)** Reserved

### **(DD)** Golf Courses and Country Clubs

- (1) If in a residential district or abutting a residential district, the following standards shall apply:
  - (a) Hours of operation shall be limited to the hours of 6 AM to 11 PM.
  - (b) Outdoor recreation activities shall be limited to the hours of 8:30 AM to 10 PM.
  - (c) No outdoor loudspeakers or sound amplification systems shall be permitted.
  - (d) No outdoor storage shall be permitted.
  - (e) No building, swimming pool, tennis court, ball field or other form of outdoor recreation shall be closer than 50 feet from abutting property zoned for single-family residential use.
  - (f) Outdoor lights shall be no more than 10 feet in height nor closer than 25 feet from a property line. Outdoor lighting fixtures shall be cut-off luminaries designed to cast light downward and away from adjacent property.
  - (g) Property lines abutting properties used for single-family dwellings shall provide a minimum 25 feet buffer continuous except where penetrated from driveways or utility lines that shall be located perpendicular to property lines.
  - (h) Swimming pools shall meet applicable regulations contained elsewhere in this Article.

## City of Valdosta Land Development Regulations

- (2) When the use is accessory to a residential subdivision the following standards shall apply in addition to those listed in (1) above:
  - (a) The facility shall be owned by the subdivision's property owners' association.
  - (b) To limit cut through traffic in the subdivision, membership shall be limited to residents of the subdivision.
- (3) When the use not accessory to another use, but is permitted as of right is shall meet the following standards is addition to those listed in (1) above:
  - (a) The use shall not be located except with direct access to a roadway designated as a collector or higher category in the latest GDOT Functional Classification System for the City of Valdosta.

**(EE) Greenhouse, Nursery and Floriculture Production.** Any structure shall be set back at least 100 feet from any residential property line.

**(FF) Halfway House.**

- (1) No more than 15 residents, not including attendants and employees of the operator.
- (2) Operator must be licensed for treatment of drug and alcohol dependency.
- (3) Parking must be provided in an enclosed garage or in the rear or side yard.
- (4) The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
- (5) Services shall not be provided on an "out-patient basis" to persons who are not regular residents of the facility, as described in sub-paragraph (1) of this paragraph.
- (6) At least 1,000 feet shall separate the halfway house from another halfway house, transitional housing facility, rooming and boarding house, or personal care home.
- (7) If a rezoning or Conditional Use permit application is made for location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, public hearing requirements shall conform to O.C.G.A. 36-66-4(f).

**(GG) Home Business.** A home business, as defined by the LDR shall be governed by the following requirements:

- (1) Home business shall be subordinate to the use of a dwelling unit for residential purposes.
- (2) No more than 1,000 square feet or 25% of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home business.
- (3) No more than 1 home business shall be permitted within a single dwelling unit.
- (4) The home business may be conducted within a dwelling or within an accessory building provided that all structures used are harmonious in appearance with the zoning district where the home business is located.
- (5) The existence of the home business must not be apparent outside the dwelling or accessory building in which the home business is conducted except for any signage as allowed by Chapter 230 of the LDR.
- (6) No outside storage of equipment or materials used in the conduct of the home business, other than trade vehicles, is permitted.
- (7) The home business is limited to employment of residents of the property and no more than 2 additional employees.

## City of Valdosta Land Development Regulations

- (8) A home business shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure.
- (9) A home business must not constitute (a) a fire hazard to neighboring residences, or (b) adversely affect neighboring property values, or (c) constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, or excessive odors.
- (10) No traffic shall be generated by such home businesses in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street and other than in a front yard.
- (11) On premises, retail sales are prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation.
- (12) No on-street parking of business related vehicles (either marked or commercially equipped) will be permitted at any home. No business vehicle larger than a van, panel truck or pick-up truck is permitted to park overnight on the premises. The number of business related vehicles is limited to one (1).
- (13) Operations of home businesses are limited to the hours of 8AM – 6PM Monday through Saturday.

**(HH)** Home Occupation. A home occupation, as defined by the LDR shall be governed by the following requirements:

- (1) Only residents of the dwelling containing the home occupation may be engaged in the home occupation.
- (2) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.
- (3) No display of products shall be visible from the street, and no products may be produced on the premises or may be sold on the premises.
- (4) Use of the building for the purpose of a home occupation shall not exceed 25% of the square footage of one floor of the principal building.
- (5) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- (6) The occupation shall not constitute a nuisance to the neighborhood. Furthermore, except as would be caused by a typical residential use, no noise, vibration, dust, odor, smoke, glare or electric disturbance that is perceptible beyond any property line will be permitted to occur as a result of the home occupation.
- (7) No accessory buildings or outside storage shall be used in connection with the home occupation.
- (8) No earth-moving equipment or heavy construction or hauling equipment shall be allowed on the premises.
- (9) Pursuant to the above requirements, a home occupation includes, but is not limited to, activities such as the following:
  - (a) Art studio.
  - (b) Dressmaking.
  - (c) Professional office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent or other similar occupation.

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- (d) Teaching of any kind, provided instruction is limited to not more than two pupils at a time.
  - (e) However, a home occupation shall not be interpreted to include any occupation or profession providing medical or mental health services including, but not limited to, physician, veterinarian, dentist, psychiatrist or psychologist and it shall not be interpreted to allow the preparation of food for sale on the premises.
- (10) Not more than one vehicle used in the business may be parked overnight, and not more than one additional vehicle may be parked at the premises during the day, provided the gross vehicle weight of such vehicles shall not exceed  $\frac{3}{4}$  of their carrying capacity. Material kept on such vehicles shall be enclosed or kept in the bed of the vehicle, but not stored on racks.

### (II) Horse Stables, Riding and Boarding.

- (1) The keeping of horses and use of stables shall be limited to property located within the E-R zoning district on lots having a minimum lot area of three (3) acres.
- (2) The entire parcel shall be fenced.
- (3) The maximum number of adult horses shall be equal to two per acre.
- (4) Any structure, pens, corral or other building appurtenant to the keeping and raising of horses must be located a minimum of 200 feet from any property line.
- (5) Any outdoor tracks and exercise yards shall be fenced, set back a minimum of 250 feet from any property line, and maintained so as to minimize the overflow of odors or pests onto neighboring properties.
- (6) The keeping and raising of all horses shall be subject to all regulations promulgated by the Lowndes County Health Department.

### (JJ) Hospital.

- (1) The lot shall have access to an arterial or collector roadway.
- (2) Side and rear setbacks shall be at least 25 feet or the minimum required by the zoning district, whichever is greater.
- (3) Front building setback shall be at least 50 feet.

### (KK) Hotel.

- (1) All guest rooms shall be accessed internally through the building with no direct room access to the outside. The lobby shall be a minimum of 700 square feet in size.
- (2) Each hotel must provide management on duty 24 hours a day.
- (3) Each guest room shall have a minimum of 300 square feet.
- (4) For buildings three stories or less or containing no more than 130 rooms, each hotel building shall have a minimum roof pitch of 4:12.
- (5) Outside storage of commercial equipment is prohibited.
- (6) No business license shall be issued for any business operating from any guest room of the facility.

### (LL) Industrialized Home. All industrialized homes must comply with the following regulations for dwelling units:

- (1) At the time an application for installation of any industrialized home is presented for review, the applicant must present evidence of the following:

## City of Valdosta Land Development Regulations

- (a) The serial number for the home as provided by the manufacturer.
  - (b) Proof of the identity of the manufacturer.
  - (c) Proof of inspection of the home at the date of manufacture, including DCA insignias.
- (2) No industrialized home shall be in a state of disrepair at the time of its installation at the intended location within the City. Proof of an approved Department of Community Affairs insignia may be accepted as evidence of a new industrialized home's compliance with this subsection.
- (3) It shall be the responsibility of the Director or his/her designee to inspect industrialized homes being placed or relocated within the City. Public services and engineering staff shall conduct such inspections necessary to ensure the following:
- (a) External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all City building codes.
  - (b) Each industrialized home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the Georgia Department of Human Resources and the Lowndes County Health Department.
  - (c) Steps and landings of the requisite size and composition per the International Building Code shall, at a minimum, be required of all industrialized homes, with such provisions being expressly incorporated by reference herein as part of this requirement.
- (4) All industrialized home sites shall conform to all regulations for the zoning district in which the property is located.
- (5) Industrialized home may be attached to another industrialized home by means of a breezeway, corridor or hallway. Industrialized homes designed to be part of a multi-unit residential structure are prohibited.

### **(MM)** Kennel, Pet Boarding.

- (1) The lot size shall be no less than two acres.
- (2) Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 100 feet.
- (3) All areas maintaining animals outside shall be completely enclosed by walls or fences at least 6 feet in height and shall be located no closer than 200 feet from property lines or street right-of-way.

### **(NN)** Landfill, Inert Waste.

- (1) Minimum acreage of site: 25 acres.
- (2) No facility shall be permitted within 500 feet of a residential dwelling, private well, or school.
- (3) A minimum 100-foot-wide buffer, meeting the requirements of this chapter, shall be maintained on all property lines including property lines abutting a public street.
- (4) All facilities shall be enclosed with a security fence at least 6 feet in height with openings therein not more than those in two-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum 6-foot-high solid fence or wall is required inside buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to Director for approval.
- (5) Access to inert waste landfills shall be limited to authorized entrances that shall be closed when the site is not in operation. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the City Engineer

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to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the City.

- (6) Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.
- (7) A uniform compacted layer of clean earth no less than 1 foot in depth shall be placed overall exposed inert waste material at least monthly.
- (8) The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
- (9) The property owner shall obtain a land disturbing permit for any inert waste landfill.
- (10) No hazardous wastes, industrial wastes, demolition wastes, biomedical wastes, asbestos, or liquid waste shall be allowed in an inert waste landfill.
- (11) This section shall not prohibit the burial of dry waste building materials on the same property of a structure currently under construction. However, hazardous materials may not be included in this disposal.
- (12) Suitable means, such as stockpiled soil, shall be provided to prevent and control fires.
- (13) A uniform compacted layer of final cover not less than two feet in depth and a vegetative cover shall be placed over the final lift not less than one month following final placement of inert waste within the lift.
- (14) Notice of final closure must be provided to the Department of Public Works within 30 days of receiving the final load of waste. Any site not receiving waste in excess of 180 days shall be deemed abandoned and in violation of this section unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

### **(OO) Landfills, Solid Waste.**

- (1) Minimum Acreage of Site: 100 acres.
- (2) No facility shall be permitted within 500 feet of a residential dwelling, private well, or school.
- (3) A minimum 200-foot-wide buffer, meeting the requirements of this chapter, shall be maintained against all property lines including property lines abutting a public street.
- (4) All facilities shall be enclosed with a security fence at least 6 feet high with openings therein not more than those in 2-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum 6-foot-high solid fence or wall is required inside the buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to Director for approval.
- (5) Limited Access. A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an attendant is not on duty. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the Director of Public Works to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the City.
- (6) The property owner shall obtain a land disturbing permit for any solid waste landfill.
- (7) Groundwater Protection. The site must be designed with adequate soil buffers or artificial lines and leachate collection and treatment systems to preclude, to the maximum extent possible, the contamination of drinking water supplies.
- (8) Erosion and Sedimentation Control. All surface runoff from disturbed areas must be controlled by the use of appropriate erosion and sedimentation control measures or

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- devices. Sediment basins must be designed to handle both the hydraulic loading for the 25-year, 24-hour storm and the sediment loading from the drainage basin for the life of the site.
- (9) **Revegetation.** The plan must call for the revegetation of any disturbed area that will remain exposed for more than three months. Revegetation of final cover must take place within two weeks after final cover placement.
  - (10) **Sequence of Filling.** The plan must define a sequence of filling the entire site that minimizes any problems with drainage or provides for all-weather access roads to the working area.
  - (11) **Daily Cover.** The composition of daily cover shall meet the following standards:
    - (a) Must be capable of preventing disease vectors, odors, blowing litter, and other nuisances.
    - (b) Must be capable of covering solid waste after it is placed without change in its properties and without regard to weather.
    - (c) Must be capable of allowing loaded vehicles to successfully maneuver over it after placement.
    - (d) Must be noncombustible.
    - (e) 40% by weight of the fragments in the daily cover shall pass through a 2 millimeter, No. 10 sieve.
    - (f) Must not include rock fragments that are greater than 6 in. in diameter.
  - (12) **Intermediate or Monthly Cover.** The composition of intermediate or monthly cover shall meet the same criteria for daily cover and be capable of supporting the germination and propagation of vegetative cover.
  - (13) **Final Cover.** The composition of final cover shall meet the same criteria as for monthly cover and must compact well and preclude the excessive infiltration of surface water.
  - (14) **Final Grading:** The grade of final slopes shall be designed, installed and maintained to:
    - (a) Ensure permanent slope stability.
    - (b) Control erosion due to rapid water velocity and other factors.
    - (c) Allow compaction, seeding and revegetation of cover material placed on slopes.
    - (d) Ensure minimal percolation of precipitation into and surface runoff onto the disposal area.
    - (e) The grade of the final surface of the facility may not be less than 3% or greater than 33%.
  - (15) Fire protection, groundwater monitoring, methane gas control, liners and leachate collection, closure, post-closure care and financial responsibility shall be in conformance with Chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
  - (16) Any operator of any solid waste landfill shall comply with the performance requirements of Chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources
  - (17) No regulated quantities of hazardous waste may be accepted. The operation must have a plan for excluding regulated quantities of hazardous waste.
  - (18) No person in responsible charge of a solid waste landfill which has a leachate collection system shall perform the duties of a Solid Waste landfill operator without being duly certified by the state.

## City of Valdosta Land Development Regulations

- (19) No solid waste landfill which has a leachate collection system shall be operated in the state unless the person in responsible charge is duly certified by the state.

**(PP)** Reserved

**(QQ)** Manufactured Home. All manufactured homes must comply with the following regulations:

- (1) A scaled site plan prepared by a state-certified surveyor, landscape architect or engineer shall be required with all applications for a building permit to install a manufactured home in the City.
- (2) At the time an application for installation of any class of manufactured home in the City is presented for review, the applicant must present evidence of the following:
  - (a) The serial number for the home as provided by the manufacturer.
  - (b) Proof of the identity of the manufacturer.
  - (c) Proof of inspection of the home at the date of manufacture, including HUD insignias.
  - (d) The minimum width of the installed home shall be in excess of 20 feet over at least 70% of its length.
  - (e) The pitch of the home's roof has a factory-installed fixed, nominal or true minimum vertical rise of four feet for each 12 feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in conventional residential construction.
  - (f) The roof of the home has a minimum six-inch factory installed roof overhang on each of the dwelling's perimeter walls.
  - (g) Exterior wall materials shall consist of brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint. Corrugated materials are not permitted for exterior walls.
  - (h) Exterior roof materials shall consist of asphalt or composition shingle, wood shake, wood shingle, standing seam metal, clay or ceramic tile, but not including corrugated metal, plastic or fiberglass.
- (3) No Class B manufactured home may be brought in and placed within the City of Valdosta except in an existing manufactured home park.
- (4) No Class C manufactured homes shall be brought into and placed within City.
- (5) No manufactured home shall be in a state of disrepair at the time of its installation at the intended location within the City. Proof of an approved US Department of Housing and Urban Development insignia may be accepted as evidence of a new manufactured home's compliance with this subsection. The state of repair of a manufactured home which has previously been utilized as a residential dwelling shall be determined based on the home's compliance with the following provisions:
  - (a) **Sanitary Facilities.** Every manufactured home shall contain not less than a kitchen sink, a lavatory sink, a tub or shower, and a toilet all in working condition when properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be in a sanitary working condition free from leaks and obstructions.
  - (b) **Hot and Cold Water Supply.** Every kitchen sink, lavatory sink, and tub or shower in a manufactured home must be connected to a supply of both hot and cold water.
  - (c) **Water Heating Facilities.** Every manufactured home shall have water-heating facilities in safe working condition.



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- i. Heating Facilities. Every manufactured home shall have heating facilities in safe working condition. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby heating appliances may be connected.
  - ii. Un-vented fuel burning heaters shall be prohibited except for gas heaters listed for un-vented use and the total input rating of the un-vented heaters is less than 30 BTU per hour per cubic foot of room content.
  - iii. Un-vented fuel burning heaters shall be prohibited in bedrooms.
- (d) Smoke Detector. Every manufactured home shall be provided with a smoke detector approved by the state that is installed in accordance with the manufacturer's recommendations.
- (e) Windows. Every habitable room excluding bathrooms, kitchens, and hallways shall have at least one window that can be opened, facing directly to the outdoors. All window panes shall be intact and free of cracks or other structural flaws.
- (f) Ventilation. Every habitable room shall have at least one window or skylight which can be opened, or such other device that will ventilate the room.
- (g) Electrical.
  - i. Distribution Panels. Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
  - ii. Electrical System. The electrical system (switches, receptacles, fixtures, etc.) shall be properly installed and wired and in working condition. The manufactured home may be subjected to an electrical continuity test to assure that all metallic parts are properly bonded.
- (h) Exterior Walls. The exterior of the manufactured home shall be free of loose or rotting boards or timbers and any other condition that might admit rain or moisture to the interior portions of the walls or to the occupied spaces of the manufactured home.
- (i) Exterior Siding. The exterior siding of the manufactured home shall be free of rot and rust and must be uniform in appearance.
- (j) Roofs. Roofs shall be structurally sound and have no obvious defects, which might admit rain or cause moisture to collect on the interior portion of the home.
- (k) Interior Floors, Walls and Ceiling. Every floor, interior wall and ceiling shall be kept in sound condition to prevent the admittance of rain or moisture.
- (6) For manufactured homes that are to be relocated in the City from a site outside of the City, an inspection for compliance with each of the applicable requirements set forth in subsections (5)a through (5)l of this section shall be conducted prior to the home being brought into the City. Noncompliance with any of the provisions of this subsection shall cause a manufactured home previously used as a residential dwelling to be in a state of disrepair for purposes of this section. The installation of such home shall not be permitted absent correction of the defect by the applicant and approval by the Director.
- (7) It shall be the responsibility of the Director to inspect manufactured homes being placed or relocated within the City. Inspections staff shall conduct such inspections necessary to ensure the following:
  - (a) External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all City building codes.

## City of Valdosta Land Development Regulations

- (b) Each manufactured home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the Georgia Department of Human Resources and the Lowndes County Health Department.
  - (c) All manufactured homes must be installed in accordance with O.C.G.A. sections 8-2-160 through 8-2-168. All manufactured homes with the exception of those located in existing manufactured home parks shall be placed on a permanent foundation, either slab or piers on poured concrete footings, in accordance with the manufacturer's permanent installation instructions. If the manufacturer's instructions are no longer available, the rules and regulations of the Safety Division of the State Department of Insurance (Chapter 120-3-7, as amended) shall be followed regarding installation.
  - (d) Steps and landings of the requisite size and composition per Section 1113 of the Standard Housing Code (SBCCI), shall, at a minimum, be required of all manufactured homes, with such provisions being expressly incorporated by reference herein as part of this requirement.
- (8) All manufactured home sites shall conform to all regulations for the zoning district in which the property is located.
  - (9) No manufactured home may be attached to another manufactured home by means of a breezeway, corridor or hallway.

### **(RR)** Manufactured Home Park or Subdivision:

- (1) Shall be located on or within 1,000 feet of an arterial or collector street as designated by the current GDOT Functional Classification System for the City of Valdosta.
- (2) Each manufactured home shall meet the requirements of Section 218-13.

### **(SS)** Mini-warehouses and Self-storage Units

- (1) Buildings shall be screened from view from the right-of-way using the screening and buffering requirements listed in Chapter 328
- (2) Storage spaces shall not be used for manufacturing, retail or wholesale selling, office, other business or service use, or human habitation.
- (3) Access shall be only to streets classified as arterial or collector by the City of Valdosta.
- (4) Outdoor storage is permitted in accordance with Chapter 218-13 (XX)
- (5) No outdoor speakers or amplification shall be permitted.
- (6) Outdoor lighting shall be directed downward and away from adjacent property.
- (7) Fences using razor or barbed wire shall not be visible from a public right-of-way.
- (8) Exterior building materials shall be regulated by Section 214-7

### **(TT)** Motel.

- (1) Each motel must provide management on duty 24 hours a day.
- (2) Each guest room shall have a minimum of 300 square feet.
- (3) For buildings three stories or less or containing no more than 130 rooms, each motel building shall have a minimum roof pitch of 4:12.
- (4) Outside storage of commercial equipment is prohibited.
- (5) No business license shall be issued for any business operating from any guest room of the facility.

## City of Valdosta Land Development Regulations

### (UU) Motor Vehicle Sales.

- (1) All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- (2) All outdoor vehicle display areas shall be at least 10 feet from any property line and shall include perimeter area minimum landscaping as required by Chapter 328.
- (3) Vehicle maintenance, repair, painting and body work must take place within a building.

### (V V) Open Space.

- (1) Categories of Open Space. Open space required by the LDR shall be held under unitary ownership or control and shall consist of any of the following three categories of land:
  - (a) Primary Conservation Area. This category includes streams; wetlands designated by the national wetlands inventory; 100-year floodplain, as identified on federal insurance rate maps; steep slopes exceeding 25%; areas of exposed rock; and private cemeteries and burial grounds. These areas shall be left in a natural and undisturbed state, except for the fewest possible perpendicular crossings of essential access roads and utility lines. Primary Conservation Areas may be included in required open space, provided that they constitute no more than 50% of the total required open space
  - (b) Secondary Conservation Area. This category includes land in water supply watersheds; groundwater recharge areas identified on the Water Resource Protection District (WRPD) Map; riparian and wetland buffers that are over 25 feet in width; significant habitat areas, as identified in the Comprehensive Plan; areas containing archaeologically or historically significant structures or sites, as identified in the Comprehensive Plan; and related contextual areas, mature hardwood forest, meadows, pastures and other areas with scenic views. Secondary Conservation Areas may be included in required open space, provided that they constitute no more than 50% of the total required open space
  - (c) Outdoor Recreation Area. This category includes greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, golf courses, swimming pools, clubhouses, toilets, dressing rooms, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities. Lakes and ponds are allowed in outdoor recreation areas, but their surface area shall not be counted as open space. Outdoor recreation areas shall constitute no more than 75% of the total required open space.
- (2) Impervious Areas. Parking lots, drives, walks, buildings and other impervious surfaces may be included in required open space, provided that they constitute no more than 10% of the total required open space.
- (3) Accessibility of Open Space. Open space shall be designed and located for the convenient access and enjoyment of all users of the property. Open space shall be within 1,000 feet of all occupied buildings in the development. All occupied buildings shall be connected to the open space by improved pathways or sidewalks.
- (4) Contiguous Open Space. Not less than 50% of required open space shall be in a contiguous tract.
- (5) Interconnected Open Space Network. It is the intent of this section that the protected conservation areas, open spaces, greenways, bikeways, trails, sidewalks and outdoor recreation areas within a development that provides open space be continuous with compatible areas containing similar features on abutting property if applicable. The design of developments shall provide for maximum connections, providing pedestrian and bike access to off-site and on-site attractions such as public trails, paths, parks, wildlife refuges,

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public facilities; such as community centers, schools, libraries, fire and police stations, senior centers, railroad right-of-way, utility easements and institutions; such as universities, churches, museums and other cultural facilities.

- (6) Ownership, Maintenance and Control of Open Space. Open space and common areas shall be protected in perpetuity by a binding legal instrument that is recorded with the deed.

(a) The instrument shall be one of the following:

i. A permanent conservation easement in favor of either:

1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions; or
2. A governmental entity with an interest in pursuing goals compatible with the purposes of this Zoning Ordinance; if the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement; or

ii. As set forth in O.C.G.A. § 44-5-60(c) as hereinafter may be amended, a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,

iii. An equivalent legal tool that provides permanent protection, if approved by the Mayor and City Council.

(b) The instrument for permanent protection shall incorporate restrictions on the use of the open space contained in this Section, as well as any further restrictions, as approved by the Mayor and City Council.

(c) Membership in a property owners' association shall be mandatory for all property owners within the development.

**(WW)** Outdoor Display and Seating Areas. Within the C-N, C-C and C-H districts, up to 50% of the required front yard may be used for outdoor table service and temporary display of merchandise or items designed for exterior exposure or display. Outdoor display areas shall be set back at least 10 feet behind the right-of-way line, shall not obstruct sidewalks and portable items shall not be left out overnight. Outside display and seating areas shall not be located within any required buffer or landscaped area.

**(XX)** Outdoor Storage. Unless otherwise specified by applicable supplemental use regulations or zoning district standards outdoor storage shall comply with the following requirements:

- (1) Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
- (2) Outdoor storage shall be set back at least 15 feet from any side or rear property lines.
- (3) The setback distance shall be landscaped to provide a year-round vegetative screen
- (4) Outdoor storage areas shall be screened by a solid fence or wall at least 8 feet high or as required to screen view from adjacent property and public streets.
- (5) Outdoor storage shall not be located within any required buffer or landscaped areas.

**(YY)** Parking Garages.

- (1) Parking structures shall be designed so that the only openings at street level are those to accommodate vehicle entrances and pedestrian access to the structure. Any openings for ventilation, service, or emergency access located on the first floor level in the building

## City of Valdosta Land Development Regulations

façade must be decorative and must be an integral part of the overall building design or screened from view with landscaping that is at least 10 feet in height.

- (2) The balance of the street frontage of a parking structure shall be occupied by retail/office space or designed with exterior materials, structural elements, and external openings having proportions similar to those of upper floors of occupied buildings. External openings shall be screened with decorative elements such as grill-work, brick, or louvers.
- (3) Parking structures that have a total length or width of 250 feet or more shall provide a lighted and signed 10-foot wide pedestrian arcade passing completely through the parking structure near the midpoint of the longest side and connecting with other sidewalks leading to adjacent buildings and to the surrounding public streets.

### **(ZZ)** Passenger Car Rental.

- (1) All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- (2) All outdoor vehicle display areas shall be at least 10 feet from any property line and shall include perimeter area minimum landscaping as required by Chapter 328.
- (3) Vehicle storage, cleaning and maintenance must take place within a building or within an outside storage area that is screened from public view.
- (4) Vehicle repair, painting and body work shall not be conducted on the premises.

### **(AAA)** Reserved

### **(BBB)** Personal Care Home, Congregate, Family, or Group.

- (1) The home shall maintain a residential appearance compatible with the neighborhood.
- (2) For Group and Congregate Personal Care Homes the lot shall be at least one acre in size.
- (3) The home shall meet all State requirements and all applicable rules and regulations as specified by the Department of Human Resources of the State of Georgia in "Rules and Regulations for Personal Care Homes," Chapter 290-5-35.
- (4) To prevent a negative institutional atmosphere created by the concentration or clustering of several community residences, no more than one personal care home shall be located on each block, and no more than two personal care homes shall be located on the same street on opposing sides of the street within the same block.

### **(CCC)** Reserved.

### **(DDD)** Processing Plant and Manufacturing Facility for Hazardous Materials.

- (1) Every use shall be so operated as to minimize the emission into the air of dirt, dust, fly ash or any other solid matter that causes damage to property or harm or discomfort to persons or animals at or beyond the lot line of the property on which the use is located and shall comply with applicable federal and state air quality regulations.
- (2) The applicant shall be responsible for identifying all applicable federal and state regulations and permitting requirements and shall provide evidence of compliance.
- (3) Such uses shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.

### **(EEE)** Recycling Center

- (1) Activities shall be limited to collection, sorting, compacting, and shipping.

## City of Valdosta Land Development Regulations

- (2) Along the entire road frontage (except for approved access crossings), or adjacent to any non-industrial zoning districts, provide a 3-foot high landscape earthen berm with a maximum slope of 3:1 and/or a minimum 6-foot high, 100% opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any buffer or landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- (3) The facility shall not be located adjacent to or across the street from any property used or zoned for residential use.
- (4) Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.
- (5) Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully enclosed building.
- (6) No outdoor storage of non-containerized materials shall be allowed.

**(FFF) Recreational Vehicle Park** . An application for use of a parcel as an RV park shall be in accordance with Section 302-24. The site development plan shall provide all the information required in Section 302-62 along with the additional information necessary to indicate compliance with all the features specified by this sub-Section and other applicable codes.

- (1) **General Requirements.** A camper vehicle park shall be adapted to individual site conditions and the plat should use terrain, existing trees, shrubs and rock formations with a minimum of disturbance of the land. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
- (2) **Density Requirements.** The density shall not exceed 25 camper vehicle spaces per acre of gross site area, except that the density may be reduced if any of the following conditions exist:
  - (a) A septic tank and drainfield sewage disposal system is proposed for use and field inspection of soil conditions, groundwater conditions, relation to surface waters, proximity to groundwater supplies, and soils evaluations indicate that the higher density could result in a public health hazard.
  - (b) Any other situation where the physical characteristics or locational characteristics of the site would indicate that the higher density could adversely affect the public health, safety and general welfare.
- (3) **Dimensional Standards.**
  - (a) All camper vehicle sites shall be located at least 25 feet from any park boundary line abutting upon a public street or highway.
  - (b) All camper vehicle sites shall be located at least 4 feet from any park boundary that does not abut upon a public street or highway.
  - (c) Camper vehicle sites shall be a minimum of 17 feet wide.
- (4) **Required Recreation Area.** In all camper vehicle parks, there shall be at least one recreation area other than streets and utility areas which shall be easily accessible from all camper vehicle spaces. The size of such recreation area shall be not less than 8% of the gross site area or 2,500 square feet, whichever is greater.
- (5) **Water Supply.** Water supply shall comply with State and County health regulations, and Uniform Building Code regulations, as they apply.
- (6) **Sewage Disposal Requirements.**

## City of Valdosta Land Development Regulations

- (a) A restroom facility shall be constructed in compliance with the International Building Code, as it applies, and shall be provided at one or more locations in the camper vehicle park, and shall be located within 500 feet of any camper vehicle site not provided with an individual sewer connection.
- (b) Sewage Disposal Systems. Sewage disposal systems shall be in compliance with State and County health regulations, as they apply.
- (c) Dump Station. Each camper vehicle park shall be provided with an approved dump station in the ratio of one for every 100 camper vehicle spaces or fractional part thereof.

**(GGG) Boarding or Rooming House.** If in a residential district or abutting a residential district, the following standards shall apply:

- (1) No more than 6 occupants, not including owner and owner's family if residing on the premises.
- (2) Parking must be provided in an enclosed garage or in the rear or side yard.
- (3) The outer appearance of the building shall be compatible in height, style, front yard, roof type, windows and floor area with buildings on the same block.
- (4) If meals are served on the premises, meals may only be served to residents and owner's family members if present.
- (5) At least 1,000 feet shall separate a rooming and boarding house from another rooming and boarding house, transitional housing facility or personal care home.

**(HHH) Salvage Operation, Junkyard, Scrap Material Wholesalers.**

- (1) The property shall contain a minimum of 5 acres
- (2) Outdoor storage is to be located no closer than 300 feet to a property zoned for residential use, O-P, C-N, C-C, C-H, or C-D, measured along a straight line connecting the nearest points on the property lines of the two subject properties.
- (3) Outdoor storage is to be completely enclosed with a solid fence of not less than 8 feet high and no closer than 15 feet from the right-of-way of any adjoining roadway. In no case shall the fence be less than a height necessary to effectively screen all storage and other operations from view.
- (4) Outdoor storage is to be located no closer than 100 feet from the right-of-way of any major arterial roadway.
- (5) Outdoor storage yard shall have a maximum slope of 5%.

**(III) Seasonal Agricultural Sales**

- (1) All Seasonal agricultural sales shall require a permit issued by the Department for a time period not to exceed 60 days with a single 3-day extension if approved by the Director.
- (2) Commercial structures of a seasonal nature shall meet appropriate City building codes, and if connected to utility systems, shall obtain necessary permits.
- (3) A minimum of 6 spaces for parking shall be required for the exclusive use of the seasonal agricultural use.
- (4) Any activity or structure used for sales shall maintain a minimum 10-foot setback from the right-of-way and not be located within a required landscape strip or buffer or improvement setback. Said structures shall also maintain a minimum setback of 10 feet from any permitted curb cut access.

## City of Valdosta Land Development Regulations

- (5) A drawing showing dimensions of the proposed sales area/structures and required parking spaces shall accompany the administrative permit application and shall depict compliance with the standards of this subsection.
- (6) The applicant shall provide a notarized written permission statement from the property owner or lease holder of the subject site and a 24-hour contact number of the property owner or lease.

### **(JJJ) School K-12, Private.**

- (1) This use shall not be located except with direct access to a roadway designated as a collector or higher category in the latest GDOT Functional Classification System for the City of Valdosta.
- (2) Minimum Lot Size.
  - (a) Elementary School: 2 acres, plus 1 additional acre for each 100 students based on the design capacity of the school.
  - (b) Middle School: 3 acres plus 1 additional acre for each 100 students based on the design capacity of the school.
  - (c) High School: 5 acres, plus 1 additional acre for each 100 students based on the design capacity of the school.
- (3) Private School in Residential Zoning Districts. When located in a residential zoning district, the following additional standards shall apply:
  - (a) A 50-foot buffer adjacent to residential zoning is required.
  - (b) Driveways and parking areas must set back 25 feet from side property lines.
  - (c) The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties.
  - (d) Accessory Uses and Facilities. In addition to the accessory uses and facilities that are permitted in Section 218-7 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities occupying less than 10,000 square feet. No signage shall be allowed for accessory uses.
- (4) The following additional uses may be permitted as accessory to the private school only upon approval of a Conditional Use Permit in accordance with Section 242-6, and provided that they meet all regulations specific to the proposed use or facility contained in this Section 218-13, and that they meet each of the additional standards in this Section.
  - (a) Fitness and Recreational Sports Centers (i.e. indoor or outdoor tennis courts, gyms, ball fields, courts, pools, etc.)
  - (b) Health and social services; including counseling, outpatient clinics, and the like.
  - (c) One dwelling for an employee of the private school.
- (5) Standards for approval of Conditional Use Permits for additional uses listed in Section 218-13 (JJJ)(3):
  - (a) Outdoor activity shall be limited to the hours of 10 AM to 10 PM, unless an administrative permit is obtained from the Director.



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- (b) The scale, intensity, and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, light, or other potential nuisances or hazards to contiguous residential properties.
  - (c) No signage shall be allowed for any accessory or conditional use.
  - (d) No parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.
  - (e) Provide a 50-foot undisturbed buffer adjacent to residential zoning districts.
  - (f) Recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
- (6) Retail and commercial sales uses shall be prohibited in a residential zoning district.

**(KKK) School, Private Residential.** A private school or similar institution may include residential facilities and accessory kitchen, dining, and recreational facilities, provided it is granted a conditional use permit and meets the following standards:

- (1) The site contains at least 10 acres.
- (2) Residential facilities, dormitories, kitchens, dining halls, and recreation facilities constructed on the premises shall be subordinate and accessory to the principal use of the property as a private school and used exclusively by students, faculty, and staff of the school.
- (3) Residential facilities, dormitories, kitchens, and dining halls occupied for more than 120 days per year shall be permanently constructed facilities meeting provisions of the LDR and the applicable City and State public health and building codes.
- (4) No parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.
- (5) Provide a 50-foot undisturbed buffer adjacent to residential zoning districts.
- (6) Recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.

**(LLL) Solid Waste Transfer Station/Materials Recovery Facilities.**

- (1) A survey, demonstrating compliance with all standards in this section and sealed by registered surveyor, and site plan are required.
- (2) Minimum acreage of site: 5 acres.
- (3) Maximum acreage of site: 10 acres.
- (4) The property shall be located at least 500 feet, measured from nearest property line to nearest property line, from residential zoning districts, nonconforming residential dwellings in non-residential zoning districts, private or public wells, lakes, medical facilities, childcare facilities, schools or places of worship.
- (5) A minimum 100-foot wide landscaped buffer, to include evergreen species and meeting all other requirements of this Chapter, with access only allowed in the buffer, shall be maintained along all property lines including property lines abutting a public street.
- (6) All facilities shall be enclosed with a solid security fence at least 8 feet in height parallel to all property lines and placed on the interior side of the required landscape buffer. A sight line study shall be submitted to Director for approval.
- (7) Processing, equipment, materials and waste shall be strictly confined to the interior of the transfer station building.

## City of Valdosta Land Development Regulations

- (8) Solid waste shall not be allowed to be stored on the tipping floor in the transfer station building overnight. Vehicles containing waste materials shall not be allowed to remain on-site overnight.
- (9) All runoff from wash water and stormwater shall be discharged to an on-site wastewater treatment system approved by the City. All paved areas shall drain into the on-site wastewater treatment system.
- (10) Solid residues from sewerage or other materials treatment processes shall be excluded from transfer station facilities.
- (11) Dust, odors and similar conditions, rodents, insects, and other such pests shall be controlled in accordance with federal, state and City health codes. All necessary action shall be taken to mitigate such conditions at transfer station facilities. These conditions shall not be detectable at the boundary of the property without the aid of instruments.
- (12) All parking and queuing of vehicles shall be paved and provided on-site. In addition to the parking requirements of this chapter, a minimum of five spaces for queuing of vehicles containing waste materials shall be provided. No parking or queuing shall be allowed in any buffer area or on a public street.
- (13) Vehicular access shall not be through any residential subdivision or development. Routes and entrances shall be approved by the City Engineer to ensure that access is derived from paved streets, that such streets will withstand anticipated maximum load limits, and that all safety issues are satisfactorily addressed.
- (14) All vehicles containing waste materials shall enter and leave the facility in a covered condition as required in subsection m above.
- (15) Establish operating hours of 5:00 a.m. to 4:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 noon on Saturday, to reduce the nuisance produced by the operation.
- (16) The operation of transfer station facilities will comply with any and all current and updated applicable federal, state and local laws regarding the processing and disposal of solid waste.
- (17) All permits are required to be in force and active from the state environmental protection division prior to permitting of the facility. Permit or certificate of approval from the Georgia EPD is to be provided to the Public Works Department on an annual basis at the time of business licensing renewal.

### **(MMM)** Special Events.

- (1) Special events shall include outdoor meetings, auctions, bake sales, yard sales from other than residential properties, carnivals, special outdoor entertainment and similar activities which are not part of the property's normal use and which are not otherwise permitted on the site. Outdoor displays or sales accessory to an established retail use are not considered special events.
- (2) Special events shall comply with the follow requirements:
  - (a) When a special event is held on property zoned or used for residential purposes, the area where the event will be held must be at least three acres in size and no closer than 100 feet from the nearest residence.
  - (b) Special events must comply with Chapter 6 of the City Code, and any other applicable provisions of the City Code.
  - (c) Special events shall not last for more than 7 days in succession, provided that the Director may grant an exception allowing a special event to continue for up to thirty days.

## City of Valdosta Land Development Regulations

- (d) Special events may not be held more than 4 times per calendar year on any single property.
- (e) Any private property owner desiring to use their property or permit the use of their property for a special event attended by 50 or more people and not to be conducted in its entirety within a permanent building shall provide adequate sanitary facilities on the premises for the persons attending.
- (f) When the total number of people reasonable expected to attend a special event exceeds 500, the property owner or the owner's designee shall first obtain a permit for the event from the City Manager. Said permit shall be issued upon demonstration that:
  - i. Adequate sanitary facilities will be provided on the premises for the persons attending or participating in the special event.
  - ii. Traffic control arrangements have been made to provide for the safe passage of motor vehicles and pedestrian to and from the property.
  - iii. Any identified problems relating to actual or potential noise, safety hazards or other matter affecting the health, safety or welfare of participants or those on neighboring properties have been addressed.
  - iv. Any permit issued under this section shall in no way be construed as a determination that the planned special event complies with any other requirements or provisions of the law. Each permit holder shall be responsible to determine whether the planned meeting or event complies with other applicable laws or regulations.
  - v. A permit shall be obtained at least 15 days prior to the date the special event is to be held.

### **(NNN)** Spectator Sports Teams and Clubs.

- (1) All athletic fields shall have access to collector or arterial street.
- (2) No amplified outdoor sound system speaker may be located closer than 200 feet from the nearest residence, measured along a straight line connecting the source with the nearest point of the nearest residential structure.

### **(OOO)** Storage Tank, Bulk, Flammable Liquids.

- (1) No above-ground storage facilities may be located on the same lot as an automobile service station or closer than 500 feet from any residentially zoned property or school.
- (2) No tank or other structure used for storage of flammable or toxic liquids shall be closer than 100 feet from a property line.
- (3) A fire prevention, evacuation and safety plan must be approved by the Valdosta Fire Department.
- (4) A spill containment and noise and air pollution abatement plan must be approved by the Department.

### **(PPP)** Swimming Pool, Home. Swimming pools accessory to residences shall be enclosed by a security fence of a minimum height of 4 feet with a gate containing a self-closing positive latch device to insure that the pool is enclosed at all times. Lowndes County Health Department approval shall be required prior to issuance of a building permit. The fence and gate shall be installed prior to filling the pool with water.

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**(QQQ) Swimming Pool, Non-Residential.** Any constructed or prefabricated pool used other than in conjunction with a private residence requires Lowndes County Health Department approval. Public pools shall be enclosed by a fence of a minimum height of 5 feet with all gates containing a self-closing positive latch device to insure the pool is enclosed at all times.

**(RRR) Temporary Building.**

- (1) A temporary building shall be any small building, not to exceed the size of a large house trailer (20 feet by 50 feet), or any portable, movable or mobile building or trailer, which is placed on a construction site within the City; or any building used for a sales office for real estate brokers and agents properly authorized to do business within the City; or any building as used as an office for the contractor who is properly authorized to do business within the City; or any other properly licensed agents within the City.
- (2) A temporary building may be located on a particular site during the construction of houses, factories, stores and the like as provided in this section:
  - (a) A permit for the construction or location of a temporary building to be used as a real estate sales office or construction office may be issued by the Department only after verification of proper zoning and approval of the construction site plans.
  - (b) The permit, when issued, shall expire one year from the date of issuance or immediately upon the completion of the construction concerned or if a subdivision, when the last house is sold, if before the 1-year limit.
  - (c) An extension may be granted to the holder of a permit by the Director upon request, and may be granted for any length of time so approved, not to exceed a period of six months; and the fee may be prorated on a per-month basis if so deemed by the Director
  - (d) Cost of the permit shall be as established by the City Council.
  - (e) Any violation of this section shall constitute grounds for the refusal of the City to issue any building permit requested by the violator.

**(SSS) Tents & Canopies**

- (1) Tents smaller than 200 square feet and canopies smaller than 400 square feet associated with a business that is legally licensed are permitted as an accessory use up to a maximum of 45-days per calendar year
- (2) The Director may extend the maximum time limit to 180-days per calendar year based on the following:
  - (a) The intended use meets the parking requirements
  - (b) A positive recommendation from the following City Departments: Engineering, Public Utilities, Business Licensing, Fire, and Police.
- (3) The Director may waive the zoning district bulk and yard requirements (see Chapter 214).
- (4) In applicable residential districts, tents smaller than 200 square feet and canopies smaller than 400 square feet are permitted for personal home use for not more than 5 days without a permit.
- (5) In applicable residential districts, tents larger than 200 square feet and canopies larger than 400 square feet are permitted for personal home use for not more than 5 days with Fire Department approval.

**(TTT) Temporary Use, Commercial Retail (vendors):**

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- (1) A temporary commercial retail use shall require an Administrative Permit issued by the Department for a time period not to exceed 60 days per calendar year on the same lot or parcel of land. However, food vendors may return to the same parcel of land for up to an additional 60-day period in the same calendar year after being gone at least 60 days from the lot or parcel.
- (2) A minimum of 6 spaces for parking shall be required for the exclusive use of the temporary commercial retail use and parking spaces may not be for any other use on site.
- (3) Temporary commercial retail uses shall operate in accordance with the following regulations:
  - (a) No temporary commercial retail use activities or vehicles shall be permitted to operate in the following areas:
    - i. Within 10 feet from the right-of-way of any city roadway or street.
    - ii. Within a required landscape strip or buffer or improvement setback.
    - iii. Within 10 feet of any street intersection or crosswalk.
    - iv. Within 10 feet of any driveway or other curb cut access, loading zone or bus stop.
    - v. In any area within 15 feet of a building entrance.
    - vi. On the median strip of a divided roadway.
    - vii. In front of display windows of a fixed location business.
    - viii. Within 100 feet of an elementary, middle or high school property line.
    - ix. Within 50 feet of a residential zoning district line.
    - x. Within 10 feet of any fire hydrant or fire escape.
    - xi. Within 10 feet of any parking space or access ramp designated for persons with disabilities.
    - xii. On a vacant parcel of land without a permanent commercial building or without an existing active business that is properly licensed, unless the parcel is owned by the Permit applicant.
    - xiii. On a parcel of land that already contains or is approved for another temporary commercial retail use.
    - xiv. Within the Local Historic District without approval from the Historic Preservation Commission.
  - (b) Size of Vending Carts or Trailers. Vending carts shall not exceed 8 feet in length or 6 feet in height (exclusive of umbrellas or canopies). Vending trailers shall not exceed 25 feet in overall length nor 10 feet in height.
  - (c) Size of Vending Stands: Vending stand dimensions shall not exceed 16 feet in length, 8 feet in height, or 200 square feet in total area. Vending stands utilizing tents or canopies shall comply with requirements for tents and canopies contained in this Chapter.
  - (d) No vending cart or stand, or other item related to the operation of a temporary commercial retail use shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.
  - (e) Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind

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generated from their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.

- i. Vendors engaged in food vending shall provide a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.
- (f) Prohibited Conduct. No temporary commercial retail use may do any of the following:
  - i. Obstruct pedestrian or motor vehicle traffic flow.
  - ii. Obstruct traffic signals or regulatory signs.
  - iii. Stop, stand or park any vehicle, pushcart or other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
  - iv. Leave any vending cart or stand unattended at any time or store, park, or leave such conveyance in a public way overnight.
  - v. Use any vending cart or stand that when fully loaded with merchandise cannot be easily moved and maintained under the control of licensed Vendor.
  - vi. Sound any device that produces a loud or raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.
  - vii. Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
- (4) A drawing showing the dimensions of the proposed sales area, required parking spaces, and location of the vending stand, vending cart, or motor vehicle used for sales, shall accompany the Administrative Permit application and shall depict compliance with the standards of this subsection.
- (5) The applicant shall provide a notarized written permission statement from the property owner of the subject site and a 24-hour contact number of the property owner or their designated contact person.

**(UUU)** Reserved.

### **(VVV)** Truck Stop.

- (1) Truck stops shall be located only within one mile of where arterial roads intersect with freeways/expressways or at major interchanges as designated on the latest GDOT Functional Classification System for the City of Valdosta.
- (2) The minimum lot size shall be 5 acres.
- (3) The minimum lot width shall be 200 feet.
- (4) The setbacks shall be 25 feet on all sides.
- (5) Any truck stop involving more than one (1) building or structure shall provide common access roads and pedestrian walkways.
- (6) All commercial vehicle truck traffic accessing a truck stop shall not utilize predominantly residential streets within the City of Valdosta. Such traffic shall access the site via arterials and collector in proximity thereto as designated in the latest GDOT Functional Classification System for the City of Valdosta.

### **(WWW)** Truck Terminal.

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- (1) Truck terminals shall be located only where direct access to a freeway/expressway along designated Truck Routes is available.
- (2) No truck terminal shall be located within 5 miles of any other truck terminal. For the purpose of this section, all measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the proposed truck terminal to the nearest point on the property line of any truck terminal.
- (3) No truck terminal shall be located closer than 2,500 feet from property used or zoned for a residential use, for the purpose of this section, all measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the proposed truck terminal to the nearest point on the property line of such property zoned or used for residential purposes.
- (4) The minimum lot size shall be 10 acres.
- (5) The setbacks shall be 50 feet on all sides.
- (6) Outdoor storage shall be prohibited.
- (7) All loading docks shall be screened from view of the public right-of-way.
- (8) Truck docks shall be located so that there shall be no maneuvering in any adjacent street right-of-way.
- (9) No fence constructed of chain link, barbed or concertina wire shall be visible for a public right-of-way.

**(XXX)** Utility Structures and Buildings. Utility structures and buildings, including, telephone exchanges, and similar structures, but not electric, petroleum, or gas substations as addressed in above must be fenced and properly screened with a 6-foot high planted buffer as approved by the Department.

**(YYY)** Vending Machines.

- (1) Vending machines shall not be permitted as a principal use.
- (2) Within any residential district, vending machines shall only be permitted as an accessory use to a community amenity facility including but not limited to a club house, pool or tennis courts.
- (3) Vending machines shall not be visible from an adjacent property or any public right-of-way.

**(ZZZ)** Veterinary Services.

- (1) Any structure used as an animal hospital or veterinary clinic shall be located and its activities conducted at least 50 feet from any property zoned or used for residential purposes, measured along a straight line connecting the nearest points of the subject properties.
- (2) Medical treatment or care shall be practiced only within an enclosed building or structure.
- (3) Kennel or boarding operations incidental to the principal use shall be permitted only within an enclosed building or structure located at least 100 feet from any property zoned or used for residential purposes, measured along a straight line connecting the nearest points of the subject properties.
- (4) The building or structure shall be designed to prevent the adverse impact of noise and/or odor from the animals on adjoining properties.

**(AAAA)** Wood Product Manufacturing (including Sawmills and Planing Mills).

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- (1) The mill and any storage areas must be located at least 200 feet from any property line and 100 feet from any right-of-way line.
- (2) The saw mill must be at least 500 feet from the nearest residential use on an adjacent property, measured along a straight line connecting the nearest points of the subject properties.
- (3) A portable sawmill may be permitted for up to 6 months if used solely to process timber removed from the parcel on which it is located.

**Sections 218-14 through 218-19      Reserved**



# City of Valdosta Land Development Regulations

## Article 4 Telecommunication Facilities

### Section 218-20 General

- (A) Title. This Article shall be known and may be referred to as the “Valdosta Telecommunications Ordinance.”
- (B) Authority. This Article is enacted pursuant to the City of Valdosta’s exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to Article 9, Section 2, Paragraph 4, and Article 9, Section 2, Paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. Section 36-70-3, as well as the general police powers of the City of Valdosta and other authority provided by federal, state and local laws applicable hereto.
- (C) Findings, Purpose, and Intent. The City of Valdosta finds that the number, height, design, characteristics and location of telecommunications towers and antennas in the City directly affect the public health, safety and general welfare. The City finds that such structures have substantially increased in number in the City, and are likely to continue to do so in the future. The City further finds that such structures, when inappropriately located, have the potential to pose a danger to surrounding property owners and the general public, and substantially detract from the beauty and appearance of the City. The City finds that there is substantial need directly related to the public health, safety and welfare to comprehensively address those concerns through the adoption of the following regulations. These regulations are designed and intended to balance the interests of residents of Valdosta, telecommunication providers and telecommunication customers in the siting of telecommunication facilities in the City of Valdosta so as to protect the public health, safety and welfare and the integrity and character of residential neighborhoods and to foster, through appropriate land use controls, a competitive environment for telecommunication carriers without prohibiting the provision of personal wireless services or unreasonably discriminating among providers of functionally equivalent personal wireless services. The purpose and intent of the governing authority of the City of Valdosta in enacting this Article are as follows:
- (1) Avoid locating telecommunication facilities in residential areas whenever possible.
  - (2) Encourage the location of towers in appropriate nonresidential areas.
  - (3) Protect Valdosta's built and natural environment by promoting compatible location and design standards for telecommunication facilities.
  - (4) Encourage placement of telecommunication facilities in areas where the adverse impact on the community is minimal.
  - (5) Maximize the co-location of services on new and existing towers so as to minimize the need for new towers and reduce the total number of towers.
  - (6) Encourage use of alternate telecommunication technologies as a primary option rather than construction of additional single-use towers.
  - (7) Minimize adverse visual effects of telecommunication facilities through careful design, siting, screening, and utilization of innovative technology.
  - (8) Avoid potential damage to adjacent properties and personal injury from tower failure and falling ice and debris through engineering, careful siting of telecommunication structures, and other requirements.
  - (9) Ensure compliance with applicable federal statutes and regulations, including the Telecommunications Act of 1996, as amended.
  - (10) Lessen traffic impacts on surrounding residential areas.
  - (11) Further the implementation of the City’s Comprehensive Plan.

# City of Valdosta Land Development Regulations

## Section 218-21 Scope of Regulations

- (A) Compliance Required. Except as specified in this subsection, it shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any telecommunications tower or antenna or cause the same to be done within the City of Valdosta except in accordance with the provisions of this Article 4. Except as otherwise specifically provided herein, all towers and antennas shall also comply with all development regulations applicable to the district in which said tower or antenna is located.
- (B) Height Limitations. Height limitations applicable to buildings and structures set forth elsewhere in Chapter 214 of the LDR shall not apply to towers and antennas which are subject to this Section.
- (C) Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this Article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority in accordance with the governing authority's telecommunications leasing policy.
- (D) Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued and lawfully continues in effect prior to the effective date of this Article shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 218-23(B) through (F) inclusive.
- (E) Amateur Radio Antennas. This Article shall not govern receiving or transmitting equipment owned and operated by a federally licensed amateur radio station operator provided that the total height of the antenna and its associated tower or other supporting device shall not exceed the maximum building height in the applicable zoning district, See Section 214-1. Additional height may be authorized by the Zoning Board of Appeals in compliance with Chapter 242 of the LDR.
- (F) Receive-only Equipment. This Article shall not govern "receive-only" antennas or satellite dishes provided the total height of the antenna or dish and its associated tower or other supporting device shall not exceed 100 feet. Additional height may be authorized by the Zoning Board of Appeals in compliance with Chapter 242 of the LDR.

## Section 218-22 Application Requirements and Standards

- (A) All telecommunication antennas and towers shall require a permit issued pursuant to the requirements of this Article. Prior to review and decision regarding a requested permit, a complete application shall be filed with the Department. Said application shall provide all of the following information and documentation and meet each of the standards set forth below. No application shall be deemed complete and filed until all of the following information has been provided.
- (B) A survey drawing or plat of the entire tract, sealed by a surveyor registered in the State of Georgia, showing the location of all lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site, and including a metes and bounds legal description of the entire tract.
- (C) A site plan, prepared and sealed by an appropriate licensed professional, to scale, specifying the location and all dimensions of the telecommunications facilities, as well as all other improvements, height of facilities, topography using 2-foot contours, setbacks, transmission building and/or other accessory uses, access, drives, parking, fences, landscape plan, and all land uses within 500 feet of the exterior boundary of the leased area or proposed tower site.
- (D) Scaled elevations showing the impact of the proposed telecommunications facility. If the proposal is for a tower, the applicant shall also arrange a balloon test with Department staff, to be conducted

## City of Valdosta Land Development Regulations

at a date and time coordinated by staff, physically demonstrating the actual height and location of the proposed tower.

- (E) A full description, including photographic exhibits, of the environment surrounding the proposed telecommunications facility, including all residential structures and zoning districts within 500 feet of the exterior boundary of the leased area or proposed telecommunications facility site, existing tree coverage and general topography within said distance, and any districts, structures or sites of historic significance.
- (F) 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 such maintenance.
- (G) A report from a qualified engineer licensed in the State of Georgia, documenting each of the following:
  - (1) Telecommunications facility height and design, including technical, engineering, economic, and all other pertinent factors governing selection of the proposed design and demonstrating that the proposed facility would provide the required coverage or capacity;
  - (2) Total anticipated capacity of the telecommunications facility, including number and types of antennas which can be accommodated;
  - (3) Evidence of structural integrity of the telecommunications facility; and
  - (4) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris should a failure occur.
- (H) The identity of a community liaison officer appointed by the applicant 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, electronic mail address and pager number.
- (I) Identification of the geographic service area to be served by the subject installation, including accurately scaled color radio frequency (RF) plotted maps showing the applicant's existing network including the proposed site as well as the nearest or associated telecommunications facility site within the network, proposed coverage, and the existing network overlaid with plots of all potential co-location sites and containing sufficient engineering data to show that said sites would not be feasible to fill significant, required service gaps.
- (J) A site inventory and 5-year facilities plan including the following:
  - (1) An inventory of all the applicant's existing and proposed telecommunications facility sites within the City of Valdosta and within ½ mile of the border thereof, and a map showing each of these sites. If no such sites are located within ½ mile of the border, the applicant's inventory shall include the applicant's nearest facility in each adjoining jurisdiction. The list must include (1) street address, land lot, section, district, and parcel number; (2) zoning district; (3) type of building or structure and number of stories or height; (4) the number of towers, antennas and base transceiver stations per site, the location and type of antenna installation, and the location of the base transceiver station installation(s); (5) the telecommunications facility height and (6) the radio frequency range of megahertz, the wattage output of the equipment and effective radiated power.
  - (2) If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the land lots contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.

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- (K) Applicants for towers must identify all existing towers, and major structures potentially capable of supporting telecommunication equipment, and all towers for which there are applications currently on file with the Department which are located within the applicant's search area. This shall include a description of the distance and location of all such tower and structure sites, both within and outside the applicant's network. Evidence shall be submitted which demonstrates that no existing or pending tower or major structure can accommodate the applicant's proposed antenna and shall consist of analysis of the following:
- (1) No such towers or structures are located within the geographic area required to meet applicant's engineering requirements;
  - (2) Such towers or structures are not of sufficient telecommunications facility height to meet applicant's engineering requirements and cannot be adequately modified;
  - (3) Such towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and can not be adequately modified;
  - (4) Such towers, structures and existing tower sites lack space to locate the proposed antenna or to construct a tower for the proposed antenna;
  - (5) The applicant's proposed antenna would cause electromagnetic interference with the antenna on such towers or structures, or the antenna on such towers or structures would cause interference with the applicant's proposed antenna; and
  - (6) The applicant demonstrates that there are other factors that render such towers and structures unusable.
  - (7) If the evidence demonstrates co-location is feasible and if co-location on any such towers or structure would result in less visual impact than the visual impact of the proposed tower, applicant shall justify why such co-location is not being proposed. If co-location on any such tower or structure would increase negative visual impact, then the applicant must so state and demonstrate. Requests by the applicant to co-locate on existing towers and structures shall be in writing and said written requests as well as written denials of same are required and shall be included in the application materials. The City will review with special care justifications that rely upon undue expense and/or difficulties in entering into a lease agreement. The City shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site and on the surrounding area.
- (L) If the proposed site is zoned E-R, R-E, R-25, R-15, R-10, R-6, R-M, R-P or C-N, applicants for towers shall provide evidence as to why alternate sites in the O-P, C-C, C-H, C-D, M-1 or M-2 zoning districts have not been proposed. If requests by the applicant to utilize said alternate sites have been denied, said denials shall be in writing and included in the application materials. The City will review with special care justifications that rely upon undue expense and/or difficulties in entering into a lease agreement. The City shall carefully weigh such claims, and the evidence presented in favor of them, against a tower's negative impacts at the proposed site and on the surrounding area.
- (M) In all zoning districts, applicants shall provide evidence demonstrating that they cannot provide adequate personal wireless communication service consistent with the requirements of their federal license without the use of a telecommunications facility at the specific location requested.
- (N) The applicant for a tower shall provide evidence establishing that the proposed tower constitutes the least intrusive means necessary to close significant service gaps or otherwise provide coverage mandated by the terms of their federal license. Statements shall be provided demonstrating that all alternatives have been investigated by the applicant, including alternative tower design, alternative technology, multiple smaller sized, less-intrusive towers, alternative locations, co-location opportunities for placement upon existing structures or buildings, and similar alternatives.

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- (O) The applicant shall provide any other evidence necessary to establish compliance with each of the criteria set forth in Chapter 218 Article 4.
- (P) The applicant shall provide any other information requested by the Department needed to fully evaluate the potential impact of the proposed facility in accordance with the criteria set forth in Chapter 218 Article 4.
- (Q) In order to cover the actual cost to the City of Valdosta of reviewing these applications and obtaining expert opinion and studies, the following fees are hereby established. For those telecommunications facility applications requiring administrative approval, a fee of \$500 shall be paid at the time of application. For telecommunication facility applications requiring a Conditional Use Permit, a fee of \$1,000 shall be paid at the time of application. If the actual cost to the City is greater than this fee, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the City Council. In no case shall the maximum total charge exceed \$3,000.

### Section 218-23 Requirements for All Telecommunications Facilities

The following requirements shall apply to all telecommunications facilities:

- (A) Multiple Uses. The presence of existing uses or structures on the same lot shall not preclude the installation of an antenna or tower on such lot provided said installation is otherwise in accordance with this Article 4. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
- (B) Building Codes and Safety Standards. To ensure the structural integrity of telecommunications facilities, the owner of such a facility shall ensure that it is maintained in compliance with standards contained in applicable Valdosta and state building and safety codes for telecommunications facilities, as amended from time to time. Towers shall be located in a manner such that all ice-fall or debris from the tower or alternative tower structure or guy wires will not fall outside the parcel under the ownership or control of the applicant and on which the tower is located.
- (C) Regulatory Compliance. All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, to the extent required by any such regulations, then the owners of the telecommunications facilities governed by this Article shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
- (D) Security. All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device(s) to prevent unauthorized access to the telecommunications facility. All towers shall be enclosed by security fencing not less than 6 feet in height.
- (E) Lighting. No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction. If lighting is required, it shall be to the minimum applicable standard and shall be shielded and/or designed so as to minimize disturbance to surrounding areas.
- (F) Advertising. No signs shall be permitted on telecommunications facilities unless required to be posted by the FCC or FAA. Antennas added to existing structures containing signs shall not be construed as violations of this provision.

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### (G) Visual Impact.

- (1) Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
- (2) If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a 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.
- (3) Where feasible, telecommunications facilities should be placed directly above, below or incorporated into horizontal or vertical design elements of a building to help in camouflaging.
- (4) The design of the buildings and related structures at a telecommunications facility site shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the telecommunication facilities to the existing natural setting and built environment.
- (5) Equipment shelters or cabinets shall be either below grade or screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

### (H) Landscaping.

- (1) Landscaping shall be provided that effectively screens the view of the equipment shelters or cabinets from adjacent uses to a planted height of at least 6 feet and in a manner that effectively reduces visual obtrusiveness of the site. The standard buffer shall consist of a landscape strip at least 10 feet wide outside the required fence. All landscaping shall be reviewed and approved by the City Arborist for compliance with Chapter 328 of this LDR and any other applicable City landscaping and tree regulations prior to the issuance of any certificate of occupancy (CO). All landscaping shall be maintained for the duration of the facility.
- (2) Existing trees and vegetation on the site shall be preserved to the greatest extent possible. The applicant shall provide a landscaping plan pursuant to the requirements of Chapter 238, Article 2 showing existing trees and vegetation to be removed, and vegetation to be replanted to replace that lost, in order to meet the requirements of this section.
- (3) In locations where the strict application of this landscaping requirement would not result in the minimization of visual impact, as determined by the Department, the Department may modify or waive this requirement in a manner that is at least equally protective of the visual impact of the tower on adjacent and surrounding properties.

### (I) Accessory Uses. Accessory structures used in direct support of a telecommunications facility shall be allowed but not used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.

### (J) Setbacks. Telecommunications towers and antennas shall be set back a distance equal to the total height of the tower from any adjacent property line and all public rights-of-way, measured radially from the base of the tower. In addition, all telecommunication facilities, including towers, guy wires and accessory facilities, shall meet the set back and other development standards specified for the applicable zoning district.

### (K) Site Integration. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses. Towers and alternative tower structures shall be integrated through location and design to blend in with existing characteristics of the site.

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- (L) Multiple Towers. Placement of more than one tower on a lot shall be permitted, provided all set back, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails. The clustering of new towers on the same parcel near existing telecommunications facilities is encouraged in situations in which the other requirements of Chapter 218 Article 4 are met.
- (M) Historic Areas. Telecommunications facilities shall not be sited where they will negatively affect historic properties, districts or scenic view corridors identified by City or any state or federal law or agency. See LDR Chapter 238, Article 4 and Section 238-13.
- (N) Co-location Design. Any tower proposed for a height of between 80 and 100 feet shall be designed and intended to accommodate two users. Any tower proposed at a height greater than 100 feet and up to 150 feet shall be designed and intended to accommodate at least three users. Any tower proposed for a height of over 150 feet shall be designed and intended to accommodate at least four users.
- (O) Removal Requirements. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment.
- (P) Conditions. In granting administrative or conditional use permit authorization pursuant to Chapter 218 Article 4, conditions may be imposed to minimize or ameliorate any negative impacts or effects of the proposed telecommunications facility on adjacent properties.
- (Q) Annual Reports. The owners of all telecommunications facilities operated within the City of Valdosta shall file an annual report with the Lowndes County Tax Assessor's Office. Said report shall be filed on or before the 31<sup>st</sup> day of December each year, and shall include the following:
  - (1) Certification that the telecommunications facility is currently in use, and if not in use, the date the telecommunications facility ceased being in use.
  - (2) A report from a licensed professional engineer or other qualified industry expert that the facility structure meets or exceeds all relevant federal or state requirements.
  - (3) A report by a radio frequency engineer or other appropriate industry expert that the facility is in compliance with current FCC radio emission standards as well as the terms of their federal license.
  - (4) An updated, current inventory of the owner's existing telecommunication facility sites within the City of Valdosta.

### Section 218-24 District Regulations.

Telecommunications facilities shall be specifically permitted only by administrative approval or by Conditional Use permit approval as follows. In addition to the following requirements, all such uses shall comply with the application standards and requirements of Section 218-22 and the general standards and requirements of Section 218-23 as well as all other applicable City ordinances.

- (A) Uses Permitted Administratively. The following telecommunication facilities may be approved administratively by the Director following administrative review.
  - (1) In commercial zoning districts C-C and C-H locating a tower up to a telecommunications facility height of 35 feet., or 50 feet if designed and intended to accommodate at least two users, including the placement of accompanying antennas and supporting equipment used in connection with the tower or antennas.

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- (2) In industrial zoning districts M-1 and M-2, locating a tower up to a telecommunications facility height of 50 feet, or 100 feet if designed and intended to accommodate at least two users, including the placement of accompanying antennae and supporting equipment used in connection with the tower or antenna.
  - (3) Installing an antenna, including micro cells and similar arrays, on an existing structure other than a tower, such as a non-residential building, sign, light pole, water tower, or other free-standing non-residential structure, in any district zoned C-C, C-H, O-P, M-1 or M-2 so long as said additional antenna adds no more than 20 feet to the telecommunication facility height of said existing structure. For antennas attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio (example: 10-foot high antenna and supporting structures requires a 10-foot setback from edge of roof) shall be maintained unless an alternative placement: (i) is shown to reduce the visual impact from surrounding areas; or (ii) is necessary to achieve the antenna's telecommunication purpose and is shown to equal or reduce the visual impact from surrounding areas.
  - (4) Alterations to existing telecommunications towers, alternative tower structure, or antennas, including addition of additional antennas, provided that such alteration does not result in an increase in the existing telecommunications tower or antenna height by more than 20 feet. The Director may relax or eliminate the application requirements set forth in Section 218-22 for alteration applications if the Director determines that said application requirements are not necessary to effectively evaluate the alteration application.
  - (5) Administrative approval for Section 218-24 (a) (1) through (4) above shall be granted only upon a finding by the Director that (a) compliance with Sections 218-22 and 218-23 and all other requirements of City codes, has been fully established; and (b) the proposal is compatible with the land uses surrounding the site and will not create a demonstrated negative impact to any residential areas from which said proposal can be viewed.
- (B) Uses Permitted by Conditional Use Permit. A Conditional Use permit shall be required for all telecommunications facilities not authorized administratively in Section 218-24(A) above. Said telecommunication facilities may be erected, installed, constructed, enlarged, moved, or converted only following approval of a Conditional Use permit by the City Council subject to the following regulations:
- (1) Compliance with Section 242-6. The granting of a Conditional Use Permit for a telecommunications tower or antenna shall be subject to all provisions of Section 242-6 of the LDR except:
    - (a) Notwithstanding the provisions of Section 242-6, Conditional Use Permits for Telecommunication Towers and Antennas shall not expire, but shall continue indefinitely or for such time as is established by the City Council in a particular case.
    - (b) The procedures referenced in Section 242-6 shall be modified so as to allow an additional 30-day time period following receipt of a complete application and prior to the 60 day submission for advertisement, so as to allow additional time to secure independent analysis of submitted data and adequately review all application materials.
  - (2) Compliance with Other Standards. All proposed telecommunication facilities shall comply with the application standards and requirements of Section 218-22 and the general standards and requirements of Section 218-23 as well as all other applicable City ordinances.
  - (3) Residential Districts not Favored. No tower permit shall be granted for any site zoned R-E, R-25, R-15, R-10, R-6, R-M, or E-R unless the evidence establishes that it is not possible to locate said tower in a non-residential district and close significant service gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunications license.



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- (4) Co-location. No tower permit shall be granted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna.
  - (5) Least Intrusive Means Required. No tower permit shall be granted unless the evidence establishes that the proposed tower's location and design constitute the least intrusive means necessary to close significant service gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunications license.
- (C) Factors Considered in Granting Conditional Use Permits. In addition to requiring compliance with Section 218-24(B)(1) through (5) above, the governing authority shall consider the following factors in determining whether to issue a conditional use permit, as well as those factors set forth in Section 242-6 of the LDR. No conditional use permit shall be granted unless the governing authority determines that the proposed telecommunications facility is compatible with the surrounding land uses as determined by application of the following factors to the specific application:
- (1) The proposed telecommunications facility height and the height of adjacent or nearby structures and/or tree coverage.
  - (2) Proximity of the telecommunications facility to residential structures and residential district boundaries and the degree of visual intrusiveness of the proposed tower or facility from said residential areas.
  - (3) Nature of uses of adjacent and nearby properties.
  - (4) Surrounding topography, particularly with regard to the ability to screen or fail to screen proposed telecommunications facilities.
  - (5) Surrounding tree coverage and foliage, particularly with regard to the ability to screen or fail to screen proposed telecommunications facilities.
  - (6) Design of the telecommunications facility, with particular reference to design characteristics and/or alternative tower structures that have the effect of reducing or eliminating visual obtrusiveness.
  - (7) Proposed ingress and egress.
  - (8) The extent to which compliance with Sections 218-22(K) and (L) has been demonstrated for the particular location selected by the applicant.

### Section 218-25 Decisions

All final decisions made pursuant to this Chapter with regard to the issuance or denial of Conditional Use permits or administratively approved permits for telecommunications towers and antennas shall be in writing and a written record shall be maintained by the Department or by the City Council as applicable. Such decisions shall be made within a reasonable time from the date completed application is duly filed with the Department.

### Section 218-26 Conflicts

If any conflicts occur between the terms of this Article and the terms of any other section or ordinance of the City of Valdosta Code of Ordinances, the provision imposing the more restrictive standard shall prevail. If said conflicting provisions are equally restrictive, the provisions of this Chapter 218 Article 4 shall prevail.

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## Chapter 222 Off-street Parking Standards

### Section 222-1 General Requirements

- (A) Applicability. Automobile parking spaces shall be provided for every permitted and conditional use established in accordance with this LDR. These regulations shall apply to all properties in all districts except those properties in the Downtown-Commercial (C-D) district.
- (B) Time of Completion. Parking areas shall be completed, landscaped and ready for use prior to the issuance of a Certificate of Occupancy.
- (C) Application for Additions and Renovations.
  - (1) Additions or renovations to a building or use, (other than an addition to an existing residential dwelling unit that does not increase the number of families or household units), that increases its gross floor area by 500 or more square feet shall provide additional parking space commensurate with the addition.
  - (2) When an addition or renovation of an existing building or use increases the gross floor space of a building or use by more than 50%, the entire building or use shall meet parking and loading requirements of the LDR, unless an administrative variance is granted in accordance with Section 242-13.
  - (3) No addition to an existing building shall reduce the number of spaces or usability of an existing parking area unless the parking area conforms to this LDR.
- (D) Prohibited Use of Parking Areas
  - (1) No parking areas may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment, unless permitted by the zoning district in which the area is located.
  - (2) Inoperable vehicles may not be parked in required parking spaces or in any side or front yard, and shall be completely screened from view from all surrounding public streets by a fence or wall as provided in Section 328-5.

### Section 222-2 Parking Space Requirements

- (A) Minimum Parking Space Requirements. The minimum number of parking spaces shall be determined based on the spaces required for principal uses from the Table of Minimum Parking Requirements, unless the development qualifies for a reduction in minimum parking requirements as provided in Section 222-3. Accessory uses do not require provision of additional parking spaces.
- (B) Maximum Parking Requirements.
  - (1) Maximum parking requirements are established in order to promote efficient use of land, enhance urban form, provide for better pedestrian movement, reduce the amount of impervious surface and protect air and water quality.
  - (2) The maximum number of parking spaces allowed is 125% of the number shown in the Table of Minimum Parking Requirements, unless an administrative variance is granted by the Director, see Section 242-13.
  - (3) For any surface parking lot that provides more than 105% of the minimum required number of spaces, the number of parking spaces that are in excess of 105% of the minimum shall be placed on pervious paving surfaces approved by the City Engineer. Recommended pervious paving materials include those described in Volume 2 – Technical Handbook of the Georgia

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Stormwater Management Manual (First Edition, August 2001) as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.

**Table of Minimum Parking Requirements**

| Use  | Minimum Number of Parking Spaces | Required for Each   |
|--|----------------------------------|---|
| <b>Accommodation and Food Services</b>   | <b>1</b>                         | <b>Room to be rented, plus Operator and/or Employee</b>                                   |
| Hotel or Motel with a restaurant or lounge   | 1.5                              | Room  |
| Full-Service Restaurant, Nightclubs, and similar establishments serving food and beverages.                    | 16                               | 1,000 sq. ft. of GFA  |
| Limited Service Restaurant (incl. Fast Food)   |                                  |   |
| (a) with drive-through window  | 14                               | 1,000 sq. ft. of GFA  |
| (b) no drive-through window  | 16                               | 1,000 sq. ft. of GFA  |
| Recreation and Vacation Camps  | 1                                | Campsite, plus Employee   |
| Recreation Vehicle (RV) Parks and Campgrounds  | 1                                | Campsite or RV rental space, plus Employee  |
| <b>Agriculture, Forestry, Fishing &amp; Hunting</b>  | <b>1</b>                         | <b>2,500 sq. ft. GFA</b>  |
| Horse Stables, Riding & Boarding   | 1                                | 5 riding animals boarded on site  |
| <b>Arts, Entertainment and Recreation</b>  | <b>3</b>                         | <b>1,000 sq. ft. of GFA</b>   |
| Amusement Arcade or Recreation Center  | 5                                | 1,000 sq. ft. of GFA  |
| Bowling Center   | 4                                | Lane  |
| Drive-In Theater   | 1                                | Employee  |
| Fitness and Recreational Sports Center   | 4                                | 1,000 sq. ft. of GFA  |
| Motion Picture Theater   | 1                                | 3 Seats   |
| Museum   | 2                                | 1,000 sq. ft. of GFA  |
| Nature Parks & Similar Institutions  | 1                                | 6 acres   |
| Outdoor Recreation Facilities, including Golf Clubs and Country clubs and Zoos and Botanical Gardens           | 1                                | per 3 users at maximum capacity   |
| Performing Arts, Spectator Sports and Related Activities (including amphitheatres, stadiums and concert halls) | 1                                | 100 sq. ft. of seating in a stadium, theater, amphitheater, concert hall or similar space |
| <b>Communications</b>  | <b>3</b>                         | <b>1,000 sq. ft. of GFA</b>   |
| Antenna, Armature Radio  | 0                                | No parking required   |
| Antenna, Satellite   | 0                                | No parking required   |
| Call Centers   | 1                                | 2 Employees on largest shift  |
| Telecommunications   | 0                                | No parking required   |
| <b>Construction</b>  | <b>1</b>                         | <b>200 sq. ft. of office space, plus</b>  |
|  | <b>1</b>                         | <b>1,000 sq. ft. of storage area</b>  |

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| Use  | Minimum Number of Parking Spaces | Required for Each  |
|--|----------------------------------|--|
| <b>Education</b>   | <b>8</b>                         | <b>Classroom, but not less than 1 space per 100 sq. ft. of seating in the stadium, gym or largest public assembly room, whichever is greater.</b>        |
| Day Care Center, Child   | 1                                | 1,000 sq. ft. GFA, plus  |
|  | 1                                | per Employee   |
| Education Support Services   | 3                                | 1,000 sq. ft. GFA  |
| Elementary, Middle & Jr. High Schools  | 2                                | Classroom  |
| Library and Archives   | 2                                | 1,000 sq. ft. of GFA   |
| Senior High Schools  | 5                                | Classroom, plus  |
|  | 1                                | Teacher or administrator but not less than 1 space per 100 sq. ft. of seating in the stadium, gym or largest public assembly room, whichever is greater. |
| <b>Finance and Insurance</b>   | <b>3</b>                         | <b>1,000 sq. ft. of GFA</b>  |
| Banking, Lending, and Savings Institutions and Credit Unions   | 4.5                              | 1,000 sq. ft. of GFA   |
| Brokerage Offices  | 3                                | 1,000 sq. ft. of GFA   |
| <b>Health Care</b>   |                                  |  |
| Day Care Center, Adult   | 1                                | 1,000 sq. ft. GFA, plus  |
|  | 1                                | per Employee   |
| General Medical and Surgical Hospital  | 2.5                              | Bed  |
| Medical & Dental Offices   | 4.5                              | 1,000 sq. ft. GFA  |
| Nursing and Residential Care Facilities  | 1                                | 3 residents or beds  |
| <b>Manufacturing</b>   | <b>2</b>                         | <b>1,000 sq. ft. of GFA</b>  |
| <b>Professional, Scientific and Technical Services</b>   | <b>3</b>                         | <b>1,000 sq. ft. of GFA</b>  |
| <b>Public Administration</b>   | <b>3</b>                         | <b>1,000 GFA</b>   |
| <b>Other Uses</b>  |                                  |  |
| Cemeteries, Crematories and Mausoleums   | 1                                | 1,000 sq. ft. GFA  |
| Civic and Social Organizations   | 1                                | 200 sq. ft. GFA  |
| Place of Public Assembly or Worship  | 1                                | 4 seats, or  |
|  | 1                                | 100 sq. ft. GFA in largest assembly room   |
| <b>Residential</b>   | <b>2</b>                         | <b>Dwelling Unit</b>   |
| Adult or Child Day Care Facility   | 1                                | Employee not living on site  |
| Residential Mental Health Facility, Drug Rehabilitation Center, Transitional Housing Facility, Halfway House | 1                                | 3 residents or beds  |
|  | 1                                | Employee   |
| Dwelling, Single-family detached   | 2                                | Dwelling unit.   |
| Dwelling, Single-family attached   |                                  | * (residential driveways or carports/garages for each unit which can accommodate 2 automobiles, will satisfy this requirement)                           |
| Dwelling, Duplex   |                                  |  |
| Dwelling, Live-Work  | 3                                | Dwelling Unit<br>(see Section 218-13)  |

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|  |            |   |
|--|------------|---|
| Multi-Family and Loft Dwelling Units   | 1          | Efficiency dwelling unit                  |
|  | 1          | Bedroom for units with 1-or-more bedrooms |
| Fraternity or Sorority House   | 1          | Resident or bed                           |
| Manufactured Home Park or Subdivision  | 2          | Dwelling Unit or Lot                      |
| Personal Care Home or Nursing Care Facility  | 1          | 3 residents or beds                       |
|  | 1          | Employee                                  |
| <b>Rental and Leasing</b>  | <b>1</b>   | <b>1,000 sq. ft. of GFA</b>               |
| Passenger Car Rental Centers   | 1          | 400 sq. ft. GFA, plus                     |
|  | 1          | Rental vehicle                            |
| Video Tape and Disc Rental   | 4          | 1,000 sq. ft. of retail space             |
| <b>Retail Trade</b>  | <b>4.5</b> | <b>1,000 sq. ft. GFA</b>                  |
| Building Material and Garden Equipment and Supplies Dealers, Hardware Store, Home Center               | 4          | 1,000 sq. ft. of indoor sales area, plus  |
|  | 1          | 2,500 sq. ft. of outdoor display          |
| Convenience Store, Gasoline Station, Automobile Repair and Maintenance                                 | 2          | Service bay, plus                         |
|  | 4          | 1,000 sq. ft. of retail space             |
| Food and Beverage Store or Grocery Store   | 4          | 1,000 sq. ft. of GFA                      |
| Furniture and Home Furnishing, Electronics and Appliance, Household Appliance, or Floor Covering Store | 1.5        | 1,000 sq. ft. of GFA                      |
| Motor Vehicle Sales and Recreational Vehicle Dealers, and Manufactured Home Dealers                    | 2          | 1,000 sq. ft. of indoor sales area, plus  |
|  | 1          | 2,500 sq. ft. of outdoor display, plus    |
|  | 3          | Service bay                               |
| Shopping Center  | 4.5        | 1,000 sq. ft. of total GFA                |
| Non-Store Retail   | 1          | 200 sq. ft. of office space, plus         |
|  | 1          | 1,000 sq. ft. of storage area             |
| <b>Services</b>  | <b>1</b>   | <b>200 sq. ft. GFA</b>                    |
| Automobile repair and maintenance  | 3          | Service bay, plus                         |
|  | 1          | 2 employees                               |
| Commercial and Industrial Machinery and Equipment Repair and Maintenance                               | 2          | 1,000 GFA                                 |
| Computer and Office Machine Repair and Maintenance   | 2          | 1,000 GFA                                 |
| Consumer Electronics Repair & Maintenance  | 2          | 1,000 GFA                                 |
| Funeral Home and Funeral Services  | 25         | Viewing Room                              |
| Home and Garden Equipment Repair and Maintenance   | 2          | 1,000 GFA                                 |
| Industrial Launderers and Linen Suppliers  | 2          | 3 Employees                               |
| Kennels, Pet Boarding  | 1          | 400 sq. ft. GFA                           |
| On Call Services such as Carpet Cleaning, Pest Control, Locksmiths and similar                         | 1          | 250 sq. ft. GFA of office space plus      |
|  | 1          | Company vehicle operating from premises   |
| Reupholsters & Furniture Repair  | 2          | 1,000 GFA                                 |
| <b>Transportation and Warehousing</b>  | <b>1</b>   | <b>2,000 sq. ft. of GFA</b>               |
| Truck Stop   | 4          | 1,000 sq. ft. of GFA                      |

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|   |                      |   |
|---|----------------------|---|
| General Warehousing and Storage, including commercial sales to the public   | 1<br>1               | 1,000 sq. ft. of storage area, plus<br>200 sq. ft. of sales or office   |
| Warehouses, mini  | 1                    | 20 storage units with a minimum of 4 spaces, plus and additional space if the development contains an apartment |
| <b>Waste Management and Remediation Services</b>  | <b>2<br/>1<br/>1</b> | <b>3 Employees, plus<br/>Company vehicle operating from premises, plus<br/>Loading area</b>                     |
| <b>Wholesale Trade</b>  | <b>1<br/>1</b>       | <b>200 sq. ft. of office space, plus<br/>1,000 sq. ft. of storage area</b>                                      |
| <b>Unspecified Uses</b>   |                      |   |
| Where parking requirements for any use are not specifically defined in this Table, such requirements shall be determined by the Director based upon the most comparable use specified herein, and other available data. |                      |   |

### Section 222-3 Reduction in Minimum Parking Requirements

- (A) Shared parking may be permitted by the Director if the applicant satisfactorily demonstrates that the actual peak parking requirements of the proposed development or use can be satisfied with a lesser number of parking spaces through sharing adjacent parking for two or more proximate uses because peak demand periods for proposed land uses do not occur at the same time periods.
- (B) Developers requesting reductions in required parking spaces based on shared parking shall submit the following to the Director for review at the time of submitting a preliminary plat or site development plan for the project:
- (1) Site plan indicating the location of uses proposing to share parking requirements and design of shared parking facilities.
  - (2) Names and addresses of the owner(s) and uses that share parking.
  - (3) Location and number of shared parking spaces.
  - (4) If there is more than one owner, submit a cross-access legal agreement between owners to assure the continued availability of adequate parking.
  - (5) A shared parking analysis that shall follow the procedures detailed in the paragraph below.
- (C) The procedures for determining shared parking requirements and parking requirements for mixed use development are:
- (1) Determine the minimum amount of parking required for each separate use described in the Table of Minimum Parking Requirements.
  - (2) Multiply the parking requirement for each use by the corresponding percentage for each of the time periods in the Table of Parking Ratios by Use and Time of Day for Mixed-use Developments.
  - (3) Sum the total parking requirements for all uses for each of the five time periods in the Table of Parking Ratios by Use and Time of Day for Mixed-use Developments.

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- (4) The parking requirement for the time period having the largest required total number of parking spaces based on use of Table of Parking Ratios by Use and Time of Day for Mixed-use Developments shall be the minimum required number of parking spaces for the mixed-use development.

**Table of Parking Ratios by Use and by Time of Day  
for Mixed-use Developments**

| Uses                       | Weekdays         |                  | Weekends         |                  | Night Time       |
|----------------------------|------------------|------------------|------------------|------------------|------------------|
|                            | 6 a.m. to 5 p.m. | 5 p.m. to 1 a.m. | 6 a.m. to 5 p.m. | 5 p.m. to 1 a.m. | 1 a.m. to 6 a.m. |
| Office                     | 100%             | 10%              | 10%              | 5%               | 5%               |
| Retail/Commercial          | 60%              | 90%              | 100%             | 70%              | 5%               |
| Hotel/Motel                | 75%              | 100%             | 75%              | 100%             | 75%              |
| Restaurant                 | 50%              | 100%             | 100%             | 100%             | 10%              |
| Entertainment/Recreational | 40%              | 100%             | 80%              | 100%             | 10%              |
| Place of Worship           | 10%              | 50%              | 100%             | 100%             | 10%              |

### Example of Shared Parking Calculation

| A building with 2,500 sq. ft. of retail space on the ground floor and 2 floors of offices above (5,000 sq. ft.) | Minimum Number of Spaces Required by Each Use Separately |           | Weekdays         |                  | Weekends         |                  | Night Time       |
|---|--|-----------|------------------|------------------|------------------|------------------|------------------|
|   |  |           | 6 a.m. to 5 p.m. | 5 p.m. to 1 a.m. | 6 a.m. to 5 p.m. | 5 p.m. to 1 a.m. | 1 a.m. to 6 a.m. |
| 5,000 sq. ft of office  | 3 per 1,000 sq. ft of GFA                                | 15        | 15               | 2                | 2                | 1                | 1                |
| 2,500 sq. ft of retail  | 4.5 per 1,000 sq. ft GFA                                 | 11        | 7                | 10               | 11               | 8                | 1                |
| Total   |  | 26        | 22               | 12               | 13               | 9                | 1                |
| <b>Required Shared Parking</b>  |  | <b>22</b> |                  |                  |                  |                  |                  |

(D) Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in ownership or use, the owner must apply to the Director for an evaluation and confirmation of the reduction. If the Director finds that the parking reduction is no longer justified, the Director shall notify the owner to construct the number of parking spaces necessary to meet the required level.

(E) On-Street Parking. With approval of the City Engineer, up to 50% of the on-street parking spaces available within 600 feet of a use may be counted towards the minimum off-street parking requirements. No more than 25% of the number of required off-street parking spaces may be provided by on-street parking.

(F) Administrative Variance. As provided in Section 242-13, the Director shall have the authority to grant a reduction in the total number of off-street parking spaces by up to 20% of the number required by the Table of Minimum Parking Requirements through administrative variance. Such administrative variance requires review and approval of the applicant's written documentation and justification that one or more of the following conditions exist:

- (1) Because of unique circumstances including the shape, topography, soils and vegetation of the site, the provision of the minimum number of required spaces would cause the applicant to suffer unique and undue hardship.
- (2) The site is located in an environmentally sensitive area, such as a water supply watershed, where stormwater runoff should be minimized.

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- (3) The unique circumstances of the use make the minimum number of parking spaces excessive for actual needs.

### Section 222-4 Parking Structures

Parking structures are allowed as an accessory use in the RM, R-P, O-P, C-C, C-H, M-1 and M-2 zoning districts, and as a permitted use in the C-D zoning district.

### Section 222-5 Handicap-Accessible Parking

- (A) Off-street parking for persons with disabilities is to be provided as required by the federal Americans with Disabilities Act and the Georgia Accessibility Code for all multifamily and non-residential uses.

**Table of Minimum Number of Handicap-Accessible Parking Spaces Required**

| Total Required Parking Spaces | Required Accessible Spaces       |
|-------------------------------|----------------------------------|
| 1 to 25                       | 1                                |
| 26 to 50                      | 2                                |
| 51 to 75                      | 3                                |
| 76 to 100                     | 4                                |
| 101 to 150                    | 5                                |
| 151 to 200                    | 6                                |
| 201 to 300                    | 7                                |
| 301 to 400                    | 8                                |
| 401 to 500                    | 9                                |
| 501 to 1000                   | 2% of total                      |
| 1001 and over                 | 20 plus 1 for each 100 over 1000 |

- (B) Handicap-accessible parking spaces shall be counted as part of the total number of parking spaces required in Section 222-2 of the LDR.
- (C) One of every eight handicap-accessible spaces, but not less than one per parking lot that provides handicap-accessible spaces, shall be designed to be “van accessible” in accordance with the ADA Accessibility Guidelines. See Section 222-7(b)(4) for design of “van-accessible” spaces.
- (D) The number of parking spaces required for persons with disabilities is not subject to variance and may not be reduced in number to below the minimum number required by the Federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, as amended.
- (E) Design of handicapped spaces shall be as required in Section 222-7(b)(3).

### Section 222-6 Bicycle Parking

- (A) Bicycle parking spaces (racks or lockers) must be provided for any use that is required to provide more than 100 parking spaces. At least one bicycle parking space must be provided for each 50 parking spaces.
- (B) Required bicycle parking spaces shall be no more than 100 feet from the main entrance of the principal building or use on a parcel.
- (C) Bicycle racks or lockers shall be permanently and securely attached to the ground.



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## Section 222-7 Construction and Dimensional Requirements of Parking Areas

### (A) Layout

- (1) Off-street parking areas shall be laid out, constructed, and maintained in accordance with the following requirements (except for single- and two-family residential uses):
  - (a) All parking areas shall have access to a public street and shall be designed to ensure ease of mobility, ample clearance, and the safety of pedestrians and vehicles.
  - (b) Adequate interior driveways shall connect each parking space with a public right-of-way.
  - (c) Parking spaces shall be separated from sidewalks and streets in public rights-of-way by wheel bumpers and by a strip of land at least 10 feet wide reserved as open space and planted in grass, shrubs and trees.
  - (d) All parking areas must be striped in conformance with the parking dimension standards of the LDR. In the case of unpaved parking areas, each parking space must be visibly demarcated by the use of wheel bumpers or some other demarcation tool as approved by the City Engineer.
- (2) Pedestrian Movement.
  - (a) Parking areas shall be designed to facilitate safe and convenient use by pedestrians.
  - (b) The pathways from the principal building entrance to the adjacent streets shall include a sidewalk at least 5 feet wide with marked crosswalks across all interior driveways.

### (B) Parking Area Dimensions

- (1) Standard off-street parking stalls and aisles shall conform to the minimum dimensions provided in the Table of Minimum Parking Space Requirements and Dimensions of Parking Stalls provided in this paragraph 222-7(B).

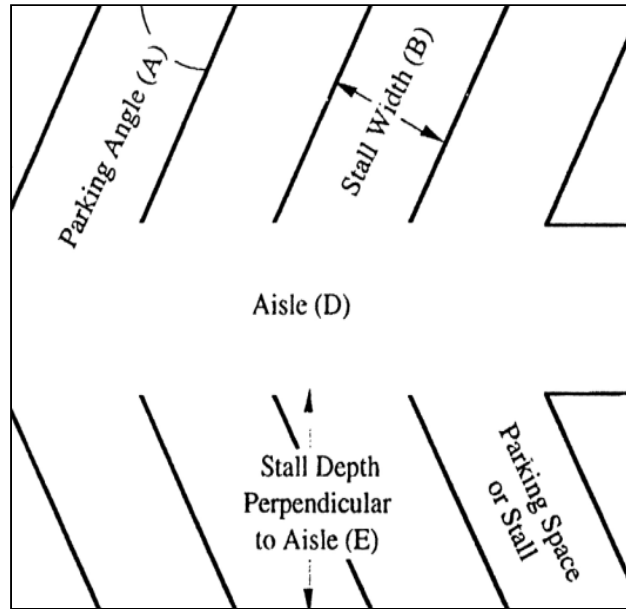
**Table of Minimum Parking Space Dimensions**

|            | Parking Angle (A) |                |                |
|------------|-------------------|----------------|----------------|
|            | 45 degrees        | 60 degrees     | 90 degrees     |
| Width (B)  | 8 ft. 6 in.       | 8 ft. 6 in.    | 8 ft. 6 in.    |
| Depth* (E) | 17 ft.            | 17 ft. 6 in.   | 19 ft.         |
| Aisle (D)  | 14 ft. one-way    | 16 ft. one-way | 24 ft. one-way |
|            | 20 ft. two-way    | 20 ft. two-way | 24 ft. two-way |

\* Depth measured perpendicular to aisle to farthest corner of stall or nearest wall.

# City of Valdosta Land Development Regulations

## Dimensions of Parking Stalls



- (2) Parallel parking spaces shall be a minimum of 8 feet wide and 22 feet and 6 inches long.
- (3) Handicap-accessible Spaces. Handicap-accessible parking spaces shall be a minimum of 8 feet in width by 19 feet in length and shall be located adjacent to a paved accessible aisle or walkway at least 60 inches in width. If the accessible walkway is at an elevation different from the elevation of the parking space, a 1:6 slope ramp shall be provided up to the walk. An aisle, having a width of not less than 3 feet shall be from the handicap-accessible spaces to the building entrance.
- (4) Van-accessible Spaces. Van-accessible parking stalls shall have a minimum width of 8 feet and a minimum length of 19 feet. Each van-accessible space shall be adjacent to a passenger loading aisle that is a minimum use of 8 feet wide leading to an accessible aisle or walkway at the front of the parking spaces that is a minimum of 3 feet wide leading to the closest building entrance.
- (5) Signage. Handicap-accessible parking spaces and van-accessible parking spaces shall be identified by signs meeting the requirements of the Georgia Accessibility Code and the MUTCD (Manual on Uniform Traffic Control Devices).

### (C) Paving Materials for Parking Lots.

- (1) All parking areas shall be paved with asphalt, concrete or pervious materials approved by the City Engineer. Recommended pervious paving materials include those described in Volume 2 – Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001) as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.
- (2) Paving areas shall be of sufficient size and strength to support the weight of service vehicles.
- (3) For those uses for which the parking area will be utilized no more than three times each week, the City Engineer may permit the parking area to remain unpaved; however, vehicle bumpers and/or some other form of parking demarcation may be required to ensure safe vehicular access.
- (4) At such time that unpaved parking areas degrade due to excessive wear and tear to such a point that sediment unnaturally enters the storm drain system and/or public right-of-way, the

## City of Valdosta Land Development Regulations

City Engineer may require the parking area to be paved with impervious material or approved pervious material.

### Section 222-8 Driveways

Parking areas shall provide an adequate ingress and egress, in compliance with the standards of Section 332-2 and 332-3 with a minimum vertical clearance of 14 feet and a driveway grade no greater than 5%.

### Section 222-9 Landscaping in Parking Lots.

- (A) Parking lots shall be designed with landscape areas, in accordance with Section 328-24.
- (B) Where the parking lot fronts a public street or public right-of-way, trees preserved or planted in the perimeter planting strip may be used to meet the parking lot planting requirement.
- (C) Landscaped median islands in parking lots are encouraged to be constructed as stormwater bioretention areas with a grade level that is recessed at least 4 in. below the grade of the adjacent paved surfaces. Curbs separating recessed landscaped median islands from parking areas shall be either flush with the paved surface or notched at intervals of 4 feet to allow stormwater runoff to pass through them into the landscaped areas for bioretention.
- (D) Landscape materials in median islands designed as stormwater bioretention areas shall be selected to be compatible with the bioretention function, and adequate drainage shall be provided for the chosen species. Recommended plant species are listed in this paragraph 222-9(d). Additional appropriate species are listed in the Georgia Stormwater Management Manual, Volume 2, Appendix F, Table F.5 on page F-23.

#### Approved Plant Species for Bioretention Areas in Parking Lots

| Trees             | Shrubs                | Herbaceous Plants    |
|-------------------|-----------------------|----------------------|
| Red Maple         | Bottlebrush Buckeye   | Broom sedge          |
| River Birch       | Red Chokeberry        | Joe Pye Weed         |
| Eastern Red Cedar | Fothergilla           | Day Lily             |
| Golden Rain Tree  | Witch Hazel           | Yellow Iris          |
| Black Gum         | Common St. Johns Wort | Cardinal Flower      |
| London Plane-Tree | Inkberry              | Switchgrass          |
| Sycamore          | Winterberry           | Fountaingrass        |
| Pin Oak           | Creeping Juniper      | Greenhead Coneflower |
| Willow Oak        | Spicebush             | Woolgrass            |
| Black Willow      | Bayberry              | Ironweed             |

*Source: Georgia Stormwater Manual, Volume 2, Appendix F, Table F-4, page F-20.*

### Section 222-10 Lighting in Parking Lots

- (A) Parking lots with more than 10 parking spaces shall provide approved outdoor lighting with an average level of illumination of .5 to 1.5 foot candles.
- (B) Parking lot illumination shall be designed to prevent light spillover on to adjacent properties. All outdoor lighting shall be fully shielded, have recessed luminaries, or be cut-off fixtures mounted in such a manner that the cone of light is directed downward and does not cross adjacent property lines.

## City of Valdosta Land Development Regulations

- (C) Only incandescent, florescent, metal halide, low-pressure sodium, LED, or color-corrected, high-pressure sodium fixtures may be used. The same type of lighting must be used for the same purpose throughout the same development.

### **Section 222-11     Parking Vehicles in Residential Districts**

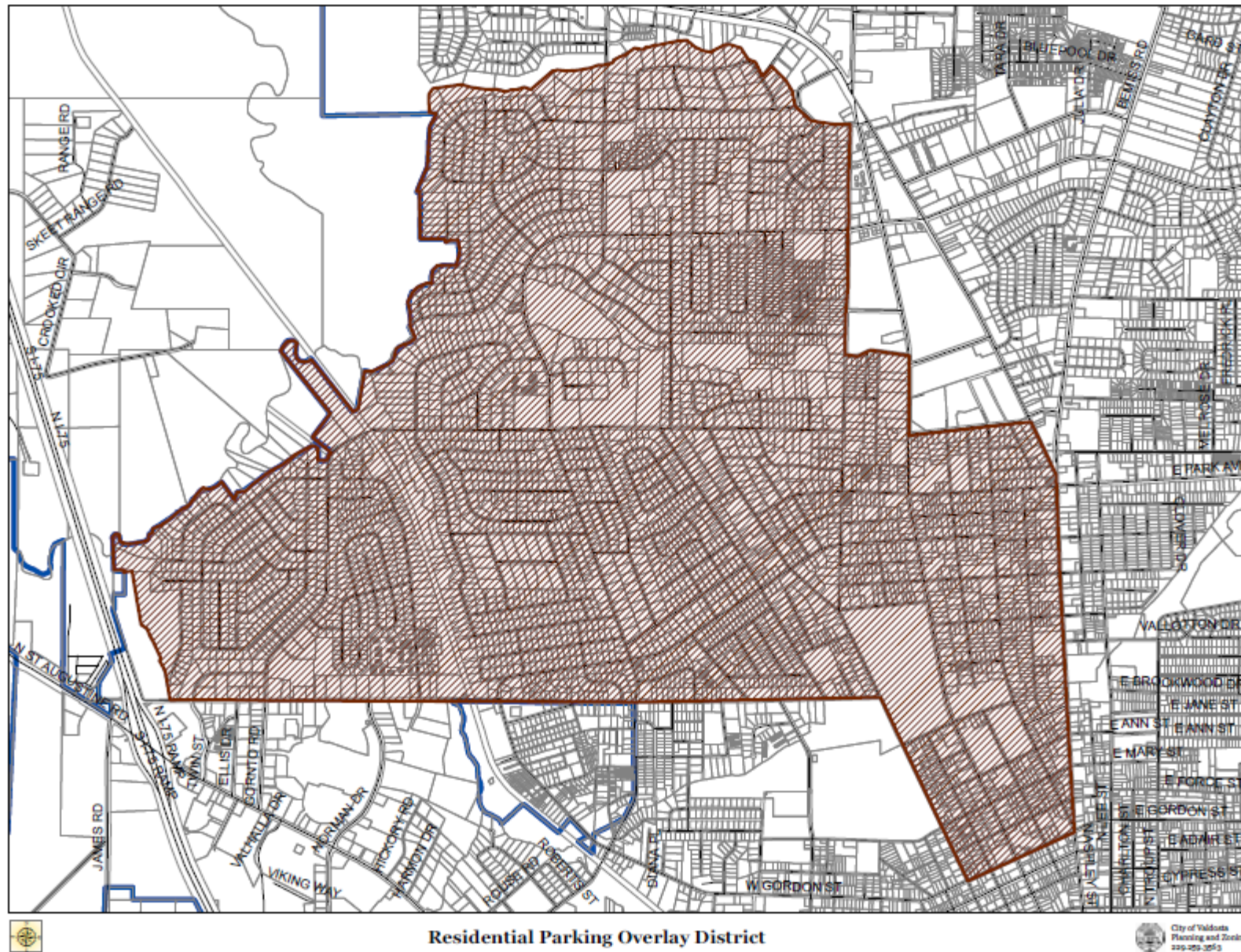
- (A) In any residential zoning district, it shall be unlawful for any person to park or stand for any period longer than six hours any vehicle in excess of 14,000 pounds gross vehicle weight as identified, classified or defined by the manufacturer, except while actually engaged in loading or unloading.
- (B) The parking of any vehicle other than a passenger truck, van, sport utility vehicle or automobile shall be within a side or rear yard or on an improved surface in the front yard provided such improved area does not exceed 25% of the total square footage of the area between the front of the house and the right-of-way, except for official government vehicles, moving vans that are actually loading and unloading or franchised or regulated utility vehicles. For purposes of this section, trailers are defined as vehicles with or without motive power, designed for carrying persons or property and for being drawn by motor vehicles and so constructed that no part of its weight rests upon the towing vehicle.
- (C) Recreational vehicles (including boats on trailers) must be parked so that at least 50% of the recreational vehicle is located behind the front building line of the house.
- (D) No recreational vehicle may be occupied overnight except in an approved RV Park.

### **Section 222-12     Residential Parking Overlay District**

In addition to the provisions contained within Section 222-11 above, properties within the Residential Parking Overlay District, as depicted on the most updated version of the Official Zoning Map and available for review in the Planning and Zoning Office, shall comply with the following provisions:

- (A) All vehicles shall be parked on improved surfaces paved with asphalt, concrete, gravel, brick pavers, loose aggregate, or other materials as approved by the City Engineer. Any loose materials shall be contained by a suitable border of landscape timbers, pavers, crossties, etc. The residential character of the neighborhood shall be maintained.
- (B) For single-family detached and single-family attached properties, a maximum of five vehicles, limited to passenger trucks, vans, sports utility vehicles or automobiles, may be parked in the front yard per lot.
- (C) The total of improved parking surfaces located in the front yard on any lot in a residential district shall not be in excess of 25% of the total square footage of the area between the front of the house and the right-of-way, unless an administrative variance based on a demonstrated hardship is granted, in compliance with Chapter 242.
- (D) For the purpose of Section 222-12, only one yard of a corner lot shall be designated as the primary front yard for the calculation of the 25% rule. The total allowable improved area based on the size of the designated front yard may be divided between the primary front yard and the secondary front yard.
- (E) Existing non-improved driveways which extend from an existing driveway apron directly into a carport, garage, or established parking area may remain as is.
- (F) In compliance with Chapter 238 of the LDR, properties within the Historic District shall receive Administrative Approval for a Certificate of Appropriateness prior to constructing the improved area.

# City of Valdosta Land Development Regulations



# City of Valdosta Land Development Regulations

## Chapter 226 Off-street Loading and Service Areas

### Section 226-1 Provision of Off-street Loading Spaces

- (A) Application. Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area must be provided in accordance with this LDR.
- (B) Minimum Number of Spaces. The minimum number of off-street loading spaces required for buildings containing more than 5,000 gross square feet of non-residential use shall be one space for the first 25,000 square feet of total floor area or fractional part thereof. For such uses in excess of 25,000 square feet, the building shall provide loading spaces as provided in this paragraph 226-1(B).

#### MINIMUM LOADING AND UNLOADING SPACE REQUIREMENTS

| Square Feet  | Number of Spaces |
|--|------------------|
| 5,000 - 25,000   | 1                |
| 25,001 - 99,999  | 2                |
| 100,000 - 159,999  | 3                |
| 160,000 - 239,999  | 4                |
| 240,000 - 349,999  | 5                |
| For each additional 100,000 square feet or fraction thereof, one additional space shall be required. |                  |

- (C) Prohibited Use. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (D) Location of Off-street Loading Spaces.
- (1) All required off-street loading spaces shall be located on the same lot as the building that they are intended to serve or on an adjacent lot, when shared with the use occupying said adjacent lot.
  - (2) Each required off-street loading space shall have direct access to a street or alley that provides safe and adequate ingress and egress for trucks.
- (E) Permanent Reservation. Areas reserved for off-street loading required by this Chapter shall not be reduced in area or changed to any other use unless the permitted use; except where equivalent loading space is provided and approved by the City Engineer.

### Section 226-2 Construction and Dimensions of Off-Street Loading Spaces.

- (A) Required Dimensions for Each Loading Stall. Each loading stall shall be a minimum of 10 feet wide and 30 feet in length, except that for wholesale and industrial use, loading stalls shall be a minimum of 10 feet wide and 50 feet in length.
- (B) Loading areas shall provide an adequate ingress and egress with a minimum vertical clearance of 12 feet and a driveway grade no greater than 4%. The loading area shall not exceed a grade of 2%.
- (C) Paving. All required loading areas shall be paved with asphalt, concrete, porous paving blocks, gravel or other materials, as approved by the City Engineer. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

# City of Valdosta Land Development Regulations

## Section 226-3 Dumpsters

- (A) Location. Dumpsters shall be either enclosed within a building and out of sight from public streets or located outside to the rear of the principal building.
- (B) Pad.
  - (1) Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.
  - (2) Restaurants and other food service establishments shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with an adequately sized grease trap per applicable Health Department Regulations and meeting all applicable Health Department Regulations, Utilities Department standards, and building codes.
- (C) Screening. Dumpsters not located in the rear yard shall be surrounded by an opaque enclosure not less than 6 feet in height and also screened by perimeter planting as required in Section 328-5.



# City of Valdosta Land Development Regulations

## Chapter 230 Sign Regulations

### Section 230-1 Title

This chapter shall be known and may be referred to as the "Sign Ordinance of the City of Valdosta."

### Section 230-2 Authority

This chapter is enacted pursuant to the general police powers of the city and other authority provided by federal, state and local laws applicable hereto.

### Section 230-3 Findings, Purpose, and Intent

The City of Valdosta finds that the number, size, design characteristics, and locations of signs in the city directly affect the public health, safety, welfare and property values. The city finds that excessive signs are distracting and dangerous to motorists and pedestrians, may be confusing to the public, and substantially detract from the beauty and appearance of the city and associated property values. The purpose and intent of the governing authority of the city in enacting this chapter are as follows:

- (A) To protect the health, safety, general welfare and property values of the citizens of the city, and to implement the policies and objectives of the Comprehensive Plan of the city through the enactment of a comprehensive set of regulations governing signs in the city.
- (B) To regulate the erection and placement of signs within the city in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians.
- (C) To preserve the value of property on which signs are located and from which signs may be viewed.
- (D) To maintain an aesthetically attractive city in which signs are compatible with the surrounding area.
- (E) To maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the city.
- (F) To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers and visitors to the city.
- (G) To provide fair and reasonable opportunities for the identification of businesses that are located within the city and to provide for the identification of the availability of products, goods or services to promote economic vitality.
- (H) To ensure the protection of free speech rights under the state and United States Constitutions within the city.
- (I) 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.
- (J) 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.
- (K) To provide for temporary signs in certain circumstances.



## City of Valdosta Land Development Regulations

- (L) 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 said nonconforming signs.
- (M) To prohibit all signs not expressly authorized by this chapter, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

### Section 230-4 Applicability of Other Code Requirements

- (A) It shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done within the city except in accordance with the provisions of this Chapter 230.
- (B) All sign structures shall be subject to the provisions of the Code of Ordinances of the City of Valdosta, Building and Electrical Codes and other relevant local, state and federal laws.
- (C) Any legally permitted sign may contain any message not otherwise prohibited by law.

### Section 230-5 Permit Requirements

Except as specifically exempted from the provisions of this chapter, it shall be unlawful for any person to post, display, substantially change, or erect a sign without an approved sign permit except as otherwise specifically provided in this Chapter. A change of only the copy of a sign shall not constitute a substantial change. This section shall not require a sign permit for the repair or maintenance of a conforming sign for which a permit has already been issued, so long as the sign is not modified in any way from its original condition. A permit shall be required for any new or existing business changing the number, size, shape or location of existing signs. Sign permits for any permanent sign shall only be issued to a licensed contractor or other person approved by the Director.

- (A) Application. All applications for sign permits shall be submitted to the Planning and Zoning Division on forms provided by the City. The application shall set forth in writing a complete description of the sign and shall include, but not be limited, to the following information:
  - (1) Name(s), address(es) and telephone number(s) of the sign owner(s).
  - (2) Name, address and telephone number and business license number of the sign contractor or installer.
  - (3) Name(s), address(es) and telephone number(s) of the owner(s) of the lot or parcel on which the sign is located, if different from the above.
  - (4) Tax map and parcel number, street address and current zoning of the property location for the proposed sign. In the absence of a street address; a method of location acceptable to the director shall be used.
  - (5) Scale plan and elevation drawings of the proposed sign indicating all applicable layout dimensions, including the sign's relation to property lines, streets, rights-of-way, driveways, and other structures.
  - (6) The type of sign to be erected, along with the height, shape, and overall size of the sign and its graphics. In the case of a wall sign, this will also include the building frontage and wall dimensions of the wall on which the sign will be placed.
  - (7) The street frontage of the parcel on which a free standing sign is to be placed.
  - (8) Landscaping plan for area around the sign, when applicable.

## City of Valdosta Land Development Regulations

- (9) Construction drawings outlining the scope and structural details of the work to be complete, including details of all connections, guy lines, supports, footings, mounting hardware, and materials to be used.
- (10) Structural Design (if applicable). Freestanding signs that exceed 50 square feet in area and/or exceed 12 feet in height above grade, shall require structural drawings certified by a Georgia registered design professional. Structural drawing(s) plan review requirements are as follows:
  - (a) Drawings for each sign structure shall clearly specify the required materials, sizes, and locations for all structural components. Complete details shall be provided that clearly indicate the required connections between all structural components including anchorage to the foundation. Details shall also indicate required attachments of sign cabinets to the supporting structure.
  - (b) Sign foundation requirements shall be clearly indicated on the drawings including, but not limited to, footing size and reinforcement, 28-day compressive strength of concrete, anchor bolt size and embedment depth.
  - (c) Drawings for signs that require design by a Georgia registered professional engineer shall contain the following additional minimum design data:
    - i. Statement on drawings that the design complies with the SBCCI International Building Code;
    - ii. Statement on drawings that the wind load design complies with ASCE 7 (minimum design loads for buildings and other structures);
    - iii. Basic wind speed (minimum 100 MPH 3-second gust or 85 MPH sustained), design wind pressure (PSF), exposure category (B);
    - iv. Minimum required soil bearing capacity (PSF);
    - v. Structural material specifications (including but not limited to ASTM designation, yield strength (SKI), and material grade, if applicable).
- (11) Electrical permit, if applicable, as follows:
  - (a) Drawings for each illuminated sign shall clearly indicate the electrical requirements including the size and location of the electrical disconnect, the type and size of wire, the conduit size and estimated load.
  - (b) Electrical installations shall meet the requirements of the National Fire Prevention Association, National Electrical Code and must be performed by a Georgia licensed electrician.
- (12) Written agreement to indemnify and hold the City harmless for all damages, demands or expenses of every type which may in any manner be caused by the sign or sign structure.
- (13) Other administrative or technical information needed as may be determined by the Director in the performance of his or her duties.

(B) Fees. Sign permit fees shall be in accordance with the adopted fee schedule of the City of Valdosta.

(C) Permit Issuance and Duration. The Community Development Department shall issue to any applicant, upon approval of a completed application and accompanying material for a sign which meets the requirements of this Chapter 230, a written sign permit evidencing compliance with all applicable codes and regulations. The written sign permit, or notification of denial, shall be made available to the applicant within 5 working days from the date of application. A sign permit shall expire and become null and void if installation of the sign has not been completed within 6 months

## City of Valdosta Land Development Regulations

from the date of issuance. Issuance of a sign permit shall not prevent the City from later declaring the sign to be nonconforming or unlawful if it is found not to conform to the requirements of this ordinance.

### Section 230-6 General Regulations

#### (A) Maintenance.

- (1) Signs shall be kept clean, neatly painted, and maintained at all times so as to remain legible and not become detrimental to public health, safety, and general community aesthetics. This includes but is not limited to keeping the sign free from faulty wiring, loose fastenings, and sharp or otherwise dangerous protrusions.
- (2) No trash or rubbish shall be allowed to accumulate in the area around a sign and all weeds shall be kept out from surrounding landscaping.
- (3) Except as otherwise provided in state law, any abandoned, dilapidated or neglected sign(s) and/or sign structure(s) that is structurally unsound or illegible due to damage or lack of maintenance, shall either be repaired or removed by the property owner or sign owner no later than 30 days after written notification from the Community Development Department. If the property owner or sign owner fails to comply within 30 days after written notification, the City may cause the removal of the sign at the property owner's or sign owner's expense or may pursue other enforcement procedures as described in Chapter 110-8
- (4) Except as otherwise provided in state law, any abandoned, dilapidated, or neglected sign(s) and sign structure(s) that are not repaired and removed as provided in Section 230-6(a)(3) may not be reused unless the owner is granted a permit for a new sign. As a new sign, it will be required to conform to existing regulations in place at time of application.

#### (B) Enforcement.

- (1) This Chapter 230 shall be enforced as provided by the Code of Ordinances of the City of Valdosta. Each day of violation shall be regarded as a separate offense.
- (2) Removal of Signs. Any of the following signs shall be immediately removed upon notification from the Community Development Department:
  - (a) A sign that is prohibited or classified as unlawful under the terms of this Chapter 230.
  - (b) A sign that does not conform to the International Building Code.
- (3) Revocation of Permit. A sign permit shall be revoked if it is found to be not in compliance with this Chapter 230.

#### (C) Remedies. In the case any sign or other device covered by this Chapter that is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this Chapter, the Director, or designee may, in addition to other remedies, and after due notice to the appropriate person(s), issue a citation for violation of this chapter or institute an injunction or other appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation as provided in Chapter 110 of this LDR.

#### (D) Severability. In the event any section, subsection, sentence, or word of this Chapter is declared and adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this Chapter, even if the surviving parts of the ordinance result in greater restrictions after any unconstitutional provisions are stricken. The City Council declares that it would have enacted the remaining parts of the Chapter if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional. The City

## City of Valdosta Land Development Regulations

Council declares its intent that should this Chapter be declared invalid or unconstitutional in part or in whole, signs are to be subject to regulations applicable to “structures” contained in the LDR.

### Section 230-7 Prohibited Signs

The following signs and devices are found to be unlawful and are prohibited within the city limits:

- (A) Animated signs; include those that flash, blink, change image, or show any form of movement, excluding historic signs and those officially designated for public service except for variable message boards that meet the standards of Section 230-9 (e).
- (B) Attention-getting devices. See definition in Chapter 106.
- (C) Signs that resemble any official traffic control device or emergency vehicle markings.
- (D) Unshielded illuminated devices that produce glare or create a hazard or nuisance to motorists or occupants of adjacent properties.
- (E) Signs attached to or painted on vehicles of any type which are conspicuously parked for more than 48 hours on commercial property in proximity to a street so as to have an effect similar to that of a sign.
- (F) Signs greater than 32 square feet when painted on or attached to a trailer or motor vehicle unless the trailer or motor vehicle is licensed and regularly used for transporting goods, equipment, or produce.
- (G) Snipe signs.
- (H) Roof signs other than mansard signs, but including any non-freestanding sign which extends above the roof line of a building.
- (I) Search lights, strobe lights, and beacons.
- (J) Signs which emit visible smoke, vapor, particles, or odor.
- (K) Signs with lighting or control mechanisms which cause radio, television, or other communications interference.
- (L) Signs located on waste containers, or other forms of street furniture.

### Section 230-8 Signs Not Requiring a Permit

The signs listed in this section do not require a permit, except as otherwise provided; given that each is erected in accordance with the prescribed conditions of the LDR and all other applicable codes and regulations of the City of Valdosta. These signs are allowed in addition to signs requiring permits.

- (A) Signs required by public ordinances, regulations and laws.
- (B) Building markers, security signs to include alarm and video monitoring, and other small incidental signs at the discretion of the Zoning Administrator.
- (C) In residential districts, either one window sign not to exceed 2.5 square feet, or one freestanding incidental sign per parcel on private property, not exceeding 3 feet in height, two and one-half (2.5) square feet in area. In non-residential districts, such signs shall not exceed 6 square feet and 4 feet in height.

## City of Valdosta Land Development Regulations

- (D) Each lot shall be allowed a maximum of three (3) flags and flag poles that conform to the standards of this paragraph. No flag may exceed 60 square feet in area, and the height of a flag pole shall not exceed the maximum allowable height of a structure or building in the applicable zoning district, or 40 feet, whichever is less. The hoist side of the flag shall not exceed 20% of the vertical height of the flag pole
- (E) Window signs in non-residential zones provided that they do not exceed 100 square feet or 30% of the available window space along any face of the building, which ever is less.
- (F) Any sign not visible from public thoroughfares or any sign within a business, office, mall, or other totally enclosed area except window signs.
- (G) Temporary signs, provided that they are erected outside public rights of way, and are subject to the following standards in addition to applicable requirements of this Chapter. Portable signs and banners, as defined in this LDR, are not exempt from permitting requirements, and are subject to the provisions for Special Signage Types in Section 230-9(E).
  - (1) Temporary political campaign signs pursuant to O.C.G.A. 16-7-58(a)(2). In residential zones, such signs shall not exceed 6 square feet each, and a maximum height of 4 feet. In non-residential zones, such signs shall not exceed 32 square feet if only one sign and 16 square feet each if more than one sign, with a maximum height of 6 feet.
  - (2) Temporary signs during the time that a lot or building is actively being constructed, or is actively being marketed for sale, lease, or rent. Such signs may be freestanding or attached to a building (wall sign). In residential zones, such signs shall not exceed 6 square feet and a maximum height of 4 feet. In non-residential zones, such signs shall not exceed 32 square feet and a maximum height of 8 feet. Such signs are limited to one sign per street frontage. Such signs shall be removed within 10 days after the subject lot or building is leased, sold, or construction is completed.
- (H) A-frame sidewalk signs. Each use or tenant in a Commercial zoning district shall be permitted one A-frame, sandwich type, sidewalk or easel sign per building entrance on the sidewalk or walkway in front of the respective business during business hours only. These signs may be 2 sided and shall be limited to 6 square feet per side and a maximum height of 5 feet above the sidewalk or walkway. These signs shall be located within 15 feet of the building entrance. Minimum setback shall be 2 feet from the street curb when located in C-D zoning, and 5 feet from the property line when located in other zoning districts. Such signs shall be located so as to not obstruct safe vision of vehicular or pedestrian traffic.

### Section 230-9 Sign Standards

- (A) Location in General.
  - (1) All signs shall be located only on or over private property and outside any street or railroad right-of-way, except where specifically otherwise authorized by this Chapter 230.
  - (2) No sign shall be attached to any utility pole, light pole, flag pole, fence, rock, tree or other form of vegetation.
  - (3) All signs shall be erected in such a manner as to not interfere with or obstruct the view of any authorized traffic sign, signal, or device.
  - (4) No sign shall be attached to or placed against a building in such a way as to prevent egress through any door or window required or designed for access to any building; nor shall any sign be attached to or obstruct a fire escape, or interfere with openings required for proper light or ventilation.
  - (5) All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities based on the applicable voltage as specified in the latest edition of the National Electrical Code.

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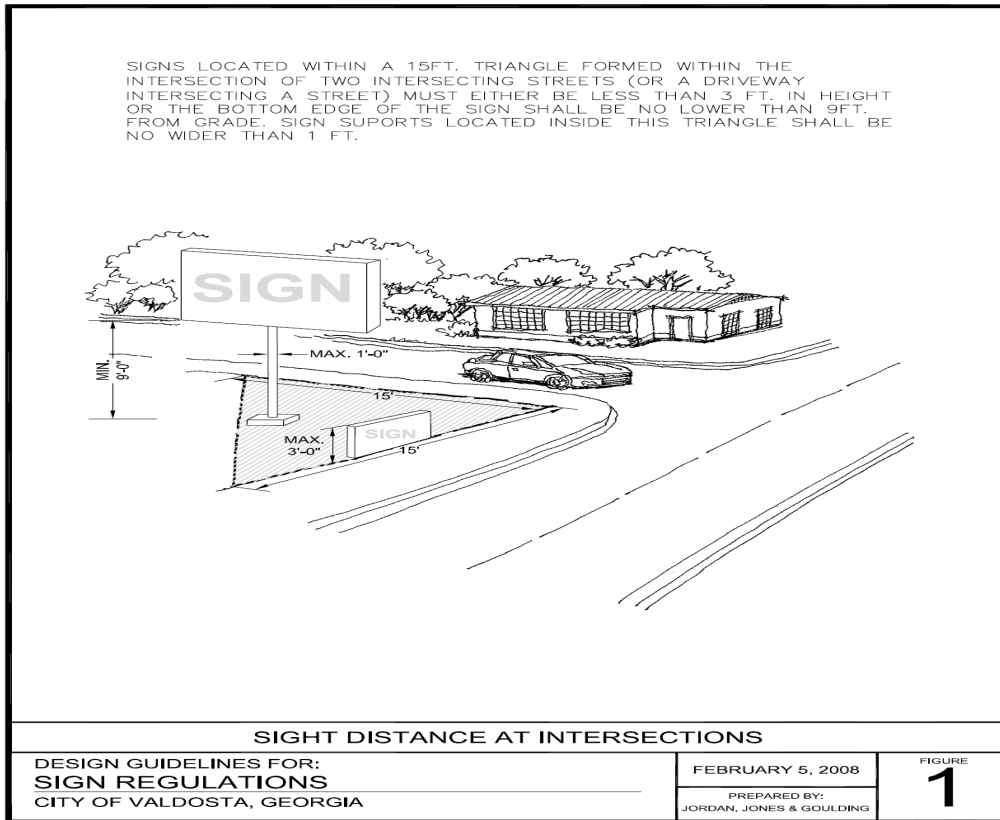
### (B) Maximum Height, Size and Number.

- (1) **Sign Area Computation.** The area of a sign shall be calculated as the area of the entire sign face, excluding the necessary supports or uprights on which the sign is placed. For projecting or double-faced signs, only one sign face shall be measured in computing sign area when the sign faces are parallel and are not separated by more than 6 feet, or where the interior angle formed by the faces does not exceed 60 degrees, provided that it is a common attached structure. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.
- (2) **Sign Height Computations.**
  - (a) The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure, whichever is higher. Normal grade shall be construed to be: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign, whichever is lower.
  - (b) Alternatively, if the base of a freestanding sign (other than an incidental sign) is lower than the curb along the nearest public street when measured along the shortest horizontal distance from the sign structure to the curb, then the sign height may be increased up to 8 additional feet, if necessary, as if the base of the sign was at the same elevation as the top of such curb.

### (C) Sign Setbacks.

- (1) Unless otherwise specified, sign setbacks and other distances measured from a street shall be measured perpendicularly from the nearest point along the street right-of-way line.
- (2) Unless otherwise provided, all freestanding or portable signs requiring a permit shall be set back a minimum of 5 feet (vertical line ground distance) from a right of way line or property line, and a minimum of 25 feet from any other portable sign or permanent freestanding sign.
- (3) All freestanding sign faces that are at a height greater than 3 feet and less than 9 feet above ground shall be located behind a sight distance triangle that is formed by a diagonal line connecting two points that are each 15 feet from the intersection of the right of way lines of two intersecting streets (or the intersection of a street and a driveway). Sign supports in excess of 1 square foot in cross-sectional area or a series of supports which cumulatively provide less than 70% visibility shall be subject to this same setback requirement. See Figure 230-1.

**Figure 230-1**



- (D) Permitted Signs by Type and Zoning District. \*\* (SEE TABLE A) \*\* The signs described in this sub-Section shall require issuance of a sign permit from the City of Valdosta, subject to standards and conditions applicable to signs in certain zoning districts established in Chapter 206 by the City of Valdosta. This chapter does not create zones or districts. Unless otherwise provided in this chapter, any sign not specifically permitted in a zoning district as provided in this chapter shall be prohibited in that zoning district.
- (1) **Single-Family Residential Areas.** Within R-E, R-25, R-15, R-10, and R-6 zoning districts, a maximum of one permanent monument sign may be permitted within 25 feet of an intersection forming an entrance into any residential subdivision or neighborhood. Such sign shall not be included in the calculation of aggregate sign area for any lot provided it meets the following standards.
    - (a) Maximum Height: 6 feet.
    - (b) Minimum Setback from street right of way: 5 feet.
    - (c) Maximum Size per Sign: 32 square feet.
    - (d) No illumination permitted.
  - (2) **Multi-Family Residential Areas.** Within the R-M zoning district, a maximum of one permanent monument sign is permitted if it is located within 50 feet of an intersection forming the entrance into a residential multi-family development, provided it meets the following standards:
    - (a) Maximum Height: 8 feet.
    - (b) Minimum Setback from street right of way: 5 feet.
    - (c) Maximum Size per Sign: 32 square feet.

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- (d) No internal sign illumination permitted. External lighting shall be directed downward so as not to produce glare on surrounding property or vehicular travel.
- (3) Signs in the E-R, R-P, O-P, and C-A, Zoning Districts:
  - (a) Signs on individual lots (except for multi-tenant developments, or convenience stores with fuel pumps).
    - i. Monument Signs. Each lot containing a building is allowed monument signs, as follows:
      - a. Principal street: One sign per 500 feet or fraction thereof, but not to exceed one sign per driveway or 2 signs on the principal street frontage, whichever is less.
      - b. Secondary street: One sign per secondary street frontage.
      - c. Height and Size Standards: The following standards shall apply to all signs governed by this paragraph with the exception of those on lots located within locally designated historic districts (See Chapter 238) in which freestanding signs shall be no larger than 24 square feet
        - 1. Maximum sign height: 8 feet.
        - 2. Maximum sign area per lot: 36 square feet.
      - d. Sign Size for Multiple Street Frontages. In the case of multiple street frontages, each monument sign on the primary street frontage (as designated by the property owner) shall comply with the maximum sign areas listed in Section 230-9(D)(3)(a).i.c. Monument signs on secondary street frontages, when permitted, shall not exceed  $\frac{1}{2}$  of the maximum sign area for signs on principal street frontage. Secondary monument signs shall be oriented for viewing from the secondary street and shall be located a minimum distance of  $\frac{1}{2}$  the secondary lot frontage from the primary street.
    - ii. Canopy, Mansard, and Wall Signs. Each lot is permitted canopy signs, mansard signs or wall signs per elevation as follows:
      - a. Maximum Height: Top of sign shall be no higher than top of wall or canopy.
      - b. Maximum Size: The area of all such signs on each façade shall not cumulatively exceed the greater of: 1 square foot per linear foot of façade width, 50 square feet, or 5% of wall area of façade. In no case shall such cumulative signage area exceed 250 square feet.
  - (b) Signs for Multi-tenant Developments.
    - i. Monument Signs
      - a. A maximum of one monument sign is permitted to be located within 50 feet of an intersection that forms the entrance into a multi-tenant development. Such signs shall not be included in the calculation of aggregate sign area for any lot.
        - 1. Maximum Height: 12 feet.
        - 2. Maximum Size per Sign: 48 square feet.
        - 3. Maximum Number Permitted: One per entrance, provided signs on the same frontage are at least 300 feet apart.
      - b. Entrance Sign Size for Multiple Street Frontages. In the case of a multi-tenant development with multiple street frontages, each entrance sign on the primary street frontage (as designated by the property owner) shall comply with the maximum sign area in Section 230-9(D)(3)(b).i.a. Entrance signs on secondary street frontages, when permitted, shall not exceed  $\frac{1}{2}$  of the maximum sign area



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for signs on principal street frontage. Secondary entrance signs shall be oriented for viewing from the secondary street and shall be located a minimum distance of  $\frac{1}{2}$  the secondary lot frontage from the primary street.

- ii. Individual tenants or lots in a multi-tenant development.
  - a. A maximum of one canopy sign, wall sign, or mansard sign is permitted for each business or tenant within a multi-tenant development subject to the following standards:
    - 1. Maximum Height: Top of wall sign shall be no higher than top of wall; top of canopy sign shall be no higher than top of canopy; top of mansard sign shall be no higher than top of canopy.
    - 2. Maximum Sign Area: Canopy, wall, or mansard signs shall not exceed 1 square foot per linear foot of façade or 50 square feet, whichever is greater; or 5% of wall area of facade, but not exceed 250 square feet per business.
  - b. A maximum of one suspended sign or projecting sign is permitted for each tenant or business within a multi-tenant development, subject to the following standards:
    - 1. Maximum Size: 4 square feet.
    - 2. Height: Minimum 7.5 feet clearance above sidewalk or 12 feet above driveway.

(c) Convenience Store with Fuel Sales.

- i. Freestanding signs, canopy signs, mansard signs and wall signs are permitted in accordance with Section 230-9(D)(3)(a), and additional signs shall be permitted as provided in Section 230-9(D)(3)(c).ii., iii., and iv.
- ii. Fuel Canopy Signs: One sign per canopy, per public road frontage; Maximum 16 square feet.
- iii. Spreader Bars (signs located under-canopy over pump islands): Maximum two signs per spreader bar, not to exceed 4 square feet per sign.
- iv. Accessory Car Wash.
  - a. Number and Type Permitted: Two wall signs or canopy signs.
  - b. Maximum Height: Top of sign may not be higher than top of wall or canopy, as applicable.
  - c. Maximum Size of Wall Sign or Canopy Sign: 8 square feet.

(4) Signs in the C-C, C-H, M-1, and M-2 Zoning Districts:

- (a) Signs on individual lots (except for multi-tenant developments, or convenience stores with fuel pumps).
  - i. Freestanding Signs. Each lot containing a building is allowed freestanding signs, as follows:
    - a. Principal street: One sign per 500 feet or fraction thereof, but not to exceed one sign per driveway or 2 signs on the principal street frontage, whichever is less.
    - b. Secondary Street: One sign per secondary street frontage.
    - c. Height and Size Standards: The following standards shall apply to all signs governed by this paragraph with the exception of those on lots located within locally designated historic districts (See Chapter 238) in which freestanding signs shall be no larger than 40 square feet and no taller than 8 feet in height.

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1. Maximum sign height: 24 feet.
  2. Maximum sign area per sign: 75 square feet.
  - d. Sign Size for Multiple Street Frontages. In the case of multiple street frontages, each freestanding sign on the primary street frontage (as designated by the property owner) shall comply with the maximum sign areas listed in Section 230-9(D)(4)(a).i.c. Freestanding signs on secondary street frontages, when permitted, shall not exceed  $\frac{1}{2}$  of the maximum sign area for signs on principal street frontage. Secondary freestanding signs shall be oriented for viewing from the secondary street and shall be located a minimum distance of  $\frac{1}{2}$  the secondary lot frontage from the primary street.
- ii. Canopy, Mansard, and Wall Signs. Each lot is permitted canopy signs, mansard signs or wall signs as follows:
    - a. Maximum Height: Top of signs shall be no higher than top of wall or canopy.
    - b. Maximum Size: The area of all such signs on each façade shall not cumulatively exceed the greater of: 1 square foot per linear foot of façade width, 50 square feet, or 5% of façade wall area. In no case shall such cumulative signage area exceed 400 square feet for any one façade, nor shall any one sign exceed 250 square feet.
- (b) Signs for Multi-tenant Developments.
- i. Freestanding Signs
    - a. A maximum of one freestanding sign is permitted to be located within 50 feet of an intersection that forms the entrance into a multi-tenant non-residential or mixed-use development.
      1. Maximum Height: 35 feet.
      2. Maximum Size per Sign: 125 square feet.
      3. Maximum Number Permitted: One per entrance, provided signs on the same frontage are at least 300 feet apart.
    - b. Entrance Sign Size for Multiple Street Frontages. In the case of a multi-tenant development with multiple street frontages, each entrance sign on the primary street frontage (as designated by the property owner) shall comply with the maximum sign area in Section 230-9(D)(4)(b).i.a. Entrance signs on secondary street frontages, when permitted, shall not exceed  $\frac{1}{2}$  of the maximum sign area for signs on principal street frontage. Secondary entrance signs shall be oriented for viewing from the secondary street and shall be located a minimum distance of  $\frac{1}{2}$  the secondary lot frontage from the primary street.
  - ii. Individual tenants or lots in a multi-tenant development.
    - a. Canopy signs, wall signs, or mansard signs are permitted for each business or tenant within a multi-tenant development subject to the following standards:
      1. Maximum Height: Top of wall sign shall be no higher than top of wall; top of canopy sign shall be no higher than top of canopy; top of mansard sign shall be no higher than top of the roof.
      2. Maximum Sign Area: Canopy, wall, or mansard signs shall not cumulatively exceed the greater of: 1 square foot per linear foot of façade width, 50 square feet, or 5% of façade wall area. In no case shall such cumulative signage exceed 400 square feet per business, nor shall any one sign exceed 250 square feet.

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- b. A maximum of one suspended sign or projecting sign is permitted for each tenant or business within a multi-tenant development, subject to the following standards:
    - 1. Maximum Size: 4 square feet.
    - 2. Height: Minimum 7.5 feet clearance above sidewalk or 12 feet above driveway.
  - (c) Convenience Store with Fuel Sales.
    - i. Freestanding signs, canopy signs, mansard signs and wall signs are permitted in accordance with Section 230-9(E)(4)(a), and additional signs shall be permitted as provided in Section 230-9(E)(4)(c).ii., iii., and iv.
    - ii. Fuel Canopy Signs: One sign per canopy, per public road frontage; Maximum 16 square feet.
    - iii. Spreader Bars (signs located under-canopy over pump islands): Maximum two signs per spreader bar, not to exceed 4 square feet per sign.
    - iv. Accessory Car Wash.
      - a. Number and Type Permitted: Two wall signs or canopy signs.
      - b. Maximum Height: Top of sign may not be higher than top of wall or canopy, as applicable.
      - c. Maximum Size of Wall Sign or Canopy Sign: 8 square feet.
- (5) *Reserved.*
- (6) Signs in the C-N Zoning District.
  - (a) Each C-N development shall be allowed one monument sign per driveway entrance on a public street. Monument signs shall be attached to a permanent wall or pilasters constructed of brick, stone or textured concrete masonry units no more than 8 feet in height. Ground signs shall consist of no more than two sign faces, limited to 32 square feet per side and 8 feet in height.
  - (b) Each use or tenant in the C-N District shall be permitted wall signs per street frontage, not to cumulatively exceed 32 square feet or 1 square foot in area for each linear foot of façade, or 5% of wall area of the façade, whichever is greater for each tenant or use. However, wall signage shall not exceed a maximum of 75 square feet per façade per tenant or use.
  - (c) Each use or tenant in the C-N District shall be permitted window signs not to exceed 10% of the total window area of the facade containing the window sign(s).
  - (d) Each use or tenant in the C-N District shall be permitted one projecting sign, suspended sign, or canopy sign not to exceed 12 square feet in area. The lowest point of a projecting sign, suspended sign or canopy sign must be a minimum of 8 feet above the adjacent ground or sidewalk elevation.
  - (e) Incidental signs up to 12 square feet in area are permitted but limited to a total of 24 square feet per building, except that a use with a drive-through window is allowed one additional incidental sign adjacent to the drive-through window that shall not exceed 24 square feet in area.
  - (f) Internally illuminated signs, neon signs and day-glow signs are prohibited.

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- (g) Externally illuminated signs are permitted, provided that their light source shall be directed downward so as not to cast glare upwards or towards adjacent properties.
- (7) Signs in the C-D Zoning District
  - (a) Each building in the C-D District shall be permitted wall signs in accordance with the Design Guidelines of the Valdosta Historic District and approved pursuant to the provisions of Chapter 238 Historic Preservation. Total area of wall signage shall not exceed 2 square feet for each 1 linear foot of building frontage, or 125 square feet, whichever is less. However, no building shall have more than two wall signs.
  - (b) Each use or tenant in the C-D District shall be permitted window signs not to exceed 25% of the total window area of the facade containing the window sign(s).
  - (c) Each use or tenant in the C-D District shall be permitted one projecting sign or canopy sign not to exceed 12 square feet in area. The lowest point of a projecting sign, suspended sign or canopy sign must be a minimum of 8 feet above the adjacent ground or sidewalk elevation.
  - (d) Incidental signs up to 12 square feet in area are permitted but limited to a total of 24 square feet per building, except that a use with a drive-through window is allowed one additional incidental sign adjacent to the drive-through window that shall not exceed 24 square feet in area.
  - (e) Other than exposed neon signs pursuant to the Historic District Design Guidelines, internally illuminated signs and day-glow signs are prohibited.
  - (f) Externally illuminated signs are permitted, provided that their light source shall be directed downward so as not to cast glare upwards or towards adjacent properties.
- (8) Signs for institutional uses (such as schools or places of worship) within a residential zoning district (excluding R-P) shall be allowed as follows:
  - (a) Freestanding Monument Signs. Along the primary street frontage, each parcel is allowed one monument sign that does not exceed a maximum height of 6 feet or a maximum area of 24 square feet. An additional monument sign, not exceeding 6 feet in height, may be allowed on each secondary street frontage. Secondary monument signs shall not exceed 16 square feet, shall be oriented for viewing from the secondary street and shall be located a minimum distance of  $\frac{1}{2}$  the secondary lot frontage from the primary street.
  - (b) Canopy, Mansard, and Wall Signs. Each parcel is allowed canopy, mansard, or wall signs that do not cumulatively exceed a maximum of 50 square feet, and do not exceed 5% of the total wall area of any particular façade.
- (9) Directional Signs. In non-residential zoning districts, permanent freestanding directional signs may be allowed for marking driveway entrances and controlling internal traffic flow. Such signs may be allowed at the rate of no more than two (2) signs per driveway entrance, and no more than one sign per internal site location. Each sign shall be limited to a maximum height of 2½ feet and a maximum area of 3 square feet. Directional signs shall not exceed a cumulative total of 12 square feet per parcel and shall be allowed in addition to other permitted freestanding signs.

### (E) Special Signage Types.

- (1) Portable Signs. Until December 31, 2015, portable signs as defined by this LDR may be allowed upon the issuance of a permit within the C-H, M-1, and M-2 zoning districts only, and subject to the following conditions:

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- (a) Minimum setback distances: 5 feet from any property line, 15 feet from any driveway or street intersections, 25 feet from any permanent freestanding sign or building, and 100 feet from any other portable sign.
  - (b) Maximum size: 32 square feet.
  - (c) Maximum of one portable sign per parcel for single-use parcels, or one portable sign per street frontage for multi-tenant developments.
  - (d) No portable signs authorized by this sub-section shall be located in a required parking space nor shall in any way impede vehicular or pedestrian traffic flow.
  - (e) All signs must be securely anchored in accordance with the International Building Code.
  - (f) Effective January 1, 2016, all existing portable signs shall be brought into compliance with the sign regulations in effect as of that date.
  - (g) If illuminated, portable signs shall be permanently hardwired for electrical connection as approved with an electrical permit.
  - (h) Portable signs are prohibited in Historic Districts established pursuant to Chapter 238 of this LDR.
  - (i) Portable signs must be kept in good and clean condition and maintained with active signage copy at all times.
- (2) Banners, Air and Gas-Filled Devices and Balloons.
- (a) In non-residential districts, one air-filled device, gas-filled device or balloon may be allowed on a temporary basis per parcel for a maximum of one 30-day period per quarter per calendar year with a minimum 30-day separation, upon obtaining a special permit. The maximum size of said devices or balloons shall not exceed 200 cubic feet of air nor exceed 35 feet in height. Any electrical connections for such balloons or devices shall be approved as part of the permitting process.
  - (b) Until December 31, 2015, one banner may be allowed on a continual basis upon the issuance of a banner permit for each business unit or institutional use within the R-M, R-P, O-P, and C-N zoning districts. Such banners shall be limited to a maximum size of 1 square foot per 3 linear feet of façade width, or 30 square feet, whichever is less. Such banners shall be securely attached to a permanent structure, such as a building wall or columns, or a permanent fence and maintained in good condition at all times being kept free from tears and fading. Effective January 1, 2016, all existing banners in such districts shall be brought into compliance with the sign regulations in effect as of that date.
  - (c) Until December 31, 2015, one banner may be allowed on a continual basis upon the issuance of a banner permit for each business unit or institutional use within the C-C, C-H, M-1, and M-2 zoning districts. Such banners shall be limited to a maximum size of 1 square foot per 3 linear feet of façade width, or 48 square feet, whichever is less. Such banners shall be securely attached to a permanent structure, such as a building wall or columns, or a permanent fence and maintained in good condition at all times being kept free from tears and fading. Effective January 1, 2016, all existing banners in such districts shall be brought into compliance with the sign regulations in effect as of that date.
  - (d) Special decorative banners on single poles may be allowed by Administrative Permit upon approval by the City Manager or his designee, subject to the following conditions.
    - i. Banners shall be securely mounted with brackets to be kept stationary, and shall be maintained in good condition at all times being kept free from tears and fading.
    - ii. Maximum dimensions shall be limited to 2 feet horizontal and 4 feet vertical.

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- iii. Minimum height shall be at least 9 feet above ground level.
  - iv. May be mounted on no more than 50% of the poles on private property.
- (3) Signs at Drive-through Restaurants. Upon the issuance of a sign permit, additional signs may be authorized per drive-thru window or lane. Such signs shall not exceed a cumulative total of 48 square feet in area, 8 feet in height, and if illuminated, such signs must be internally lit. Such signs shall be set back behind the building façade and located within 10 feet of the drive-thru lane.
- (4) Neon Signs. Neon signs are allowed as window signs in non-residential zoning districts provided that such signs do not exceed a maximum of 10 square feet or 5% of the total window area, whichever is less. Any such neon window sign shall be constant in its light emission, and shall not be animated.
- (5) Billboards. See definition in Chapter 106. Unless otherwise provided, billboards shall be subject to all of the following requirements in addition to all other applicable requirements of this Chapter.
- (a) All billboards shall be located a minimum of 1,250 feet measured as a radius from any other billboard regardless of location.
  - (b) The number of billboard faces within the corporate limits of the City of Valdosta shall not exceed the number of faces within the corporate limits of the City of Valdosta as of September 7, 2007. An inventory of these existing faces shall be maintained by the Planning and Zoning Office. Billboard permits and applications for permits approved on or before September 7, 2007 shall be counted in the total number of billboard faces permitted. An exception shall be made in the event any billboard is located on property annexed to the City of Valdosta. In that event, the number of billboards shall immediately increase by the number of billboards contained within the newly annexed area. In the event any billboard contained within the newly annexed property does not comply with this Chapter said billboard shall be considered legal non-conforming.
  - (c) Any existing billboard structure or face may undergo minor repairs to ensure the safety and aesthetic quality of the entire sign structure and face. This minor repair shall not result in any modification of the sign structure, face or increase in the overall square footage or depth of the sign face.
  - (d) A billboard that was legally permitted prior to September 7, 2007 may be replaced by a newly erected billboard subject to an approved application filed in conformance with Section 230-5, and provided that it meets all of the following conditions:
    - i. All portions of the existing billboard and its supporting structure that are not in conformance with this sub-section shall be removed and properly disposed of within 30 days of the issuance of a permit for a replacement billboard.
    - ii. A lot containing a replacement billboard shall meet the minimum frontage and lot size requirements of the zoning district in which it is located.
    - iii. All portions of the replacement billboard shall be set back at least 10 feet from a street right-of-way line and at least 5 feet from all other property lines.
    - iv. Replacement billboard shall be a single tier billboard placed on a unipole sign post support structure.
    - v. Sign face of the replacement billboard shall not exceed the sign area of the largest billboard sign being replaced, or 378 square feet, whichever is less.
    - vi. The height of the replacement billboard shall not exceed 35 feet, unless it is located within the boundaries of the Interstate 75 Corridor Special District. See Section 230-11(B).

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- vii. A replacement billboard shall be located in a commercial or industrial zoning district, and no replacement billboard shall be located along a route designated by the City or State as a scenic route.
- viii. A variance may be considered for the spacing requirement of Section 230-9(E)(5)(a). However, in no case shall a variance be granted for a distance less than that of the distance between the original billboard and the nearest billboard.
- (e) Existing billboard faces may be modified to include variable message boards meeting the standards of 230-9(E)(6) below. Additionally, no billboard containing a variable message board shall be placed within 5,000 feet of another such billboard with a variable message board measured in a radius from the nearest other billboard containing a variable message board.
- (f) No billboard containing a variable message board shall exceed 300 square feet in copy area per sign face.
- (6) Variable Message Boards.
  - (a) Variable message boards will only be permitted in the C-C or C-H zoning districts, and only in conjunction with a legally permitted freestanding sign or billboard.
  - (b) Each message shall remain fixed for a minimum of ten (10) seconds.
  - (c) When a message is changed, such change shall occur within three (3) seconds.
  - (d) Messages shall not be illuminated by blinking, scrolling, intermittent, or flashing lights.
  - (e) Submittal of a complete sign application and receipt of proper permit in accordance with Section 230-5.
  - (f) A billboard owner may apply for approval of one variable message billboard sign face after the removal of at least four (4) existing billboard sign faces and their related sign structures from the City of Valdosta. Such sign shall be considered a replacement billboard and shall be subject to the requirements of Section 230-9(E)(5)(a) and (d). Furthermore, such replacement billboard shall be placed no closer than 5,000 feet from another such billboard containing a variable message board, measured in a radius from the nearest other billboard containing a variable message board. The sign area of the new variable message board may not exceed the sign area of the largest of the billboard sign faces that were removed. Billboards removed under this provision shall be deleted from the City's inventory of billboards and shall not be replaced other than as provided in this paragraph (6).
  - (g) Illumination of a variable message sign face shall not exceed the following brightness limits measured as candelas per square foot:

| Color      | Candellas / square foot | Candellas / square foot |
|------------|-------------------------|-------------------------|
|            | Day                     | Night                   |
| Red Only   | 200                     | 67                      |
| Green Only | 400                     | 133                     |
| Amber Only | 300                     | 100                     |
| Blue Only  | 500                     | 210                     |
| Full color | 400                     | 170                     |

The City Engineer may require an applicant for a variable message board to provide a

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letter from an electrical engineer licensed in the state of Georgia, that these light levels will not be exceeded by the applicant's variable message board sign prior to issuing a permit for such sign.

- (7) **Painted Wall Signs.** Painted wall signs shall be regulated in the same manner as other wall signs and shall be subject to restriction in number, size, and location as provided in Section 230-9(D) except when permitted in Historic Districts established pursuant to Chapter 238 of this LDR.

### Section 230-10 Nonconforming Signs

- (A) **Repairs and Maintenance.** Except as provided otherwise by state law, any legal nonconforming sign may be repaired or restored to its original condition, subject to all of the following:
  - (1) The cost of the repairs or the restoration does not cumulatively exceed 50% of its total replacement cost
  - (2) The repairs or restoration remain subject to all other applicable regulations.
- (B) **Compliance for Single-use Parcels.** All legal nonconforming signs located on a single-use parcel shall be removed or altered to conform to all existing sign regulations upon the issuance of a sign permit for any new additional sign square footage.
- (C) **Compliance for Multi-tenant Developments.** Legal nonconforming signs located in Multi-tenant Developments shall be removed or altered to conform with all existing sign regulations in the event the following should occur:
  - (1) For nonconforming freestanding signs, the issuance of a sign permit for a new freestanding sign.
  - (2) For nonconforming building signs for a particular establishment, the issuance of any sign permit for that particular establishment, excluding repairs and maintenance.

### Section 230-11 Special District Regulations

- (A) **Signs in Historic Districts.** All signs otherwise requiring a sign permit, including banners, shall also meet the requirements of Chapter 238 and the approved Design Guidelines for the Historic District in which it is located.
- (B) **High-Rise Identification Signs.** One high-rise identification sign is allowed on any parcel that is zoned for commercial or industrial uses provided that such sign is placed within 1,500 feet of the I-75 right-of-way (said distance measured in a straight line perpendicular to the right-of-way of I-75). Such sign shall be set back at least 150 feet from any street right-of-way line and preferably located in the rear yard setback area of the parcel. Such sign shall have a minimum height of 75 feet clearance above the finished grade, a maximum overall height of not more than 200 feet, shall have a sign area not to exceed 250 square feet and shall be located no closer than 300 feet radial distance from any other such high-rise identification sign. This sign shall be in addition to all signs otherwise permitted for the parcel on which it is located, and it shall remain subject to all other applicable regulations.

### Section 230-12 Variances and Appeals

Variances from the provisions of this Chapter 230 may be requested subject to the provisions of Section 242-13 of this LDR.

### Section 230-13 Administrative Variances



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The Director shall be authorized to grant administrative variances with respect to the standards of this Chapter 230, subject to the following limitations:

- (A) Sign height of a freestanding sign: Up to 20% of maximum height that is otherwise permitted by this Chapter 230.
- (B) Sign setback of a freestanding sign: Up to 2 feet less than the minimum required by this Chapter 230, provided that no portion of a sign shall be located in any street right of way or closer than 10 feet to the back of curb or edge of pavement of a public street.
- (C) Sign area of any type of sign except billboards, portable signs, signs with variable message boards: Up to 10% of the maximum sign face otherwise permitted by this Chapter 230.
- (D) No administrative variance shall be permitted to increase the number of signs of any type except as provided by this Chapter 230.
- (E) No administrative variance shall be permitted for any sign that is prohibited by Section 230-7.
- (F) Administrative variances pursuant to this Chapter shall be processed in accordance with the procedures of Section 242-13 of this LDR.

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## TABLE A - PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

(See Figure 230-2).

| SIGN TYPE             | ZONING DISTRICT  |     |    |    |    |     |    |     |     |     |      |  |
|-----------------------|--|-----|----|----|----|-----|----|-----|-----|-----|------|--|
|                       | (R)  | (P) | CN | CC | CH | C-D | CA | M-1 | M-2 | E-R | INST |  |
| Freestanding Signs    |  |     |    |    |    |     |    |     |     |     |      |  |
| Monument Sign         | S  | S   | S  | S  | S  | S   | S  | S   | S   | S   | S    |  |
| Pole Sign             | --   | --  | -- | S  | S  | --  | -- | S   | S   | --  | --   |  |
| Building Signs        |  |     |    |    |    |     |    |     |     |     |      |  |
| Building Marker       | A  | A   | A  | A  | A  | A   | A  | A   | A   | A   | A    |  |
| Canopy                | --   | S   | S  | S  | S  | S   | S  | S   | S   | --  | --   |  |
| Projecting            | --   | --  | S  | S  | S  | S   | S  | S   | S   | --  | --   |  |
| Mansard               | --   | --  | -- | S  | S  | S   | S  | S   | --  | --  | --   |  |
| Suspended             | --   | S   | S  | S  | S  | S   | S  | S   | S   | A   | --   |  |
| Wall                  | --   | S   | S  | S  | S  | S   | S  | S   | S   | S   | S    |  |
| Window                | A  | A   | A  | A  | A  | A   | A  | A   | A   | A   | A    |  |
| Miscellaneous Signs   |  |     |    |    |    |     |    |     |     |     |      |  |
| Incidental            | A  | A   | A  | A  | A  | A   | A  | A   | A   | A   | A    |  |
| Banners <sup>a</sup>  | S  | S   | S  | S  | S  | S   | S  | S   | S   | S   | S    |  |
| Flags <sup>b</sup>    | A  | A   | A  | A  | A  | A   | A  | A   | A   | A   | A    |  |
| Portable <sup>c</sup> | --   | --  | -- | -- | -- | --  | -- | --  | --  | --  | --   |  |
| Entrance              | S  | S   | S  | S  | S  | S   | -- | S   | S   | S   | S    |  |
| <b>KEY</b>            |  |     |    |    |    |     |    |     |     |     |      |  |
| (R)                   | Residential zoning districts (E-R, R-E, R-25, R-15, R-10, R-6, R-M) and single-family or duplex residential use parcels within R-P and O-P zoning districts. |     |    |    |    |     |    |     |     |     |      |  |
| (P)                   | All professional office zoning districts (R-P, O-P) excluding parcels containing single-family or duplex residential uses.                                   |     |    |    |    |     |    |     |     |     |      |  |
| INST                  | Institutional uses allowed in residential zones or neighborhoods.  |     |    |    |    |     |    |     |     |     |      |  |
| A                     | Allowed <b>without</b> sign permit, subject to conformity with these regulations.  |     |    |    |    |     |    |     |     |     |      |  |
| S                     | Allowed only <b>with</b> sign permit.  |     |    |    |    |     |    |     |     |     |      |  |
| --                    | Not allowed.   |     |    |    |    |     |    |     |     |     |      |  |
| <b>Notes</b>          |  |     |    |    |    |     |    |     |     |     |      |  |
| <sup>a</sup>          | Subject to special regulations for banners as described in this Chapter.   |     |    |    |    |     |    |     |     |     |      |  |
| <sup>b</sup>          | Subject to special regulations for flags as described elsewhere in this Chapter.   |     |    |    |    |     |    |     |     |     |      |  |
| <sup>c</sup>          | Subject to special regulations for portable signs as described in this Chapter.  |     |    |    |    |     |    |     |     |     |      |  |

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Figure 230-2. Illustration of Sign Types.

| Sign Type       | Example  |
|-----------------|--|
| Banner          |    |
| Billboard       |   |
| Building Marker |  |

## City of Valdosta Land Development Regulations

Canopy Sign



Entrance Sign



Flag



## City of Valdosta Land Development Regulations

High-Rise Identification Sign



Incidental Sign



Mansard Sign





## City of Valdosta Land Development Regulations

Monument Sign



Pole Sign



Portable Sign



## City of Valdosta Land Development Regulations

Projecting Sign



Suspended sign



## City of Valdosta Land Development Regulations

Variable Message Board



Wall Sign



Window Sign





## City of Valdosta Land Development Regulations

Freestanding Sign



Fuel Canopy Sign



Temporary Sign



## City of Valdosta Land Development Regulations

Drive-thru  
Sign Restaurant



Neon Sign



# City of Valdosta Land Development Regulations

## Chapter 234 Non-conforming Situations

### Section 234-1 Statement of Intent and Purpose

Within the districts established by Title 2, or in other LDR provisions or amendments, there exist uses, lots, buildings and structures that were lawful before the LDR was adopted or amended, but that would be prohibited under the terms of the LDR or future amendment. Such non-conforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the district(s) involved. It is the intent of the City to allow these non-conformities to continue, on a limited basis, until they are otherwise removed or cease. It is further the City's intent that non-conformities not be used as grounds for adding other buildings, structures, or uses of land prohibited by the LDR, and that no such building, structure, or use of land shall be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of non-conformity.

### Section 234-2 Non-conforming Lot of Record

A legal non-conforming lot of record in a residential district may be used for one single-family residence provided all required setbacks can be met.

### Section 234-3 Non-conforming Use of Land, Buildings and Structures

The following regulations apply to the non-conforming uses of land, buildings and structures.

- (A) Such uses of land, buildings, and structures may be continued, but no such use which has been discontinued for a continuous period of 6 months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.
- (B) Such uses of land, buildings and structures, or any such building or structure, shall not be enlarged, expanded, moved, or otherwise altered either on the same lot or adjoining property in any manner except in conformance with this LDR.
- (C) A non-conforming use of a building may be extended into those interior parts of an existing building that were designed for such use prior to the enactment of the LDR.

### Section 234-4 Non-conforming Characteristics of Buildings and Structures

No building or structure with non-conforming characteristics which is occupied by a conforming use shall be enlarged, expanded, moved, or otherwise altered in any manner except in conformance with this LDR. .

### Section 234-5 Non-conforming Uses Requiring Conditional Use Permit

No non-conforming use, building or structure requiring a Conditional Use Permit under the terms of Title 2, including any use, building or structure that was authorized as of right prior to the adoption of the LDR but would require a Conditional Use Permit upon the adoption of the LDR, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the now- required Conditional Use Permit. Normal repair and maintenance of buildings and structures is authorized without the need for a Conditional Use Permit. No such use, building, or structure that has been discontinued for a continuous period of 6 six months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

### Section 234-6 Reconstruction

Any non-conforming building or non-conforming structure , or building or structure with non-conforming characteristics that has been damaged by fire or other cause, may be reconstructed to its previous non-conforming characteristics and used as it was prior to damage if said reconstruction is completed within 1 year of the date of the damage, except that if said building or structure has been declared by the Director to have been damaged to an extent exceeding 60% of its fair market value at the time immediately prior

## City of Valdosta Land Development Regulations

to its damage, then any repair, reconstruction or new construction shall conform to all of the requirements of the district in which said building or structure is located.

### **Section 234-7 Buildings and Structures**

Nothing in this Chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Director.

### **Section 234-8 Buildings and Structures Where Construction Has Begun**

To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied for or issued, or a preliminary or final subdivision plat was lawfully approved, prior to the effective date of the LDR or amendment thereto, provided:

- (A) Such permit or approval has not by its own terms expired prior to such effective date.
- (B) Actual building construction is commenced prior to the expiration of such permit or approval.
- (C) Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.
- (D) No renewals or extensions of said permit or approval shall be authorized.

### **Section 234-9 Prior Authorization**

Variances, rezoning, and conditional use permits lawfully authorized and granted prior to the effective date of this Title 2 shall continue to be utilized provided the terms and conditions of said authorization are followed.

### **Section 234-10 Reversions and Changes**

- (A) Any non-conforming use, non-conforming structure, non-conforming building, non-conforming lot of record, or non-conforming characteristic ("Non-conforming Situation") that is changed to a conforming state shall not be permitted to revert to a non-conforming situation.
- (B) No non-conforming situation shall be changed to another non-conforming situation.

### **Section 234-11 Area Extensions Prohibited**

A non-conforming use, non-conforming building, non-conforming structure, or building or structure with non-conforming characteristics, shall not be extended or enlarged beyond the area of use either on the same lot or adjoining property or beyond the conforming size, height, or other dimensions or characteristics of the building or structure as it existed on the date of adoption of the LDR or amendments applicable thereto.

### **Section 234-12 Sign Provisions**

Non-conforming situations relating to signs shall be governed by Section 230-10.

### **Section 234-13 Non-conforming Land Use Waivers**

- (A) Intent. It is the intent of this section to provide procedures and criteria for the review of the status of non-conforming land uses.
- (B) Eligibility for Waiver. The non-conforming use shall be consistent with all of the following criteria as set forth by this section, in order to be eligible for application for a certification of previously

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established land use conformity (PELUC certificate). Any nonconformity that is expressly prohibited by the following criteria shall not be eligible to apply for waiver of non-conforming use status.

- (1) The non-conforming use shall have been originally established as a legal use and have been in existence on the date of adoption of this LDR.
- (2) The waiver provisions by this section shall be applicable only to existing non-conforming uses of land and cannot be applied to waive any other development criteria in the LDR, such as but not limited to, environmental requirements, buffering, open space, building codes, lot area, impervious surface, parking, or setbacks.
- (3) In all future land use and zoning categories, the following, uses shall not be eligible to apply for a PELUC certificate:
  - (a) Industrial uses, such as those permitted in the M-2 District, adjoining residential areas.
  - (b) Any industrial use for which sole access is to a local or collector street.
- (4) In order to protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment, the following uses that are located within areas zoned for residential use shall not be eligible to apply for a PELUC certificate:
  - (a) Commercial uses and development in excess of 20,000 square feet of building floor area, other than office uses.
  - (b) All industrial uses.
- (5) No request for waiver can be submitted which exceeds 75% impervious surface per lot with the exception of single-family residential uses. A request for waiver can be submitted for single-family residential land uses regardless of the impervious surface percentage.

(C) Criteria for Granting Waiver of Non-conforming Use Status. The establishment of eligibility of the non-conforming use for purposes of application submittal shall in no way be construed to form the basis for granting the waiver, or waiver with mitigation, of non-conforming use status. The applicant shall bear the burden of demonstrating that the impacts of the non-conforming use are either minimal upon the surrounding land uses and are not detrimental to the public health, safety, and welfare, or that the impacts of the non-conforming use may be substantially mitigated. Economic hardship may be considered as a factor supporting granting a non-conforming use waiver.

- (1) The zoning board of appeals may grant a PELUC certificate upon application of the property owner and after public review and hearing in accordance with the standards of Chapter 242 of this LDR. Notice of public hearing on any proposed application for a PELUC certificate shall be provided as is required in Section 242-4(E). A principal place of residence shall be exempt from the requirements as set forth below. A PELUC certificate for any other eligible use may only be granted upon the zoning board of appeals' findings of fact and conclusions of law that the non-conforming use is consistent with the following criteria:
  - (a) A determination that the impact of the nonconformity is minimal upon surrounding land uses and is not detrimental to the public health, safety, and welfare and, as a result, the non-conforming status may be waived.
  - (b) A determination that the impact of the nonconformity may be substantially mitigated such that the development may attain conforming status by implementing the outlined mitigation steps.
  - (c) Site plan or plan of development may be required to demonstrate mitigative measures that will maintain compatibility through specified design measures. Inter-site compatibility criteria shall be determined by the zoning board of appeals based on the following:
    - i. Aesthetically and functionally compatible land uses.

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- ii. Adequate buffering, screening, landscaping, and architectural treatment if located in a residential area.
- iii. Sufficient parking, designed to provide safe internal traffic circulation, and off-site access.
- (d) The objectionable impacts of service and delivery areas, refuse and recycling collection areas, as well as the outdoor storage and work areas generally associated with commercial or residential buildings shall be designed to minimize off-site impacts.
- (2) If the Zoning Board of Appeals determines that the non-conforming use meets the required criteria as specified by this section, the Zoning Board of Appeals may issue a PELUC certificate, which shall be valid only for the specific use and area of the site for which the waiver was granted. The certificate may contain conditions under which the waiver has been granted and may contain an expiration date for the waiver. The certificate shall provide that any expansion proposed on the property covered by the certificate must comply with the development standards for the primary use in the district in which the property is located. If an expiration date is provided, the use shall revert to non-conforming status on the expiration date. Upon application to the Zoning Board of Appeals prior to the expiration date, the expiration date may be extended after review by the zoning board of appeals. The granting of a PELUC certificate for a particular use on a single parcel of property shall in no way be construed to waive any other development requirements or to establish vesting or precedence for other non-conforming uses on that parcel or on any other parcel.

### (D) Final Order of the Zoning Board of Appeals.

- (1) The PELUC certificate may require the applicant to meet certain specific mitigative conditions such as, but not limited to, a site plan or plan of development, buffering, architectural treatment in residential areas, additional setbacks, access limitations, and limitations on use, or an expiration date of the use. Such order cannot allow a waiver that exceeds an impervious surface of 75% per lot.
- (2) The written certificate of the zoning board of appeals shall be permanently on file in the office of the community development department and a copy thereof promptly transmitted to the applicant. Within 30 calendar days following action by the Zoning Board of Appeals, written notification shall be mailed to the applicant and property owner, if different. The applicant shall provide proof to the Director that the certificate has been recorded in the office of the Clerk of the Superior Court within 30 days of the date of the certificate. Failure to record shall render the certificate null and void as though it had never been issued.

### (E) Change of Use/Violations of Conditions of Certificate.

- (1) Any use for which the PELUC certificate has been granted that ceases for a period in excess of 12 months shall be deemed a voluntary abandonment of such certificate.
- (2) Any change of use shall be deemed a voluntary abandonment of such certificate unless, upon notice of violation of the certificate conditions from the city, the violation ceases within 30 days.
- (3) A finding of a violation by the code enforcement board of the terms or conditions of the certificate shall be an abandonment of the certificate, and the use shall return to its previous non-conforming status.

### (F) Criteria for Denial of Waiver of Non-conforming Status. Any application for a PELUC certificate shall be denied based upon the zoning board of appeals' findings of fact and conclusions of law in accordance with the provisions of this section that the nonconformity violates the intent of this section or that it has substantial impacts which may not be overcome by any mitigation procedures and as such, the development shall remain in a non-conforming status and such use shall terminate according to law.

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- (G) Appeals. Every determination of the zoning board of appeals regarding a PELUC certificate shall be final, subject to such remedies as any aggrieved party might have at law or in equity.

# City of Valdosta Land Development

## **Chapter 238            Historic Preservation**

### **Article 1                General Provisions**

#### **Section 238-1        Purpose and Intent**

(A) Purpose. The purpose of this Chapter is:

- (1) To support and further the findings and determinations made by the Mayor and City Council that the historical, cultural, and aesthetic heritage of the City of Valdosta is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the community.
- (2) To further the goal to preserve its historic and cultural resources and maintain its quality of life as stated in the comprehensive plan.
- (3) To provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same.
- (4) To provide procedures that ensure that the overall standards of private development, landscaping, streets, sidewalks, signs, public areas and public improvements in the Valdosta Local Historic District support the preservation and enhancement of the historic character of Valdosta and are compatible with the character-defining features that make it worthy of historic significance.
- (5) To ensure that actions taken by the City Council regarding rezonings, special use permits, variances and subdivisions of property in the Valdosta Local Historic District support the preservation and enhancement of the historic character of Valdosta and are compatible with the character-defining features that make it worthy of historic significance.
- (6) To enhance the opportunities for federal or state tax benefits under relevant provisions of their respective tax laws.
- (7) To conform to the requirements of O.C.G.A. Section 44-10-26 (The Georgia Historic Preservation Act - Acts 1980, pages 1723-1729).

(B) Intent. The intent of this Chapter is to:

- (1) Promote the general welfare, aesthetics and public education of the citizens of the City of Valdosta through the perpetuation of areas and individual structures that provide a valuable sense of civic pride, contain genuine historic significance and promote the enjoyment of our cultural heritage.
- (2) Prevent the loss or devaluation of the buildings, structures and other features that contribute to the historic significance and economic health of the Valdosta Local Historic District.
- (3) Promote the economic health of downtown Valdosta by protecting and enhancing the unique historic and aesthetic qualities that ensure the attractiveness of the central business district for commerce and tourism.
- (4) Stimulate revitalization of historic neighborhoods and to stabilize and improve property values.

#### **Section 238-2        Valdosta Local Historic District**

(A) Boundary Map. The boundaries of the Valdosta Local Historic District are shown on the City of Valdosta Historic District Map, as maintained by the Planning and Zoning Division. The provisions of this Chapter shall apply to all parcels of land, within the boundaries of the Valdosta Local Historic District. Any parcel of land that is wholly or partially within the boundary shall be included.



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- (B) District Subareas. The Valdosta Local Historic District is divided into three (3) Subareas, as shown on the City of Valdosta Historic Preservation Map, which shall be known as:
  - (1) Residential Subarea I;
  - (2) Residential Subarea II; and
  - (3) Commercial Subarea III
- (C) Contributing and Noncontributing Properties. Properties within the Valdosta Local Historic District shall be classified as contributing or noncontributing to the District, and shall be depicted on the most recent version of the Contributing/Noncontributing Survey Map as maintained by the Planning and Zoning Division.
- (D) Boundary Amendments. Amendments to the boundaries of the Valdosta Local Historic District shall be authorized pursuant to the procedures, as set forth in Article 3 of this Chapter.

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## **Article 2                    Historic Preservation Commission**

### **Section 238-3                Commission Membership, Appointment, Term, Training and Compensation**

#### **(A) Commission Membership.**

- (1) There is hereby created a Commission whose title shall be "Valdosta Historic Preservation Commission" (hereinafter "Commission").
- (2) The Commission shall consist of seven (7) members appointed by the City Council. All members shall reside within the city, and shall include representation for each of the district subareas. Members shall have demonstrated special interest, experience or knowledge in historic preservation. To the extent that such professionals are available in Valdosta, members shall be appointed from the disciplines of architecture, history, architectural history, historic preservation, planning, archaeology, or other disciplines related to historic preservation.
- (3) Members shall serve three (3) year terms. In order to achieve staggered terms, initial appointments shall be: two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years. In the event of a vacancy, the appointment shall be for the unexpired term in the same manner as the initial appointment.
- (4) Members shall attend one of the Georgia Alliance of Preservation Commissions Historic Preservation Commission Training sessions held bi-annually within eight (8) months of appointment. Additionally, each member shall attend at least one historic preservation educational session on an annual basis.
- (5) Members shall serve without compensation, although they may be reimbursed for expenses incurred.

### **Section 238-4                Commission Position within the City**

The Commission shall be part of the planning functions of the City. The Commission shall make its reports and recommendations to the Mayor and City Council.

### **Section 238-5                Powers and Duties**

#### **(A) The Commission shall be authorized to:**

- (1) Prepare and maintain an inventory of all property within the City having the potential for designation as historic property.
- (2) Recommend to the City Council specific districts, sites, buildings, structures, and works of art to be designated by ordinance as historic properties or historic districts.
- (3) Review applications for Certificates of Appropriateness, and grant or deny the same in accordance with the provisions of this Chapter using the City of Valdosta Design Guidelines and the Secretary of the Interior Standards for the Treatment of Historic Properties.
- (4) Conduct educational programs on historic properties within the City and on general historic preservation activities.
- (5) Restore or preserve any historic properties acquired by the City with the City's consent.
- (6) Make such investigations and studies of matters relating to historic preservation, including the consultation with historic preservation experts, as the City Council or Commission may from time to time deem necessary or appropriate for the purposes of preserving historic resources.

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- (7) Promote the acquisition by the City of Valdosta of façade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act of 1992* (O.C.G.A., Section 44-10-1 through 5).
- (8) Seek out local, state, Federal and private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired.
- (9) Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of historic properties or historic districts designated.
- (10) Perform historic preservation activities as the official historic preservation agency of the City of Valdosta.
- (11) Review and make recommendations to the Historic Preservation Division of the Georgia Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Properties.
- (12) Review and comment upon a proposed rezoning in a historic preservation district to the City Council.
- (13) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Commission shall not obligate the City of Valdosta without prior consent.

### (B) Commission Officers.

- (1) Chair. In March of each year the Commission shall elect its chairperson from among its members. The Chair's term shall be 1 year with eligibility for re-election.
  - (a) Duties of Chair. The Chair shall preside at all meetings and hearings of the Commission and decide all points of order and procedure.
- (2) Vice-Chair. The Commission shall elect a Vice-Chair in March of each year. The Vice-Chair's term shall be 1 year with eligibility for re-election.
  - (a) Duties of the Vice- Chair. The Vice-Chair shall serve as Acting Chair in the absence of the Chair and, when acting in such capacity, shall have the same powers and duties as the Chair.
- (3) Secretary. The Commission shall elect a Secretary in March of each year. The Secretary's term shall be 1 year with eligibility for re-election.
  - (a) Duties of the Secretary. The Secretary shall serve as acting Chair in the absence of the Chair and Vice Chair and, when acting in such capacity, shall have the same powers and duties as the Chair. The Secretary shall cause a record to be made of each meeting of the Commission which shall include, at a minimum, a record of all resolutions, proceedings, and actions of the body. If the Secretary so desires, he or she may delegate his or her record-keeping duties to the Commission Administrator.

### (C) Commission Administrator.

- (1) Commission Administrator. The Commission Administrator is a non-voting member of the Commission that is filled by the City of Valdosta Special Projects/Historic Preservation Planner.

## Section 238-6 Commission Meetings

- (A) Regular Meetings. The Commission shall hold regularly scheduled monthly meetings. All meetings shall be open to the public. Proper public notice of all meetings shall be provided in compliance with O.C.G.A. 55-14-1, the Georgia Open Meetings Act. Each Commission member shall be notified of each regular meeting at least 5 days preceding the meeting through a written agenda

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prepared and distributed by the Commission Administrator. The Commission's By-Laws and Roberts Rules of Order, Newly Revised (RONR) shall control the conduct of all official meetings of the Commission.

- (B) Special Called Meetings. The Chairman, Commission Administrator, or a majority of the Commission may call a special meeting at any time that permits by posting of a written notice for at least 48 hours at City Hall and giving written notice at least 48 hours in advance of the meeting to the official legal organ of the City. The Commission Administrator shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each Commission member at least 48 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
- (C) Agenda and Minutes.
  - (1) The Chairman and Commission Administrator shall determine the meeting agenda. All matters to be considered and/or acted upon by the Commission shall appear on the agenda.
  - (2) Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote on each action taken on each matter and a record of any explanation or commentary that is relevant to the decisions made on matters before the Commission.
- (D) Order of Business at Meetings.
  - (1) All meetings shall be open to the public. The order of business at meetings shall be as follows:
    - (a) Call to Order and Silent Roll Call
    - (b) Determination of a Quorum
    - (c) Approval of previous meetings' minutes
    - (d) Consideration of Applications for Certificates of Appropriateness
    - (e) Old or Unfinished Business
    - (f) New Business
    - (g) Adjournment
  - (2) The Chairman may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.
- (E) Cancellation of Meetings. In the event there is a lack of business to be discussed and/or voted upon at a future meeting, the Commission Administrator shall place an appropriate public notice at City Hall stating the date of the canceled meeting. Such notice shall be posted at least 24 hours in advance of the scheduled meeting.
- (F) Adjournment of Meetings. The Commission may adjourn a regular meeting if all business cannot be disposed of on the set day and shall state the date, time and place of its resumption at the time of adjournment, provided that due notice is provided as required in OCGA 55-14-1, the Georgia Open Meetings Act.
- (G) Quorum and Voting.
  - (1) Quorum: A quorum shall consist of four members of the Commission. A majority vote of those present shall be sufficient to decide all matters that come before the Commission.
  - (2) Voting: A Commission member, who is part of a quorum of the Commission during the consideration of any matter but not participating in the discussion or vote on a specific matter

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because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter. No Commission member, who is present, may abstain from voting except:

- (a) In the case of having a conflict of interest with respect to the matter under consideration (See Section 238-8), or
- (b) In a case of a vote related to the previous meeting minutes due to being absent at the previous meeting.

(H) Attendance. If any member of the Commission is absent without cause for three consecutive regular meetings of the Commission, that member shall be removed automatically from membership and a replacement shall be appointed in the same manner as the initial appointment.

### **Section 238-7      Public Hearings**

(A) Public Hearing Required. Upon notification of a new historic district or property nomination, or a certificate of appropriateness application, the Historic Preservation Commission shall place it on the agenda of its regular meeting for a public hearing in accordance with the requirements of Section 238-7(d).

(B) Public Notices. The public notices and public hearings held by the Historic Preservation Commission concerning the nomination of historic property or a historic district, or application for a certificate of appropriateness shall be in accordance with the requirements of Section 238-7(c).

(C) Notice of Public Hearings.

- (1) Legal Notice: Notice of a public hearing for the nomination of a historic property or district, pursuant to this Chapter, shall be published in the principal newspaper of general circulation within the City. Written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties being nominated. For the nomination of a historic property, the Commission shall also send notification of the public hearing by regular mail to all property owners adjacent to the nominated property boundary as shown by the county tax records at the time of filing. All legal notices shall be published or mailed not less than 10 or more than 20 business days prior to the date set for the public hearing and shall include a description of the historic district or property nomination, and the date, time, and place of the scheduled public hearing. Legal notice shall not be required for public hearings concerning certificate of appropriateness applications for material changes, demolition or relocation.
- (2) Signs Posted: For historic property nominations and certificate of appropriateness applications, the Commission shall post a sign at least 10 days prior to each public hearing required by this Chapter. The sign(s) shall be double-faced and a minimum of 24" x 18" in size. Sign(s) shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the purpose of the application, and the street address of the property. Sign(s) shall not be required for the notification of public hearings concerning historic district nominations.
- (3) Written Notice: For certificate of appropriateness applications concerning the relocation or demolition of a historic property or a contributing property within a historic district, the Commission shall send written notice of the public hearing by regular mail to all property owners adjacent to the nominated property boundary as shown by the county tax records at the time of filing. All written notices shall be mailed not less than 10 or more than 20 business days prior to the date set for the public hearing and shall include a description of certificate of appropriateness application request, and the date, time, and place of the scheduled public hearing.

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### (D) Rules of Procedure for Public Hearings.

- (1) Public Hearing Procedures for the Historic Preservation Commission. For each matter concerning the nomination of a historic district or property or the application of a certificate of appropriateness that requires a public hearing and a vote or recommendation from the Commission, the following procedure shall be followed.
  - (a) The Chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
  - (b) The Chair shall request a report from Commission Administrator regarding findings and recommendations.
  - (c) The Chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side. If desired, the applicant may reserve a portion of his/her allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.
  - (d) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Chair.
  - (e) Following the allotted time for proponents and opponents, the Chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (E) of this Chapter.

### (E) Review Standards.

- (1) In reviewing a nomination of a historic district or property, the Commission shall consider the standards provided in Section 238-9 of this Chapter.
- (2) In reviewing a certificate of appropriateness application, the Commission shall consider the standards provided in Section 238-13 of this Chapter.

### (F) Commission Actions. In making a recommendation on a historic district or property nomination or a decision on a certificate of appropriateness application, the Commission shall review and consider the nomination or application and materials of record, and the recommendations of the Commission Administrator. The following actions are authorized:

- (1) Recommendation of a Historic District or Property Nomination. Within 45 days of the conclusion of the public hearing regarding a nomination of a historic district or property, the Commission shall make a recommendation to City Council to:
  - (a) Approve the proposed nomination as requested by the applicant.
  - (b) Approve a nomination to include a lesser geographic area.
  - (c) Approve the proposed nomination with conditions.
  - (d) Deny the proposed nomination.
- (2) No Comment. If the Commission fails to submit a recommendation regarding a proposed nomination 45 days after the initial public hearing on the nomination, it shall be deemed to have given a recommendation of "no comment" on the proposed nomination.
- (3) Decision on an application for a certificate of appropriateness. Within 45 days of the conclusion of the public hearing regarding a certificate of appropriateness application, the Commission shall make a decision to:
  - (a) Approve the application as requested by the applicant.

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- (b) Approve the application with conditions.
- (c) Postpone the decision to a specified date and time.
- (d) Deny the application.

### **Section 238-8 Conflicts of Interest**

A conflict of interest shall be considered to exist when a Commission member:

- (A) Has a property interest in any real property directly affected by a Commission decision.
- (B) Has a financial interest in any business entity that has a property interest in any real property affected by a decision that is under consideration by the Commission.
- (C) Has a family member having any interest described in paragraph (a) or (b) of this section.
- (D) The Commission member shall immediately disclose the nature and extent of such interest, verbally, to the Chair or Vice Chair of the Historic Preservation Commission. The member's verbal disclosure shall be recorded in the official minutes of the Commission meeting.
- (E) The member who has an interest as defined above shall disqualify themselves from voting on the action.
- (F) The disqualified member shall not take any other action on behalf of themselves or any other person to influence action on the application.

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## **Article 3                    Historic Properties and Districts**

### **Section 238-9            Recommendation and Designation of Historic Districts and Historic Properties**

#### **(A) Preliminary research by Commission.**

- (1) Commission's mandate to conduct a survey of historic resources. The Commission shall work closely with the city in seeing that historic properties in the city are identified and inventoried through a historic resources survey.
- (2) Commission's power to propose historic districts and historic properties to the Mayor and City Council for designation. The Commission shall present to the Mayor and City Council proposals for local historic districts and local historic properties.
- (3) Commission's documentation of proposed designation. Prior to the Commission's presentation of a proposal for a historic district or historic property to the Mayor and City Council for designation, it shall prepare a report consisting of:
  - (a) A physical description;
  - (b) A statement of historical, cultural, architectural and/or aesthetic significance;
  - (c) A map showing historic district boundaries and classification (i.e., contributing, noncontributing) of individual properties within the district, or showing historic property boundaries;
  - (d) A statement justifying the boundaries; and
  - (e) Representative photographs.

#### **(B) Designation of a historic district as a local historic district.**

- (1) Criteria for selection. A local historic district shall be a geographically definable area which contains buildings, structures, objects, sites and landscape features or any combination thereof, which:
  - (a) Have special character or special historic or aesthetic value or interest;
  - (b) Represent one or more periods, styles, or types of architecture typical of one or more eras in the history of Valdosta, Lowndes County, Georgia or the region; and
  - (c) Cause such area, by reason of such factors, to constitute a visible perceptible section of the city.
- (2) Boundaries of local historic districts. Boundaries of local historic districts shall be included in, or amended to, the official Historic Preservation map of the City of Valdosta, Georgia.
- (3) Evaluation of properties within local historic districts. Individual properties, or the main resources of individual properties, within local historic districts shall be classified as Contributing or Noncontributing.

#### **(C) Designation of a historic property as a local historic property.**

- (1) Criteria for selection. A local historic property shall be a building, structure, site or object, including adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation for one of the following reasons:
  - (a) It is an outstanding example and representative of its era;
  - (b) It is one of the few remaining examples of a past architectural style or type;
  - (c) It is associated with an event or persons of historic or cultural significance to Valdosta, Lowndes County, Georgia, or the region; or



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- (d) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Valdosta, Lowndes County, Georgia, or the region.
  - (2) Boundaries of local historic properties. Boundaries of local historic properties shall be amended to the official Historic Preservation map of the City of Valdosta.
- (D) Requirements for adopting an ordinance for the designation of historic districts and historic properties as local historic districts and local historic properties.
- (1) Application for designation. Designations may be proposed by the City, the Commission or:
    - (a) For historic districts. A historical society, neighborhood association or group of property owners may apply to the Commission for designation; provided that such application is presented along with a petition of 50 percent of the property owners in the proposed district in support of designation.
    - (b) For historic properties. A historical society, neighborhood association, or property owner may apply to the Commission for designation.
  - (2) Required components of an ordinance for designation. Any ordinance for the designation of any historic district as a local historic district or any historic property as a local historic property shall:
    - (a) Provide a legal description of the proposed local historic district or the proposed local historic property;
    - (b) Require that, upon designation, a certificate of appropriateness be obtained, as required herein, from the Commission prior to any material change in the appearance of an individual property located in the local historic district or a local historic property; and
    - (c) Require that, upon designation, the local historic district or local historic property be shown on the official historic preservation map of the city and kept as a public record to provide notice of such designation.
  - (3) Required public hearings. The Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district as a local historic district or any historic property as a local historic property pursuant to Section 238-7.
  - (4) Recommendations on proposed designations. A recommendation to affirm, modify or deny the proposed ordinance for designation shall be made by the Commission at its next regular meeting or at a special meeting convened following the procedures set out in this Chapter. The Commission shall review public comments and make a final recommendation and transmit said recommendation to the Mayor and City Council.
  - (5) Mayor and City Council action on Commission's recommendation. Following the receipt of the Commission's recommendation, the Mayor and City Council may adopt the proposed ordinance for designation, may adopt the proposed ordinance with any changes it deems necessary, or may reject the proposed ordinance.
  - (6) Notification of office of historic preservation. Not less than 30 days prior to a hearing on any ordinance designating a historic district as a local historic district or a historic property as a local historic property, the Commission must submit the report, as required in subsection 238-9(a)(3), to the Historic Preservation Division of the Georgia Department of Natural Resources.
  - (7) Notification and final record of action. Within 30 days immediately following the adoption of the ordinance designating a historic property or historic district, the owners of each individual property located within the area included in the local historic district shall be given written notification of such designation by the Mayor and City Council. For properties included in the local historic district, such notice shall also apprise said owners and occupants of the

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necessity for obtaining a certificate of appropriateness prior to undertaking any material change in the appearance of the historic property within the designated local historic district. Notice sent via the United States mail to the last known owners of said property or properties shown on the county tax roll shall constitute legal notification to the owner under this article. The owner of a historic property within a designated historic district shall have the right to appeal de novo within 30 days of the date of the service of the decision of the City Council to the Superior Court of Lowndes County.

- (8) Notification of other agencies regarding designation. The Commission shall notify all necessary agencies within the City of the ordinance for designation, including the local historic organization, and relevant public agencies.

(E) Alteration or modification of an existing local historic district.

- (1) Application for modification of a local historic district. Application for alteration or modification of an existing historic district may be submitted to the Commission by the City of Valdosta, a historical society, neighborhood association located in such local historic district, or group of two or more property owners representing a majority of property owners in an area proposed to be added to or removed from the local historic district. A historical society, neighborhood association, or group of property owners may not apply for alteration of an existing local historic district for a period of one year following the Mayor and City Council's rejection of an ordinance to modify the boundary of the district, unless such application is substantially modified from the rejected ordinance as determined by the Commission Administrator.
- (2) Required components of an ordinance for designation. Any ordinance altering or modifying the boundaries of any local historic district shall include a description of the boundaries of the district and the area proposed to be added to or removed from the district and shall list each property located therein.
- (3) Boundaries of the local historic district. Any ordinance altering the designation of any property as a local historic property or any district as a local historic district shall require that the designated property or district be shown on the official Historic Preservation map of the City of Valdosta and be kept by the city as a public record to provide notice of such designation.
- (4) Commission's report on proposed alteration of the local historic district. The Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or esthetic significance of each place, site, building, structure, or work of art in the area proposed to be added to or removed from the local historic district. The Commission shall compose a report of its findings that shall include a physical description of the area proposed to be added to or removed from the local historic district; a statement of historical, cultural, architectural and/or aesthetic significance; a map showing the existing and proposed boundaries of the local historic district; a statement justifying the boundaries; and representative photographs of each place, site, building, structure, or work of art in the area proposed to be added to or removed from the local historic district. This report shall be submitted to the Division of Historic Preservation of the Department of Natural Resources or its successor which will be allowed 30 days to prepare written comments concerning the report.
- (5) Required public hearing. The Commission shall hold a public hearing on the proposed ordinance to alter or modify the boundaries of the local historic district. Notice of the hearing shall be pursuant to Section 238-7(c) of this Chapter.
- (6) Recommendation of the Commission. Following the public hearing, a recommendation to affirm, modify or deny the proposed ordinance shall be made by the Commission at its next regular meeting or at a special meeting convened following the procedures set out in this article. The Commission shall review public comments and make final recommendations and transmit said recommendation to the Mayor and City Council.

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- (7) Mayor and City Council's action on Commission's recommendation. Following the receipt of the Commission's recommendation, the Mayor and City Council may adopt the proposed ordinance altering the boundaries of the local historic district, may adopt the proposed ordinance with any changes it deems necessary, or may reject the proposed ordinance. The Mayor and City Council shall not amend the proposed ordinance to add additional properties to a historic district if the owners of such properties were not notified of the public hearing, as provided above.
- (8) Notification of affected property owners. The owners of each individual property located within the area included in or removed from the local historic district shall be given written notification of such designation pursuant to Section 238-9(d)(7) of this Chapter.

### **Section 238-10 Interim Protection for Nominated Historic Districts and Historic Properties**

- (A) Finding and Purpose. The Mayor and City Council finds that immediate but temporary controls prohibiting any exterior material change in the appearance of a property or district for which an application for designation has been submitted to the Commission are necessary to preserve the historic integrity of the property or district during the evaluation process.
- (B) Control Regulations. Any property or properties for which an application for designation has been submitted shall receive the full legislative protection of, and be controlled by, the regulations governing a designated local historic property or district. Said protection shall become effective without further action of any kind immediately upon the date and time that the application is submitted. Said protection shall remain effective until the Mayor and City Council has taken final action on the application.
- (C) Notification. Upon receipt of an application for designation, the Commission Administrator shall publish notice in the principal newspaper of general circulation within the city stating an application has been received and the property or properties included in the application shall receive the full legislative protection of, and be controlled by, the regulations governing a designated local historic property or district.
- (D) Enforcement. The staff of the Commission shall deliver a copy of the application and published notice to the Chief Building Official of the city. The Chief Building Official shall immediately take all steps necessary to accomplish the requirements of this section, and is prohibited from accepting any applications or issuing any permit of any kind for any building, property, or district specified in the application, except as allowed in this article for local historic properties or properties within a local historic district

**Article 4                      Certificates of Appropriateness**

**Section 238-11              Certificate of Appropriateness Required**

- (A) A certificate of appropriateness shall be required before a person may undertake any exterior material change in the appearance of a local historic property or of a contributing or noncontributing property within a local historic district. A building permit shall not be issued without a certificate of appropriateness.
- (B) Notwithstanding anything herein to the contrary, the following material changes shall not require a certificate of appropriateness, but may proceed upon permission being granted to the applicant by the Commission Administrator:
- (1) Work to sustain the existing form or to correct deterioration, decay or damage provided that such work does not involve a change in design, material or exterior appearance.
  - (2) The removal or replacement of roofing materials, provided that no other significant alterations are made, i.e. removal of original architectural features, dormers, and chimneys. Proposed replacement materials must be similar to existing materials.
  - (3) Exterior repairs using original materials or in-kind replacement materials, as explained in the design guidelines.
  - (4) Landscaping, provided the proposed work has no significant effect on the historic character of a property or district; including fences that do not require a variance from any applicable code requirements, walks, statues, fountains, benches, lamp posts, hedgerows, gardens, trees, and plantings, which are not otherwise considered a structure, object or site. Administrative approval or a certificate of appropriateness shall not be required for minor landscaping, which meets the requirements of the adopted design guidelines and does not affect the historic character of a property or district.
  - (5) The construction or removal of decks which are not visible from a public right-of-way, other than an alley, provided that the decks do not require the removal or the alteration of the existing building or structure.
  - (6) The construction or removal of signs or awnings provided that such signs or awnings comply with the applicable provisions of the City sign ordinance and Design Guidelines for the Valdosta Historic District
  - (7) The demolition, relocation, construction, or removal of non-historic secondary structures, provided that the structure is under 20' X 20' and is located in the backyard.
  - (8) The re-paving of an existing parking area.
  - (9) The construction or removal of ADA accessibility ramps that are located to the side or rear of the primary building on the property, provided that the ramps do not require the removal or the alteration of the existing building.
- (C) The Commission Administrator shall not be required to grant or review any application for permission to proceed with any work specified in paragraph (2), and may submit any such application for permission to proceed to the Commission as an application for a certificate of appropriateness. The Commission shall consider such application in the same manner as if the application had been originally filed as an application for a certificate of appropriateness.
- (D) If an application to proceed with work is denied by the Commission Administrator, upon the applicant's request, such application shall be submitted by the Commission Administrator to the Commission, which shall consider such application in the same manner as if the application had been originally filed as an application for a certificate of appropriateness.

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- (E) Upon consideration of an application for appropriateness, the Commission shall take action upon the matter as specified in Section 238-7(F)(3). Any appeal from such decision shall follow the procedures as established in this Chapter. For a period of six months following the issuance of a denial by the Commission, the secretary shall refuse to place a previously denied application for a certificate of appropriateness on the agenda of the Commission, unless such application is substantially modified.
- (F) The Commission may consider past actions when making decisions on applications for certificate of appropriateness, however, the Commission shall not be bound by the precedent of past decisions when considering new applications, which may appear similar in character. Each application shall be considered on its own merit.
- (G) Ordinary Maintenance and Repair Exception. Ordinary maintenance or repair of any exterior architectural feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form, which does not involve a material change in design, material or outer appearance does not require a certificate of appropriateness.

### **Section 238-12 Procedure for Review of Certificate of Appropriateness Applications**

- (A) An application for a certificate of appropriateness shall be made by the owner or owner's agent to the office of the city's Planning and Zoning Division for transmittal to the Commission.
  - (1) When the Commission receives an application for a certificate of appropriateness, the applicant should be provided an opportunity to meet with the Commission Administrator. The purpose of this meeting is to acquaint the applicant with the requirements of this Historic Preservation Ordinance and review the submitted application for completeness.
  - (2) Within 5 days after an application for a certificate of appropriateness is submitted, the Commission Administrator shall determine whether the application is complete. Should the Commission Administrator find that the material submitted is not adequate for the proper review of the proposal, the Commission Administrator shall promptly notify the applicant and state the specific information that will be required. In such cases, the applicant shall not be deemed to have made a bona fide application to the Commission until the specific information is submitted. No further action on the application shall be taken until it is found to be complete.
  - (3) When the Commission Administrator determines an application for a certificate of appropriateness is complete, he or she shall conduct a site review of the property and surrounding area and consider the impact of the application upon the historic property and/or the historic district. Upon completion of his or her review, the Commission Administrator shall prepare a recommendation report to be forwarded along with the certificate of appropriateness application to the Commission.
  - (4) Upon notification of the receipt of a completed application for a certificate of appropriateness, the Commission shall place the application on the agenda of their next regular meeting and provide notification in accordance with the requirements of Sections 238-6 and 238-7 of this Chapter.
- (B) The Commission, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: Architectural plans, plat plans, landscaping plans, plans for off-street parking, plans for proposed signs, elevations of all portions of proposed additions, photographs, elevations or perspective drawings showing the proposed building and existing buildings that are within 100 feet or are substantially related to it visually or by reason of function, traffic generation or other characteristics.

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- (C) Interior alterations. In its review of applications for certificates of appropriateness, the Commission shall not consider interior arrangement or use having no adverse affect on exterior architectural or environmental features.
- (D) Public hearings on applications for certificates of appropriateness, notices and right to be heard. Public hearings and notices on applications for certificates of appropriateness shall be carried out pursuant to Section 238-7 of this Chapter.
- (E) Acceptable Commission responses to applications for certificates of appropriateness.
  - (1) The Commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the aesthetic, historic, architectural, or archaeological significance and value of the local historic property or the local historic district.
  - (2) The Commission shall deny the application for a certificate of appropriateness if it finds that the proposed material change(s) in appearance would have a substantial adverse effect on the aesthetic, historic, architectural or archaeological significance and value of the local historic property or the local historic district, except as provided under Section 238-13(D).
- (F) Deadline for approval or denial of application for certificate of appropriateness.
  - (1) The Commission shall take action on an application for a certificate of appropriateness pursuant to Section 238-7(F)(3) of this Chapter.
  - (2) Failure of the Commission to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed.
- (G) Notification and Final Record of Action. Within 45 days following the decision on a certificate of appropriateness application the applicant will be notified of the Commission's decision.
- (H) Commission's necessary action upon denial of application for certificate of appropriateness. In the event the Commission denies an application, it shall state its reasons for doing so and shall transmit a record of such actions and reasons, in writing, to the building official and the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
- (I) Commission's denial of application binding upon building official. In cases where the application covers a material change in appearance which would require the issuance of a building permit, the denial of an application for a certificate of appropriateness shall be binding upon the building official and, in such a case, no building permit shall be issued.

### **Section 238-13      Standards for Review of Certificates of Appropriateness Applications**

- (A) In reviewing applications for alterations or new construction, the Commission shall refer to the Secretary of the Interior's Standards for the Treatment of Historic Properties, along with any published guidelines accompanying the Standards, and shall comply with the Design Review Guidelines for the Valdosta Historic District, a copy of which is attached to the LDR as Appendix G and is incorporated by reference.
- (B) Relocation: In addition to the criteria set forth in Section 238-13(A), a decision by the Commission approving or denying a certificate of appropriateness for the relocation of a structure or work of art shall be guided by:
  - (1) The historic character and aesthetic interest the structure or work of art contributes to its present setting.

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- (2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
  - (3) Whether the structure or work of art can be moved without significant damage to its physical integrity.
  - (4) Whether the proposed relocation area is compatible with the historical and architectural character of the structure, site or work of art.
- (C) Demolition: In addition to the criteria set forth in Section 238-13(A) and (B), the Commission shall not approve applications for demolition without reviewing post-demolition plans at the same time. A decision by the Commission approving or denying a certificate of appropriateness for the demolition of structures, sites, or works of art shall be guided by:
- (1) The historic, scenic or architectural significance of the structure, site or work of art.
  - (2) The importance of the structure, site, or work of art to the ambiance of a district.
  - (3) The difficulty or the impossibility of reproducing such a structure, site, or work of art because of its design, texture, material, detail, or unique location.
  - (4) Whether the structure, site or work of art is one of the last remaining examples of its kind in the neighborhood or the city.
  - (5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
  - (6) Whether reasonable measures can be taken to save the structure, site or work of art from collapse.
  - (7) Whether the structure, site or work of art is capable of earning reasonable economic return on its value.
- (D) Projects of Special Merit.
- (1) In addition to the criteria set forth in Section 238-13(a), (b), and (c), in reviewing applications for the demolition or relocation of a local historic property or a contributing or noncontributing building or structure in a local historic district, the demolition or relocation of which would have a substantial adverse effect on the local historic property or local historic district, but the replacement project is of special merit, the Commission shall hear evidence concerning the application at its public hearing and may approve the application and issue a certificate of appropriateness. For a replacement project to be of special merit, it must meet the following criteria:
    - (a) It must have significant benefits to the city or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services; and
    - (b) It must clearly serve the public interest to a greater extent than the retention of the present building(s).
  - (2) To the greatest extent possible, projects of special merit must meet the Design Guidelines for new construction.
- (E) The City Council or its representative shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent the material change in appearance of a local historic property or local historic district, except those changes made in compliance with the provisions of this article or to prevent any illegal act or conduct with respect to such local historic property or local historic district.

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### Section 238-14 Economic Hardship Exemptions

- (A) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principal residence on the ground of economic hardship to the property owner.
- (1) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
  - (2) The Commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
    - (a) The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
    - (b) The costs associated with adherence to these regulations;
    - (c) The degree of existing architectural significance and integrity of the structure; and
    - (d) The purpose and intent of this chapter.
  - (3) The Commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

### Section 238-15 Appeal Procedures for Certificate of Appropriateness Decisions

- (A) Certificate of Appropriateness Appeal. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Mayor and City Council. Any such appeal must be filed with the Commission Administrator within 30 days after the issuance of a determination pursuant to this chapter or, in the case of a failure of a Commission to act, within 30 days of the expiration of the 45 day period allowed for Commission action. The appeal shall be in writing on a form provided by the Commission Administrator and shall include a written statement setting forth the factual basis for the appeal. Upon receipt of the written appeal and accompanying information, the Commission Administrator shall deliver official notice of the appeal to the City Clerk. The Mayor and City Council will hold a hearing on the matter and may require the submission of additional written evidence from the Commission and/or certificate of appropriateness applicant. Notice of the hearing shall be in accordance with the Open Meetings Law of the State of Georgia set forth in O.C.G.A. 50-14-1 et. seq., as amended.
- (B) City Council Procedures for Appeals. The appeal hearing before the Mayor and City Council shall be scheduled within 60 days of the filing date of the appeal. The party who filed the appeal shall be made aware of the scheduled hearing date, time and location, by the Commission Administrator in writing. At least ten (10) days prior to the hearing, the City Clerk shall receive from the Commission Administrator a complete record of the Commission's action, including all information presented by the applicant, proponents and opponents, Commission Administrator, minutes of the Commission meeting at which the applicant was heard, and all other evidence and documents considered by the Commission in reaching their determination.

The procedures for the conduct of the hearing before City Council shall be that the party who filed the appeal, or their authorized representative, shall be present at the scheduled hearing and may present an argument in support of the appeal, followed by the Commission Administrator or Commission Chair, who shall present an argument in support of the Commission's decision.



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The hearing before City Council shall be confined to reviewing for error the Commission's record in reaching their determination, and shall be based solely upon the abuse of discretion by the Commission. An abuse of discretion exists where the record presented to the City Council shows that the Commission exceeded the limits of its authority or that the Commission's decision was not based on factors set forth in Section 238-13 or that the Commission's decision was otherwise arbitrary and capricious.

After hearing both parties and deliberating upon the matter, City Council may either:

- (1) Uphold the Commission's determination upon finding that the Commission did not abuse its discretion in reaching its decision;
- (2) Reject the Commission's determination upon finding that the Commission abused its discretion in reaching its decision; or
- (3) City Council has the option to return the matter to the Commission for reconsideration only if new information is presented to City Council during the appeal hearing that directly relates to the Commission's decision.

Appeals from decisions of the City Council made pursuant to this chapter may be taken to the Superior Court of Lowndes County in the manner provided by law.

### **Section 238-16 Commencement of Construction; Certificates Renewable**

- (A) A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance.
- (B) Certificates of Appropriateness shall be issued for a period of 18 months and are renewable. A renewal request shall be in writing on a form provided by the Commission Administrator and shall describe changes, if any to the originally approved certificate of appropriateness. If changes are noted, revised plans shall be requested and reviewed by the Commission Administrator. A decision will be rendered by the Administrator whether to renew the certificate of appropriateness or re-submit to the Commission a revised certificate of appropriateness recommendation per Sections 238-12 and 238-13 of this Chapter.

### **Section 238-17 Recordation of Certificates of Appropriateness**

The Commission shall keep a public record of all applications for Certificates of Appropriateness and of all the Commission's proceedings in connection with said applications.

### **Section 238-18 Requirements of Conformance with Certificates of Appropriateness**

All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such Certificate. In the event work is performed not in accordance with such Certificate, the building inspector shall issue a cease and desist order and all work shall cease.

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### **Article 5                      Procedures and Penalties.**

#### **Section 238-19              Failure to Provide Ordinary Maintenance and Repair**

Owners of historic property or properties classified as contributing within the historic district shall not allow their structures to deteriorate by failing to provide ordinary maintenance or repair. The Commission in conjunction with the Director or his designee shall be charged with the following responsibilities regarding deterioration by neglect:

- (A) The Commission, in conjunction with the Commission Administrator and Director, shall monitor the condition of historic properties and existing structures in the historic district to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a structure's structural system shall constitute failure to provide ordinary maintenance or repair.
- (B) In the event a failure to provide ordinary maintenance or repair is determined, the Commission in conjunction with the Director and Commission Administrator shall notify the owner of the property and set forth steps which need to be taken to remedy the identified deteriorated conditions. The owner of such property will be given a reasonable timeframe, as determined by the Director and Commission Administrator, in which to complete remediation of the deteriorated conditions.
- (C) In the event that the identified deteriorated conditions are not remedied in the timeframe given, the owner shall be subject to the penalty for violation as provided in Section 238-21 of this Chapter and, at the direction of the Director, the City of Valdosta may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the City. The City may establish a lien against the property for reimbursement of costs associated with maintenance and repair performed by the City.

#### **Section 238-20              Scope of Building and Zoning Codes**

Nothing in this Chapter shall be construed to exempt property owners from complying with existing city building and zoning codes, nor to prevent property owners from making use of property not prohibited by other statutes, ordinances or regulations.

#### **Section 238-21              Penalty for Violation**

A person who violates a provision of this Chapter or fails to comply with any of the requirements thereof shall be subject to the General Penalty provision set forth in Chapter 110 of this LDR. Where any offense continues from day to day, each day the violation continues shall constitute a separate offense.

#### **Section 238-22              Conflicting Ordinances**

If any conflicts occur between the terms of this Chapter and the terms of any other section of this LDR or ordinance of the City of Valdosta Code of Ordinances, the provision imposing the more restrictive standard shall prevail. If said conflicting provisions are equally restrictive, the provisions of this Chapter shall prevail.

#### **Section 238-23              Department of Transportation and Local Governments**

The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from this chapter. Local governments are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that local governments shall notify the Commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

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### **Section 238-24      Emergency Demolition**

A request for a demolition permit involving a property located within the Valdosta Historic District that has been subject to a catastrophic event, as defined in this Section, shall be submitted in writing to the Community Development Department and shall include the property owner's authorization for submittal. In a situation where a contributing historic building must be demolished, the reuse of façade materials from the demolished contributing building is encouraged in the new structure as an effort to maintain the character of the original building and the site's designation as a contributing property within the Valdosta Historic District.

- (A) "Catastrophic Event" means an event that is beyond the property owner's ability to control, and renders a building hazardous or damaged beyond repair. The term "catastrophic event" shall not include property owner negligence in failing to provide proper maintenance and keep the building in good repair, or corrections that can be accomplished through reasonable measures.
- (B) On a case-by-case evaluation and upon consultation with the chairman and vice-chairman of the Commission, Commission Administrator and the city Building Official, without a public meeting, may issue a permit for a complete or partial demolition of a building that is located in the Valdosta Historic District, if it is determined that the catastrophic event has rendered said building immediately hazardous and dangerous and/or detrimental to the public health and/or safety as defined in the latest adopted Building Code.
- (C) In determining the appropriateness in demolishing a building under this emergency provision, the Commission Administrator and the city Building Official shall give consideration to demolishing only those portions of a building that are immediately hazardous, thereby allowing for the preservation and/or reconstruction of non-hazardous building portions. The Commission Administrator shall also consider whether the damage to the resource is so substantial that it alters the historic character of the building.

### **Sections 238-25 through 238-28      Reserved**

**Article 6                      Historic and Landmark Museum Buildings**

**Section 238-29            Intent and Purposes**

- (A) It is the purpose of this article to encourage the sensitive rehabilitation, restoration, stabilization or preservation of existing buildings located within the corporate limits of the city and to encourage the preservation of buildings and structures deemed to be historic in total or in part; however, such rehabilitation and preservation efforts should provide for the upgrading of the safety features of the building or structure to provide a practical level of safety to the public and surrounding property. It is the further purpose of this article to provide guidance regarding acceptable alternative solutions as outlined in the Life Safety Code, and to stimulate enforcement authorities to utilize alternative compliance concepts whenever practical to permit the continued use of existing buildings and structures without overly restrictive financial burdens on owners or occupants.
- (B) The provisions of this article shall not be applicable to new construction, except as specifically provided in this article.

**Section 238-30            Conditions for Application**

- (A) The provisions of this article authorize the enforcement authority to permit the repair, alteration, addition, or change of use or occupancy of existing buildings without total compliance with any rule, regulation, code or standard for new construction requirements under the following general conditions:
  - (1) Plans shall be submitted for review to the plans review committee and approved before a permit is issued as to compliance with building and fire safety codes;
  - (2) All noted conditions hazardous to life, based on the provisions of applicable state and local standards or codes for existing buildings, and outlined in Section 238-26 shall be corrected to a reasonable and realistic degree as set forth in this LDR;
  - (3) The existing building becomes the minimum performance standard; and
  - (4) The degree of compliance of the building after changes must not be below that existing before the changes.
- (B) Nothing in this article will require or prohibit compliance with requirements more stringent than those provided in this LDR.

**Section 238-31            Hazardous Conditions**

With reference to existing buildings, authorized enforcement authorities should assure that any of the conditions or defects described in this section are identified and corrected as deemed appropriate by the enforcement authority having jurisdiction and through the utilization of appropriate compliance alternatives:

- (A) Structural. Any building or structure or portion which is in imminent danger of collapse because of but not limited to the following factors:
  - (1) Dilapidation, deterioration or decay;
  - (2) Faulty structural design or construction;
  - (3) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
  - (4) The deterioration, decay or inadequacy of the foundation.

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- (B) Number of exits. Less than two approved independent, remote and properly protected exit ways serving every story of a building, except where a single exit way is permitted by the applicable state or local fire or building code or life safety code; and if acceptable alternative safeguards cannot be met, an automatic fire suppression system shall be provided;
- (C) Capacity of exits. Any required door, aisle, passageway, stairway, or other means of egress which is not of sufficient capacity to provide for the population of the portions of the building served and which is not so arranged as to provide safe and adequate means of egress to a place of safety; and
- (D) Mechanical systems. Utilities and mechanical systems not in conformance with the codes in effect at the time of construction of a building which create a serious threat of fire or threaten the safety of the occupants of the building.

### **Section 238-32 Additions to Existing Building**

Additions to an existing building shall comply with the applicable requirements of state and local laws, rules, regulations, codes and standards for new construction. Such additions shall not impose loads either vertical or horizontal which would cause the existing building to be subjected to stresses exceeding those permitted under new construction. If the existing building does not comply with the standards provided in this article and the authorized enforcement authority finds that the addition adversely affects the performance of the total building, the authorized enforcement authority may require:

- (A) The new addition to be separated from the existing structure by at least a two-hour firewall with openings properly protected;
- (B) The installation of an approved automatic fire suppression system; or
- (C) Other remedies which may be deemed appropriate by the enforcement authority.

### **Section 238-33 Minor Alterations and New Mechanical Systems**

Minor alterations or repairs to an existing building which do not adversely affect the performance or safety of the building may be made with the same or like materials. Existing buildings which, in part or as a whole, exceed the requirements of any applicable construction or fire safety code may, in the course of compliance with this article, have reduced or removed, in part or totally, features not required by such code for new construction provided such features were not a condition of prior approval. Existing buildings and structures which, in part or as a whole, do not meet the requirements of the applicable code for new construction may be altered or repaired without further compliance to any such code by utilizing the provisions of this article provided their present degree of compliance to any applicable construction or fire safety code is not reduced. Any new mechanical systems installed in an existing building shall conform to applicable codes for new construction to the fullest extent practical as approved by the authorized enforcement authorities.

### **Section 238-34 Continued Use**

The legal use and occupancy of any building or structure may be continued without change, except as may be provided otherwise by this chapter or as may be legally provided for by any applicable state or local law, rule, regulation, code or standard.

### **Section 238-35 Change in Use**

- (A) A total change in the use or occupancy of any existing building which would cause a greater hazard to the public shall not be made unless such building is made to comply with the requirements of the applicable state and local rules, regulations, codes and standards for the new use or occupancy; however, the compliance alternative provision of this article may be utilized by authorized

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enforcement authorities where total or strict compliance with applicable state or local rules, regulations, codes or standards is not practical.

- (B) When the proposed use is of equal or lesser hazard as determined by the enforcement authority, further compliance with any code for new construction is not required unless otherwise provided in this article. Alterations or repairs to an existing building or structure which do not adversely affect the performance of the building may be made with like materials. Any proposed change to the existing building or change in type of contents of the existing building shall not increase the fire hazard to adjacent buildings or structures. If the fire hazard to adjacent buildings or structures is increased, requirements of applicable construction of fire safety codes for exterior walls shall apply.

### **Section 238-36 Changes in Use of a Portion of a Building**

- (A) If a portion of a building is changed to a new use or occupancy and that portion is separated from the remainder of the building with vertical or horizontal fire separations complying with applicable state or local rules, regulations, codes or standards or with compliance alternatives, the portion changed shall be made to comply with the applicable requirements for the new use or occupancy to the extent noted in Section 238-30.
- (B) If a portion of the building is changed to a new use or occupancy and that portion is not separated from the remainder of the building as noted in subsection (a) of this section, the provisions of the applicable state and local rules, regulations, codes and standards applying to each use or occupancy of the building shall apply to the entire building to the extent noted in Section 238-30; however, if there are conflicting provisions in requirements for the various uses or occupancies, the authorized enforcement authority shall apply the strictest requirements.

### **Section 238-37 Floor Loading**

Any proposed change in the use or occupancy of an existing building or portion which could increase the floor loading should be investigated by a state registered professional architect or engineer to determine the adequacy of the existing floor systems to support the increased loads. If the existing floor system is found to be inadequate, it should be modified to support the increased loads; or the proposed allowable floor loading shall be reduced by and posted by the appropriate enforcement authority.

### **Section 238-38 Documentation**

Whenever action is taken on any existing building to repair, make alterations, or change the use or occupancy of an existing structure and when such action proposes the use of compliance alternatives, the authorized enforcement authority shall ensure that at least one copy of the accepted compliance alternative approved, including applicable plans, test data or other data submitted for evaluation, be maintained on file in the office of the chief building official. If the structure also falls under the jurisdiction of a state-level enforcement authority, at least one copy of the same material shall be maintained on file with that authority.

### **Section 238-39 Compliance Alternatives**

- (A) Subsections (B) through (F) of this section contain generally acceptable compliance alternatives illustrating principles which shall be applied to the rehabilitation of existing buildings by enforcement authorities in the city. It is recognized for purposes of this article that all building systems interact with each other; therefore, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their acceptability. The compliance alternatives are not all-inclusive and do not preclude consideration and approval of other alternatives by any enforcement authority.
- (B) Compliance alternatives for an inadequate number of exits include:

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- (1) Provide connecting fire-exit balconies between buildings, acceptable to the enforcement authority;
  - (2) Provide alternative exits or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building as acceptable to the enforcement authority;
  - (3) Provide exterior fire escapes as acceptable to the enforcement authority where the providing of enclosed interior or enclosed exterior stairs is not practical; or
  - (4) Install early fire warning and fire suppression systems.
- (C) Compliance alternatives for excessive travel distances to an approved exit include:
- (1) Install an approved smoke detection system throughout the building;
  - (2) Install an approved completed automatic fire suppression system;
  - (3) Subdivide the exit travel route with smoke-stop doors acceptable to the enforcement authority;
  - (4) Increase the fire-resistance rating of corridor walls and doors; or
  - (5) Provide additional approved means of escape.
- (D) Compliance alternatives for unenclosed or improperly enclosed exit stairways or vertical shafts include:
- (1) Improve enclosure of exit stairway;
  - (2) Add a partial fire suppression system;
  - (3) Add a sprinkler draft curtain; or
  - (4) Add a smoke detection system.
- (E) Compliance alternatives for inadequate or a total lack of fire partitions or fire separations walls shall be as set forth in subsection (d) of this section.
- (F) Compliance alternatives for a lack of required protection of openings in exterior walls where a fire exposure is a risk include:
- (1) Improve fire resistance of existing openings and protect them with fire-related windows or doors as appropriate;
  - (2) Seal the openings with fire-related construction as approved by the enforcement authority; or
  - (3) Install an approved fire suppression system.

### **Section 238-40 Historic Buildings**

(A) Historic buildings not classified as landmark museum buildings shall meet the requirements of applicable building and fire safety laws, ordinances, codes, standards, rules or regulations as they pertain to existing buildings as noted in this article. If an historic building or structure is damaged from fire or other casualty, it may be restored to the condition prior to the fire or casualty using techniques and methods consistent with its original construction, or it shall meet the requirements for new construction of the applicable codes, standards, rules or regulations, provided these requirements do not significantly compromise the features for which the building was considered historically significant.

(B) As to any buildings or structures in the city which have been designated as historic buildings or structures by the State Historic Preservation Officer, the appropriate enforcement authority, in granting or denying a variance shall consider the intent of this chapter, with special attention to Section 238-13,

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O.C.G.A. § 58-2-200 et seq., "The Uniform Act for Application of Building and Fire Related Codes to Existing Buildings"; O.C.G.A. § 44-10-20 et seq., the "Georgia Historic Preservation Act"; and the Secretary of Interior's standards for preservation projects.

### **Section 238-41      Landmark Museum Buildings**

- (A) The provisions of this article relating to landmark museum buildings shall apply only to those portions of such buildings which meet all the requirements of a landmark museum building, except as otherwise provided in subsections (b) and (c) of this section. Subsections (b) and (c) of this section shall, unless otherwise provided, preempt all laws, regulations or rules governing reconstruction, alteration, repair or maintenance of landmark museum buildings.
- (B) A landmark museum building shall be subject to the following provisions:
  - (1) Repairs, maintenance and restoration shall be allowed without the conformity to any building or fire safety related code, standard, rule or regulation, provided the building is brought into and remains in full compliance with this section;
  - (2) In case of fire or other casualty to a landmark museum building, it may be rebuilt, in total or in part, using such techniques and materials as are necessary to restore it to the condition prior to the fire or casualty and use as a totally preserved building; or
  - (3) If an historic building or structure, as a result of proposed work or changes in use, would become eligible and would be so certified as a landmark museum building, and the State Historic Preservation Officer so certifies and such is submitted to the local fire and building code official with the construction or building permit application, the work may proceed under the provisions of this section.
- (C) All landmark museum buildings shall comply with the following requirements:
  - (1) Every landmark museum building shall have portable fire extinguishers as deemed appropriate by the local fire authority having jurisdiction based on the applicable state or local fire safety codes or regulations.
  - (2) All landmark museum buildings which contain residential units shall have electrically powered smoke products of combustion detectors installed within each living unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in the sleeping rooms of that living unit. These unit detectors shall be required in addition to any other protective system that may be installed in the building.
  - (3) For all landmark museum buildings, except those protected by a total automatic fire suppression system and one- and two-family dwellings, approved automatic fire warning protection shall be provided as follows: Install at least one listed smoke or products of combustion detector for every 1,200 square feet of floor area per floor or story. In addition, all lobbies, common corridors, hallways and ways of exit access shall be provided with listed smoke or products of combustion detectors not more than 30 feet apart. Detectors shall be so connected as to sound an alarm audible throughout the structure or building. With respect to buildings which are totally protected by an automatic fire suppression system, activation of the sprinkler system shall sound an alarm throughout the structure or building.
  - (4) Smoke or products of combustion detectors shall be listed by a nationally recognized testing laboratory.
  - (5) All multistory landmark museum buildings, except one- and two-family dwellings, with occupancy above or below the street or grade level, shall have manual fire alarm pull stations in the natural path of egress. The activation of a manual pull station shall cause the building fire warning system to sound.



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- (6) Approved exit signs shall be located where designated by the authority having jurisdiction in accordance with the applicable code, standard, rule or regulation.
- (7) Except for one- and two-family dwellings, every landmark museum building occupied after daylight, or which has occupied areas subject to being totally darkened during daylight hours due to a power failure or failure of the electrical system, shall be equipped with approved emergency lighting meeting the provisions of the applicable code, standard, rule or regulation.
- (8) Occupant loading of landmark museum buildings or structures shall be limited by either the actual structural floor load capacity or by the limitations of means of egress or by a combination of factors. Actual floor load capacity shall be determined by a state registered professional architect or engineer. The floor load shall be posted at a conspicuous location. The building owner shall submit evidence of this certification and related computations to the enforcement authority having jurisdiction upon request. Where one or more floors of a landmark museum building have only one means of egress, the occupant load shall be computed and occupancy limited as determined by the Fire Marshal.
- (9) The electrical, heating and mechanical systems of landmark museum buildings shall be inspected, and any conditions that create a threat of fire or a threat to life shall be corrected in accordance with applicable standards to the extent deemed necessary by the authority having jurisdiction.

### **Section 238-42 Appeals**

Should a party not agree with a decision of the enforcement authority or should an enforcement authority desire a ruling, an appeal may be made to the Mayor and Council.

### **Section 238-43 Liability Provisions**

Nothing in this article shall be construed to constitute a waiver of the sovereign immunity of the city or any officer or employee of the city in carrying out the provisions of this article. Further, no action shall be maintained against the city or any duly authorized, elected, or appointed officer or duly authorized employee of the city for damages sustained as a result of any fire or hazard covered by this article by reason of inspection or other action taken pursuant to this article. Nothing in this article shall be construed to relieve any property owner or lessee or person in charge from any legal duty, obligation or liability incident to the ownership, maintenance or use of such property.

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## Chapter 242 Zoning Procedures and Land Use

### Section 242-1 Administrative Bodies

The zoning provisions of the LDR shall be administered by the Department, in association with the Valdosta City Council (City Council), Greater Lowndes Planning Commission (Planning Commission), and the Zoning Board of Appeals.

### Section 242-2 City Council

- (A) Duties. The specific duties of the City Council with respect to the LDR shall include, but not be limited to, the following:
- (1) Recommendations. Receiving from the Community Development Department and from the Planning Commission recommendations concerning the Comprehensive Plan, text or map amendments to the Comprehensive Plan, amendments of provisions of the LDR including text graphics or the official Zoning Map, Conditional Use Permits, requests for Planned Development Approval, or any other matters relating to planning and zoning within the City.
  - (2) Public Meetings. Conducting public hearings and meetings for the purpose of receiving information and public comment and taking final action on amendments to the Comprehensive Plan, text of the LDR, Official Zoning Map, Conditional Use Permit, Planned Development Approval, and other actions pursuant to the LDR. The City Council may solicit additional advice, information or comments prior to rendering its decision.

### Section 242-3 Planning Commission

- (A) Authority. The Planning Commission shall have the authority granted by Chapter 2, Article 5, Division 5, Section 2-361 of the City of Valdosta Code of Ordinances and by the provisions of the LDR.
- (B) Purpose and Duties. The purpose and duties of the Planning Commission shall include, but not be limited to, conducting public hearings, requesting and receiving studies and reports from staff, and reviewing and making recommendations to the City Council concerning matters brought before them. Carrying out this purpose shall include, but not be limited to the following duties:
- (1) To review and make recommendations regarding proposed amendments to the text or maps of the Comprehensive Plan, text or graphics in the LDR, Official Zoning Map, and applications for Conditional Use Permits and Planned Development Approvals according to the standards of Section 242-6(C) of this Chapter.
  - (2) To advise the City government regarding environmental policy, comprehensive planning, community development, housing, transportation, land use issues and capital improvements.
  - (3) To work with the Community Development Department, other City departments, boards and authorities in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future City residents, businesses and property owners.
- (C) Finances. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the governing authorities of the City and the County.
- (D) Appointment and Terms.
- (1) Composition. The Planning Commission shall be composed of 10 members. Three of the members of the Planning Commission shall be residents of the unincorporated area of Lowndes County and shall be appointed by the Lowndes County Board of Commissioners. Four members of the Planning Commission shall be residents of the City of Valdosta and be

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appointed by the Valdosta City Council. One member of the Planning Commission shall be a resident of the City of Hahira and be appointed by the Hahira City Council. One member of the Planning Commission shall be a resident of the City of Lake Park and be appointed by the Lake Park City Council. The tenth member of the Planning Commission shall be a resident of the City of Dasher and be appointed by the Dasher City Council.

- (2) Terms. All members shall be appointed for five-year terms.
- (3) Qualifications. When possible, the Chair and at least two other members of the Planning Commission shall be professionally qualified in the fields of planning, architecture, landscape architecture, civil engineering, real estate, building construction or related fields.
- (4) Compensation. All members of the Planning Commission shall serve without compensation but may be reimbursed for expenses incurred in connection with their official duties.
- (5) Vacancies. All appointees shall continue to serve until a successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If a member appointed by the Board of Commissioners moves to reside outside of the County, or if a member appointed by the Valdosta City Council moves to reside outside of the City limits, such member shall be deemed to have resigned from the Planning Commission.
- (6) Other Offices. Members of the Planning Commission shall hold no other elected or appointed office or other City- or County-compensated position.
- (7) Expiration of Term. Appointments shall expire 5 years from the date of appointment.
- (8) Removal from Office. A member of the Planning Commission may be removed from office prior to the expiration of his/her appointed term by a majority vote of the elected body that appointed him or her, as appropriate. A member also may be automatically removed pursuant to Section 242-3(H)(3) and Section 242-16(G).

### (E) Planning Commission Officers.

- (1) Chair. In January of each year the Planning Commission shall elect its chairperson from among its members. The Chair's term shall be 1 year with eligibility for re-election.
- (2) Duties of Chair. The Chair shall preside at all meetings and hearings of the Planning Commission and decide all points of order and procedure. The Chair may appoint committees necessary to assist and advise the Planning Commission in its work.
- (3) Vice-Chair. The Planning Commission shall elect a Vice-Chair in January of each year. The Vice-Chair's term shall be 1 year with eligibility for re-election.
- (4) Duties of the Vice- Chair. The Vice-Chair shall serve as Acting Chair in the absence of the Chair and, when acting in such capacity, shall have the same powers and duties as the Chair.
- (5) Secretary. A designated person from the Department shall serve as the Secretary of the Planning Commission. The Secretary shall have responsibility for assisting the Chair with scheduling and preparing an agenda for meetings; providing copies of staff reports to members of the Planning Commission; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the Planning Commission; attendance to the correspondence of the Planning Commission; and other duties assigned by the Chair, subject to the budgetary limitations of the Department.

- (F) Committees. The Chair may appoint, with the approval of the Planning Commission, various standing and temporary committees to further the purposes of the Planning Commission. Such committees may include ex-officio members of the staff of various City departments (excluding the staff of the City Council), residents and business owners of the City and other individuals whose background and knowledge may be of benefit to the Planning Commission in its deliberations.

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### (G) Meetings of the Planning Commission.

- (1) Regular Meetings. Unless there is no business to be conducted, the Planning Commission shall hold regularly scheduled meetings each month. The Planning Commission shall establish and make available to the public the time, place, and dates of its regular meetings. Except as otherwise authorized by the Georgia Open Meetings Act, O.C.G.A. 50-14-1 et seq., all meetings shall be open to the public. Public notice of all meetings shall be as required by said Georgia Open Meetings Act. Each member shall be notified of each regular meeting at least 5 calendar days preceding the meeting through a written agenda prepared and distributed by the Secretary.
- (2) Special Called Meetings. The Chair, Secretary, or a majority of the Planning Commission may call a special meeting at any time provided that written notice is posted for at least 24 hours at the place of regular meetings and written or oral notice is given at least 24 hours in advance of the meeting to the official legal organ of the City. The Secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each Planning Commission member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
- (3) Cancellation of Meetings. In the event there is a lack of business to be discussed and/or voted upon at a future meeting, the meeting may be cancelled. In such a case, the Secretary shall notify each member at least 24 hours prior to such scheduled meeting and shall place an appropriate public notice at the County Building stating the date of the canceled meeting at least 24 hours in advance of the scheduled meeting.
- (4) Agenda and Minutes.
  - (a) The Chair and Secretary shall prepare the meeting agenda and shall post the agenda so that it is available to the public prior to each meeting. The Planning Commission may approve or amend the Agenda during the meeting.
  - (b) Not more than 2 working days following the adjournment of a meeting of the Planning Commission, the Secretary shall ensure that a written summary of the subjects acted on by the Planning Commission and a list of those members present is available for public inspection in the offices of the Department.
  - (c) Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a brief summary of any explanation or commentary that is relevant to the decisions made on matters before the Planning Commission.
  - (d) Copies of the approved minutes for each meeting of the Planning Commission shall be available to the public immediately following the next regularly scheduled meeting of the Planning Commission.
- (5) Procedures. The Planning Commission shall make its own rules of procedure and determine its time of meeting. Such rules shall be subject to approval of the City Council. Robert's Rules of Order shall govern any procedural question not otherwise covered by Section 242-3 or said rules of procedure.
- (6) Order of Business at Meetings. The order of business at meetings shall be as follows:
  - (a) Determination of a quorum.
  - (b) Approval of minutes of previous meetings.
  - (c) Public Hearings
  - (d) Adjournment

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- (7) Agenda Changes. The Chair may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.

### (H) Quorum and Voting.

- (1) Quorum. A quorum shall consist of six members of the Planning Commission. A majority vote of those present constituting a quorum shall be sufficient to decide all matters that come before the Planning Commission except where a greater number is required by Roberts Rules of Order.
- (2) Voting.
  - (a) The Chair of the Planning Commission is a non-voting position.
  - (b) A Planning Commission member, who is part of a quorum of the Planning Commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from voting on that specific matter. No Planning Commission member who is present may abstain from voting except in the case of having a conflict of interest with respect to the matter under consideration.
  - (c) A majority vote of those members present of the Planning Commission is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position.
- (3) Attendance. If any member of the Planning Commission is absent without cause for three consecutive regular meetings of the Commission, that member shall be automatically removed from membership, and a replacement shall be appointed in the same manner as the initial appointment as described in sub-section (D) of this section.

## **Section 242-4 Amendments**

### (A) Initiation of Amendments.

- (1) Persons Entitled to Propose Amendments. Amendments to the Official Zoning Map or to the Future Development Map of the Comprehensive Plan may be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property, by majority vote of the members of the City Council, by the Planning and Zoning Administrator, or by recommendation of the Planning Commission. Amendments to the text of the Comprehensive Plan and amendments to Title 2 of the LDR may be initiated by majority vote of the members of the City Council or by the Planning and Zoning Administrator. Once an amendment to the Future Development Map, Official Zoning Map, text of the LDR, or text of the Comprehensive Plan is initiated, no application for a land disturbance permit or land development or building permit, variance, or appeal for property subject to such amendment shall be accepted until final action is taken on the proposed amendment.
- (2) Application Schedule.
  - (a) Amendments to the Official Zoning Map, to the text of the LDR and to the Comprehensive Plan (Future Development Map or text) must be submitted by the 25<sup>th</sup> day of the month, or the business day immediately following in the case of a holiday or weekend, in order to be considered at a City Council meeting.
  - (b) Review and consideration of Comprehensive Plan amendments will be scheduled before the Planning Commission and City Council not more than twice per year in accordance with a schedule adopted annually by the City Council. The City Council may consider a Comprehensive Plan amendment outside of their adopted annual schedule provided that the amendment for consideration meets the following criteria:

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- i. Such projects are determined to create extraordinary economic development and employment growth;
    - ii. The public policy which supports the exemption is contained in the Comprehensive Plan; and
    - iii. Any infrastructure improvements necessitated by the exempt development are funded through a revenue source other than City funds.
  - (c) An application to amend the Official Zoning Map affecting the same property shall not be submitted sooner than 12 months following the date of final action by the City Council on the previous application. The City Council may vote to reduce this requirement when such action is deemed to be consistent with the Comprehensive Plan or to relieve an unnecessary non-economic hardship. However, if the previous action was a denial of a rezoning request, in no case shall a subsequent rezoning action be considered on the same property sooner than 6 months following the previous action to deny the rezoning request.
  - (d) No amendment to the Comprehensive Plan that was denied by the City Council may be resubmitted for approval sooner than 6 months following the action of denial by the City Council.
- (3) Consistency of Amendments with the Comprehensive Plan.
- (a) No amendment to the text of Title 2 of the LDR shall be adopted if the amendment would be inconsistent with the Future Development Map of the current Comprehensive Plan.
  - (b) No amendment to the Official Zoning Map shall be adopted if the amendment would be inconsistent with the current Comprehensive Plan. The applicant must first obtain an appropriate amendment to the Comprehensive Plan. Such application to amend the Official Zoning Map may not be submitted until after the final approval action of the City Council on the Comprehensive Plan amendment.
- (4) Administrative Map Corrections. In the event that an administrative error is discovered with the Official Zoning Map, the Planning Director, Zoning Administrator, or their representative may correct the error administratively, provided that the error can be proven and documented. A file must be maintained with the appropriate record to demonstrate that the administrative change to the zoning map is consistent with the City's ordinances which adopted and amended the zoning map. The following two conditions must be verified prior to the correction of an administrative error:
- (a) The correction is consistent with the official record of the actions of the Mayor and City Council.
  - (b) The correction protects the rights of the effected property owners, including the owner of the subject property as well as the property owners in the surrounding area of influence, through due process.
- (B) Content of Applications. Applications to amend the text of the Comprehensive Plan or the text of the LDR, shall clearly depict and set forth in writing the new text to be added and the existing text to be deleted. Applications to amend the Official Zoning Map or the Future Development Map shall be submitted on a form available from the Department and shall, at a minimum, include the following:
- (1) Application fee as established by the City Council.
  - (2) The name, mailing address, telephone number, fax number, and email address (if applicable) of the applicant, and the same information for the owner(s), if different.

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- (3) Letter of authorization if the applicant is not the current owner or is one of multiple owners. This shall be notarized and signed by the owner(s) authorizing the applicant to submit and be responsible for the application.
- (4) Street address and Tax Map and Parcel number of the property to be reclassified.
- (5) Calculated area of land proposed to be reclassified.
- (6) Application file number, date of application and action on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
- (7) List of all current owners of record for properties located adjacent to the subject property. The list shall include the current mailing addresses and Tax Map-Parcel numbers as reflected on the current tax roll of Lowndes County.
- (8) Boundary survey of the subject property no larger than 11x17 and prepared by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said boundary survey shall be drawn to a scale of 1" = 100', or other scale acceptable to the Planning and Zoning Administrator, and shall include the following:
  - (a) North arrow and graphic scale
  - (b) General location sketch depicting nearby roads or landmarks
  - (c) Land Lot and Land District notation
  - (d) Acreage of the subject property
  - (e) Dimensions along all property lines
  - (f) Base flood lines or a note that the property is not within a flood zone
  - (g) Street names and right-of-way dimensions of abutting streets
  - (h) Preparer's signature and seal
- (9) For Official Zoning Map Amendments, a copy of an existing or proposed conceptual site plan of the subject property mechanically drawn no larger than 11x17. Said site plan shall be drawn to a scale of 1" = 100', or other scale acceptable to the Planning and Zoning Administrator, and shall include the following information:
  - (a) Name of the existing or proposed development, applicant, or owner.
  - (b) Date of drawing and revisions as applicable.
  - (c) Existing and proposed site improvements, including all buildings and structures with usages, roadways with right-of-way dimensions and names, and all other site improvements relative to the development.
  - (d) Existing and proposed natural resources including streams and other water resources
  - (e) Any additional information as necessary to allow an understanding of the proposed use and development of the property, and as determined by City staff during the Pre-Application conference described in subsection (D)(1) of this Section. Said additional information may include, but is not limited to, the following:
    - i. Easements of record for access, public utilities, or drainage.
    - ii. Distance to the nearest fire hydrant.

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iii. Location and size of existing water and sewer facilities.

- (10) The current and proposed zoning and Character Area classification, and existing and proposed uses of the subject property.
- (11) Written responses to the following items as requested in the form of a questionnaire on the submitted application form:
  - (a) A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.
  - (b) A written statement addressing how the proposed amendment to the Official Zoning Map or Future Development Map would impact the capacities of public facilities including, but not limited to, transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste and emergency medical facilities.
  - (c) A written statement addressing how the proposed amendment to the Official Zoning Map or Future Development Map would impact the natural environment, especially existing trees, water bodies and water quality.
  - (d) A written statement addressing how the proposed amendment to the Official Zoning Map or Future Development Map would result in an orderly and logical development pattern.
  - (e) If the application requests a change in the Official Zoning Map, the applicant shall provide a written statement addressing the Standards Governing the Exercise of Zoning as listed in subsection (G)(1) of this Section. If the application requests a change in the Future Development Map, the applicant shall provide a written statement addressing the standards for review of Comprehensive Plan amendments as listed in subsection (G)(2) of this Section.
- (12) Any such other information or documentation as the Department may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.
- (13) If the proposed amendment to the Official Zoning Map would meet the thresholds of a Development of Regional Impact (DRI) as described in Section 242-5, the applicant shall prepare and submit to the Department the necessary documentation required by such section. No action will be taken on the rezoning until the DRI process has been completed.

(C) Withdrawal of Applications. Applications may be withdrawn by the applicant with full refund of fees provided such withdrawal occurs prior to the deadline for filing such amendment. An applicant also may withdraw his or her application any time prior to 5:00pm on the day of the City Council Work Session however no refund shall be provided after the deadline for filing such amendment.

(D) Procedures for Review of Applications.

- (1) **Pre-application Conference.** A Pre-application Conference between the applicant and City staff is required for all map amendments and recommended for all text amendments. At least 10 working days prior to submitting an application for an amendment, the applicant should schedule a pre-application conference with the Department. The purpose of this meeting is to acquaint the applicant with the requirements of the LDR and the views and concerns of the City. Within 10 working days of such a request, the Department shall schedule a pre-application conference with the applicant and other relevant City departments.
- (2) **Application Submission.** Within 5 working days after the established deadline for applications for an amendment, the Department shall determine whether the application is complete. If the Department determines the application is not complete, the Director shall send a written statement to the applicant (by first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the Department



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shall take no further action on the application until it is re-submitted for a subsequent application cycle.

- (3) **Application Review.** When the Department determines an application for an amendment is complete, the Department shall distribute copies of the application for review and comment to representatives from applicable City agencies and departments and any other public agencies having jurisdiction over the proposed action that are invited by the Department.
- (4) **Site Review.** Prior to issuing its report and recommendation regarding a proposed map amendment, the Department shall conduct a site review of the subject property and surrounding area and consult with and/or review comments from the representatives of the appropriate City agencies and departments regarding the impact of the proposed amendment upon public facilities and services.
- (5) **Staff Analysis and Standards of Review.**
  - (a) The Department shall prepare an analysis of each proposed amendment and shall present its findings and recommendations in written form to the Planning Commission.
  - (b) In determining whether to recommend approval or denial of an application to amend the Official Zoning Map, the Department shall consider and apply the standards in paragraph (G)(1) of this Section.
  - (c) In determining whether to recommend approval or denial of an application to amend the Comprehensive Plan, the Department shall consider and apply the standards in paragraph (G)(2) of this Section.
  - (d) **Recommended Amendments.** The Department's report may recommend amendments to the applicant's request that would reduce the land area for which the application is made, recommend a change in the district requested to a less intensive use or lower density than requested, or recommend conditions of approval, as provided in Section 242-15 of this Chapter.
- (6) **Public Hearing.** Upon notification of the completed application for an amendment to the Official Zoning Map or an amendment to the Comprehensive Plan, the Planning Commission shall place it on the agenda of a regular meeting for a public hearing in accordance with the requirements of the LDR.
- (7) **Public Notices.** The public notices and public hearings held by the Planning Commission and City Council concerning the application shall be in accordance with the requirements of the LDR.
- (8) **Developments of Regional Impact (DRI).** If the proposed amendment to the Official Zoning Map would meet the thresholds of a DRI, as described in Section 242-5 of this Chapter, the City shall follow the procedures outlined in said Section 242-5 prior to taking any action to further such proposed amendment in the development process.

### (E) Notice of Public Hearings.

- (1) **Legal Notice.**
  - (a) Due notice of public hearings, pursuant to this Section, shall be published in a newspaper of general circulation within the City. The legal advertisement shall be published at least 15 calendar days but not more than 45 calendar days prior to the date of each required public hearing. The notice shall state the time, place and purpose of the hearing.
  - (b) If the proposal is to amend the Official Zoning Map or Future Development Map, it shall also contain the street address or general location of the property, current character area and/or zoning district of the property, and the proposed character area and/or zoning district of the subject property.

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- (c) If an application to amend the Official Zoning Map or Future Development Map is initiated by the City Council, a public hearing is required as provided in Section 242-(F). A legal notice of the time, place, and purpose of the public hearing shall be provided as in Section 242-4(E)(1). However, posting a sign shall not be required and no letters are required to be mailed to property owners
- (d) When a public hearing relates to whether to allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the Planning Commission on the proposed action. The hearing required by this subsection shall be at held at least six months and not more than nine months prior to the date of final action on the zoning decision and shall be in addition to other public hearings required under this subsection. The Department shall publish a notice of the time, location and date of such hearing that shall include a prominent statement that the proposed action relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. Such notice shall be given by the following:
  - i. Posting a sign as provided in paragraph (2) of this subsection displaying such notice; and
  - ii. At least 15 calendar days and not more than 45 calendar days prior to the date of the hearing, the Department shall publish such notice in a newspaper of general circulation within the City. Such notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.
- (2) Signs Posted. For an application to amend the Official Zoning Map or Future Development Map, or a Conditional Use Permit, the Department shall post a sign or signs at least 15 calendar days prior to each public hearing required by this Section. Sign(s) shall be double-faced and a minimum of 24" x 36" in size. Signs shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the name of the applicant, the purpose of the application, the street address of the property, the current character area and/or zoning district of the property, the proposed character area and/or zoning district of the property, and the phone number of the Department.
- (3) Letters to Adjoining Property Owners. For an application to amend the Future Development Map or the Official Zoning Map that is not initiated by the City Council, the Department shall send notification of the requested application by certified mail to all adjacent property owners as shown by the Lowndes County tax records at the time of filing. All such notifications shall be mailed at least 15 calendar days prior to the first required public hearing and shall include a description of the application, and the date, time and place of all scheduled public hearings.

### (F) Rules of Procedure for Public Hearings.

- (1) Public Hearing Procedures for the Planning Commission. For each matter concerning the amendment of the Comprehensive Plan, the Official Zoning Map, text of the LDR or for any matter concerning the issuance of a Conditional Use Permit or other matter on the agenda that requires a public hearing and a vote of the Planning Commission, the following procedure shall be followed:
  - (a) Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
  - (b) The Chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.

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- (c) The Chair shall request a report from the staff regarding its findings and recommendations.
  - (d) The Chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side.
  - (e) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Chair.
  - (f) Following the allotted time for proponents and opponents, the Chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (H) of this Section.
- (2) Public Hearing Procedures for the City Council. For each matter concerning the amendment of the Comprehensive Plan, the Official Zoning Map, text of the LDR or for any matter concerning the issuance of a Conditional Use Permit or other matter on the agenda that requires a public hearing and a vote of the City Council, the following procedure shall be followed:
- (a) Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
  - (b) The Mayor, Mayor Pro-tem, or designated council shall announce each matter to be heard and state that a public hearing is to be held on such matter.
  - (c) The Mayor, Mayor Pro-tem, or designated council shall request a report from the staff regarding its findings and recommendations.
  - (d) The Mayor, Mayor Pro-tem, or designated council shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Mayor, Mayor Pro-tem, or designated council shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Mayor, Mayor Pro-tem, or designated council may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side.
  - (e) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Mayor, Mayor Pro-tem, or designated council.
  - (f) Following the allotted time for proponents and opponents, the Mayor, Mayor Pro-tem, or designated council shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (I) of this Section.
- (3) Continuance of a Public Hearing. All items on an advertised agenda for a public hearing shall be heard on the scheduled date, except in the case of a public hearing of the City Council, if a majority of the members of the City Council present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter, it shall be understood that the matter will be continued at the next regularly scheduled City Council Meeting. However, if the matter is continued to date other than the next regularly scheduled City Council meeting, the Department shall provide public notice of the new time, date, and location of the continued hearing consistent with the notices provided in paragraphs (E)(1), (E)(2), and (E)(3) of this Section. In such event, and at the discretion of the City Council, the Department shall calculate the costs of providing the new

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public notice (newspaper ad, letters to property owners, posted sign) and the applicant shall reimburse the City for these costs prior to the date of the continued public hearing.

### (G) Application Review Standards.

- (1) Standards Governing the Exercise of Zoning Power. In reviewing the application of a proposed amendment to the Official Zoning Map (a proposed rezoning), the City Council, the Planning Commission and the Department shall consider the following standards:
  - (a) Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.
  - (b) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
  - (c) Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
  - (d) Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
  - (e) Whether the proposed rezoning is in conformity with the policy and intent of the Comprehensive Plan.
  - (f) Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.
  - (g) Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
  - (h) Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with adjacent or nearby property owners or the general public.
- (2) Standards for Review of Comprehensive Plan Amendments. When considering an application to amend the Future Development Map of the Comprehensive Plan, the City Council, the Planning Commission and the Department shall consider:
  - (a) Whether a proposed Future Development Map amendment would result in a character area classification that is more consistent with the text and policies of the Comprehensive Plan than the current classification of the property on the Future Development Map.
  - (b) Whether the proposed amendment would result in a character area classification that is more compatible with the current and future character area classifications of adjacent and nearby property.
  - (c) Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.
  - (d) The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.
  - (e) Whether the proposed amendment would reduce dependence on the automobile.
  - (f) The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.
  - (g) If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future land use that includes review of future land use for the subject parcel and other surrounding property.
  - (h) The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.

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- (i) Whether the proposed amendment would result in any negative impacts on the public water supply and wastewater collection and treatment systems or would conflict with adopted long-term water and sewer plans.
- (H) Action by Planning Commission. In making a recommendation on the application for an amendment to the Comprehensive Plan or to the Official Zoning Map, the Planning Commission shall review and consider the application and materials of record, the recommendations of the Department and the applicable standards in 242-4(G) of this Section.
- (1) Recommendation. Within a reasonable time of the conclusion of the public hearing regarding a proposed amendment, the Planning Commission shall make a recommendation to the City Council to:
    - (a) Approve the proposed amendment as requested by the applicant.
    - (b) Approve an amendment to include a lesser geographic area or a less intense zoning district or character area.
    - (c) Approve the proposed amendment with conditions.
      - i. The Planning Commission may add conditions to any proposed amendment to the Comprehensive Plan, amendment to the Official Zoning Map or any Conditional Use Permit it deems necessary so as to mitigate impacts of the proposal upon surrounding properties consistent with the purposes of the City's resolutions, ordinances, regulations, policies and procedures, pursuant to Section 242-15.
    - (d) Deny the proposed amendment.
  - (2) No Comment. If the Planning Commission fails to submit a recommendation regarding an application 30 calendar days after the initial public hearing on the application, it shall be deemed to have given a recommendation of "no comment" on the proposed amendment.
- (I) Action by the City Council.
- (1) Public Hearing. Upon receipt of the recommendation of the Department and the Planning Commission, the City Council shall place the application on a public hearing agenda of the City Council for a public hearing or hearings, in accordance with the requirements of this Chapter.
  - (2) Considerations by the City Council. In making a decision on the application for an amendment to the Comprehensive Plan or the Official Zoning Map, the City Council shall review and consider the application and materials of record, the recommendation of the Department, the Planning Commission, and the applicable standards in subsection (G) of this Section. The City Attorney shall prepare a proposed ordinance for action by the City Council to effect the proposed amendment.
  - (3) Actions by City Council. Within 15 calendar days following the public hearing and its deliberation, the City Council shall take one of the following actions regarding the proposed amendment:
    - (a) Approve the proposed amendment, as requested by the applicant.
    - (b) Approve the proposed amendment with conditions, pursuant to Section 242-15.
    - (c) Approve an amendment to include a lesser geographic area or a less intense zoning district or character area.
    - (d) Deny the proposed amendment.
    - (e) Refer the matter back to the Planning Commission for reconsideration at its next regularly scheduled or called meeting.
    - (f) Defer final action until the next regularly scheduled or special called meeting.

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- (4) **Notification and Final Record of Action.** Within 30 calendar days following action by the City Council, written notification shall be mailed to the applicant and property owner, if different. There upon the Department shall record the map amendment (if approved) on the Official Zoning Map or Future Development Map, as appropriate. An action to approve an amendment to the Official Zoning Map shall be recorded in the form of a City Ordinance approved by the City Council.

### **Section 242-5      Developments of Regional Impact (DRI)**

- (A) **Application.** When an application for rezoning, conditional use, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the DCA, it shall be deemed to be a DRI. The application for such rezoning, conditional use, variance, preliminary plat review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the DCA.
- (B) **Procedures.** The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by the DCA and the Southern Georgia Regional Commission (SGRC).
- (C) **Recommendation from the SGRC.** No required public hearings or final action shall occur on such a rezoning, conditional use, variance, preliminary plat review or permit application until a recommendation is received from the DCA and the SGRC regarding the DRI.
- (D) **Certified Copy of Resolution.** After the City Council takes final action on the application, the Department shall transmit to the SGRC and the DCA a certified copy of the ordinance recording the action, including a record of the total number of members of the City Council that voted for and against approval of the application.

### **Section 242-6      Conditional Use Permits**

- (A) **Purpose.** The purpose of this Section is to provide for uses that are generally compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use of any particular site in the district and compatibility with adjacent uses. A conditional use may not be approved in a given zoning district unless it is listed as a conditional use for the subject district in the Use Table in Chapter 218 of the LDR or in overlay districts found in Chapter 210 of the LDR.
- (B) **Authority.** The City Council may, in accordance with the procedures, standards and limitations of the LDR, take final action on applications for Conditional Use Permits for those uses listed in each of the zoning districts in the Use Table in Chapter 218 of the LDR.
- (C) **Application Procedures.**
  - (1) Conditional Use Permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).
  - (2) Applications for Conditional Use Permits shall be made on forms published and provided by the Department and shall be filed with the Director.
  - (3) **Pre-application Conference.** A Pre-application Conference between the applicant and the City staff is required for all Conditional Use Permit applications. At least 10 working days prior to submitting an application for Conditional Use Permit, the applicant should schedule a pre-application conference with the Department. The purpose of this meeting is to acquaint the applicant with the requirements of the LDR and the views and concerns of the City.

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Within 10 working days of such a request, the Department shall schedule a pre-application conference with the applicant and other relevant City departments.

- (4) Each applicant shall complete all questions and requested materials contained within the required application form and shall include all of the following information:
- (a) Property general information such as current zoning, current use, and Character Area designation.
  - (b) Name, mailing address and phone number of all owners of the property which is the subject of the application for Conditional Use Permit;
  - (c) Letter of Authorization if the applicant is not the current owner or is one of multiple owners. This shall be notarized and signed by the owner(s) authorizing the applicant to submit and be responsible for the application.
  - (d) The name, mailing address, email address, FAX number and telephone number of the applicant or agent who is authorized to represent the owner(s) of the subject property.
  - (e) Written legal description of property.
  - (f) Statement of current zoning classification and proposed use of the property.
  - (g) Written responses to a questionnaire pertaining to analysis of the impact of the proposed Conditional Use Permit with respect to each of the criteria contained in subsection (I) of this Section and, where applicable to the use proposed, also the applicable supplemental regulations contained in Chapter 218, Article 3 of the LDR.
  - (h) Complete and detailed site plan of the proposed use, not to exceed 11x17 and mechanically drawn to a scale of 1" = 100' or other scale acceptable to the Planning and Zoning Administrator. Said site plan shall include the following:
    - i. Name of the drawing, date, north arrow and graphic scale.
    - ii. All buildings and structures existing or proposed to be constructed and their location on the property.
    - iii. Existing or proposed site improvements including sidewalks, roads, driveways, parking spaces, landscaped areas, and drainage facilities.
    - iv. Proposed use of each building or portion thereof.
    - v. Building setbacks and any required buffer yards, as well as the dimensions of all property boundary lines.
    - vi. Other information necessary to demonstrate compliance with subsection (I) of this Section and Chapter 218, Article 3, as applicable, and as determined by City staff during the Pre-application Conference described in subsection (C)(3) of this Section. Said additional information may include, but is not limited to, the following:
      - a. Easements of record for access, public utilities or drainage.
      - b. Distance to the nearest fire hydrant.
      - c. Location and size of existing water and sewer facilities.
      - d. Delineation of established floodplain or wetlands boundary lines.
      - e. Connectivity to adjacent properties, and location of applicable site improvements on adjacent properties.
- (5) Application Fees. Application fees shall be as established by ordinance by the City Council.
- (6) Application Submission. Within 5 working days after the established deadline for applications for a Conditional Use Permit, the Department shall determine whether the application is complete. If the Department determines the application is not complete, the Director shall

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send a written statement to the applicant (by first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the Department shall take no further action on the application until it is re-submitted for a subsequent application cycle.

- (7) **Application Review.** When the Department determines an application for an Conditional Use Permit is complete, the Department shall distribute copies of the application for review and comment to representatives from applicable City agencies and departments and any other public agencies having jurisdiction over the proposed action that are invited by the Department.
- (8) **Site Review.** Prior to issuing its report and recommendation regarding the subject Conditional Use Permit, the Department shall conduct a site review of the property and surrounding area and consult with and/or review comments from the representatives of the appropriate City agencies and departments regarding the impact of the proposed amendment upon public facilities and services.
- (9) **Staff Analysis and Standards of Review.**
  - (a) The Department shall prepare an analysis of each requested Conditional Use Permit and shall present its findings and recommendations in written form to the Planning Commission.
  - (b) Staff recommendations on each application for Conditional Use Permit shall be based on the criteria contained in subsection (I) of this Section and in addition, where applicable to the use proposed, to the applicable supplemental regulations contained in Chapter 218, Article 3.
- (D) **Notice of Applications Filed.** The Department shall provide to the City Council, no later than 21 calendar days following the monthly closing date for receipt of applications, a list of all applications for Conditional Use Permit. The listing of applications shall be reasonably made available to the public.
- (E) **Public Hearings Required.** Before deciding on any Conditional Use Permit pursuant to the requirements set forth in this Section, the City Council shall provide for public notice and a public hearing thereon. No application for a Conditional Use Permit shall be decided by the City Council unless it has been submitted to the Planning Commission for public hearing and recommendation pursuant to the requirements of this Section.
- (F) **Notice of Public Hearings.** Notice of public hearing on any proposed application for a Conditional Use Permit shall be provided as is required in Section 242-4(E) of this Chapter and shall, in addition to the information required in Section 242-4(E), indicate the Conditional Use requested for the subject property.
- (G) **Withdrawal of Applications.** Applications may be withdrawn by the applicant with a full refund of fees provided such withdrawal occurs prior to the deadline for filing the application. An applicant also may withdraw his or her application anytime prior to 5:00pm on the day of the City Council work session, however, no refund shall be provided after the deadline for filing an application.
- (H) **Action by the Planning Commission.**
  - (1) The Secretary shall provide the members of the Planning Commission complete information on each proposed application for a Conditional Use Permit including a copy of the application and all supporting materials, all communications and other writings either in support of or in opposition to the application, and the written report and recommendation of the Department applying the required criteria in subsection (I) and supplemental regulations of Chapter 218, Article 3, where applicable, to each application.



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- (2) After public notice as required in subsection (F) of this Section, the Planning Commission, shall conduct a public hearing in a manner consistent with Section 242-4(F) of this Chapter.
  - (3) The Planning Commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the requirements of the Comprehensive Plan and zoning district in which such use is proposed to be located.
  - (4) The Planning Commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with Section 242-15.
  - (5) The Planning Commission may recommend approval of the application, approval of the application with conditions, approval of the Conditional Use Permit for a lesser area, extent or intensity, or denial of the application. Failure of a motion to achieve a majority vote on such decision shall result in no recommendation to the City Council on the matter.
- (I) Initiation of Ordinance. Prior to action by the City Council, the City Attorney shall prepare a proposed ordinance to effect the proposed Conditional Use Permit.
- (J) Action by the City Council.
- (1) The City Council, after conducting the public hearing with public notice required by this Section, shall take one of the following actions:
    - (a) Vote to approve the application.
    - (b) Vote to approve the application with conditions.
    - (c) Vote to approve the Conditional Use Permit for a lesser area, extent or intensity.
    - (d) Vote to deny the application.
    - (e) Vote to defer the application to its next regular meeting or special called meeting.
    - (f) Vote to refer the matter back to the Planning Commission for reconsideration at their next regularly scheduled meeting or special called meeting.
  - (2) The decision of the City Council on each application for Conditional Use Permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in subsection (L) of this Section, the use standards contained in Chapter 218, Article 3 where applicable to the use proposed, the consistency of the application with the Comprehensive Plan, the requirements of the zoning district in which such use is proposed to be located, and any additional conditions deemed necessary to ensure the compatibility of the conditional use with the surrounding properties.
  - (3) The City Council may impose conditions based upon the facts in a particular case in accordance with Section 242-15.
  - (4) Notification and Final Record of Action. Within 30 calendar days following action by the City Council, written notification shall be mailed to the applicant and property owner, if different.
- (K) Applicability of Conditional Use Permits. The Conditional Use Permit shall become an integral part of the zoning applied to the subject property. Unless a Conditional Use Permit is revoked pursuant to paragraph (n) of this sub-section, it shall be extended to all subsequent owners and interpreted and continually enforced by the Department in the same manner as any other provision of the LDR.
- (L) Conditional Use Permit Criteria to be Applied. The following criteria shall be applied by the Department, the Planning Commission, and the City Council in evaluating and deciding any application for a Conditional Use Permit. No application for a Conditional Use Permit shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:

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- (1) Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.
  - (2) Compatibility of the proposed use with land uses on adjacent properties.
  - (3) Compatibility of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.
  - (4) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site.
  - (5) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.
  - (6) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.
  - (7) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.
  - (8) Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.
- (M) Development of an Approved Conditional Use. The issuance of a Conditional Use Permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.
- (N) Modifications to a Conditional Use Permit. Changes to an approved Conditional Use Permit, other than time extensions provided under subsection (O) of this Section, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.
- (O) Appeal of a Conditional Use Permit Decision. Any person, persons or entities jointly or severally aggrieved by any decision of the City Council regarding a Conditional Use Permit application may take an appeal to the Lowndes County Superior Court. Any appeal must be filed within 30 calendar days of the decision of the City Council, and upon failure of such appeal, the decision of the City Council shall be final.

### Section 242-7 Zoning Board of Appeals

- (A) Powers and Duties. The Zoning Board of Appeals shall have the following powers described below and as provided in Chapter 2-133:
- (1) Appeals. To hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement or decision made by an administrative official based on or made in the enforcement of the LDR. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph. In exercising its powers, the Zoning Board of Appeals may, in conformity with the provisions of the LDR, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit other than a Conditional Use Permit, provided that all requirements imposed by all other applicable laws are met. See also Section 242-8.

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- (2) Variances. To authorize upon application in specific cases, specific variances from the required property development standards applicable to zoning districts, as provided in Title 2 of the LDR. See also Section 242-9 of this Chapter.
- (3) Non-Conforming Land Use Waivers. To review the status of non-conforming land uses and issue certificates of previously established land use conformity as provided in Section 234-13.
- (4) Stream Buffers Variances. To hear and decide variance requests from the requirements for stream buffers set forth in Section 310-114.

### (B) Appointment and Terms of Board of Appeals.

- (1) Terms. The Zoning Board of Appeals shall be composed of eight (8) members all of whom shall be residents of Lowndes County, and one of whom shall also be an attorney admitted by the Georgia Bar. Members shall serve 3-year terms.
- (2) Composition. The Lowndes County Board of Commissioners shall appoint 4 members from the County, and the Valdosta City Council shall appoint 4 members from the City. The attorney appointment shall be a rotating position between the City and the County.
- (3) Vacancies. All appointees shall continue to serve until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. If a member moves to reside outside of the jurisdiction they represent, such member shall be deemed to have resigned from the Zoning Board of Appeals.
- (4) Other Offices. Members of the Zoning Board of Appeals shall hold no other elected office or other City or County compensated position, except that two members may also be members of the Planning Commission.
- (5) Removal. A member of the Zoning Board of Appeals may be removed from office prior to the expiration of his/her appointed term for cause, upon written charges and after a public hearing, by a majority vote of the City Council or County Board of Commissioners as appropriate. Cause for removal from office shall include, but not be limited to: failure to attend regularly scheduled meetings, as provided in subsection (D) of this Section; failure to disclose a conflict of interest, as provided in O.C.G.A. 36-67A-1 et seq.; and failure to complete required training, as provided in Section 242-16(G).

### (C) Zoning Board of Appeals Officers.

- (1) Officers. The Zoning Board of Appeals shall elect annually a Chairperson and Vice-Chair.
- (2) Duties of Chair. The Chair shall preside at all meetings and hearings of the Zoning Board of Appeals and decide all points of order and procedure. The Chair may appoint committees necessary to assist and advise it in its work.
- (3) Acting Chair. The Vice-Chair shall be Acting Chair in the absence of the Chair.
- (4) Secretary. A designated person from the Department shall serve as the Secretary of the Zoning Board of Appeals. The Secretary shall have responsibility for assisting the Chair with scheduling and preparing the agenda for meetings; providing copies of staff reports to members of the Zoning Board of Appeals; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the Zoning Board of Appeals; and other duties assigned by the Chair.

### (D) Meetings of the Zoning Board of Appeals.

- (1) Regular Meetings.
  - (a) Unless there is no business to be conducted, regular meetings, including public hearings on matters listed in Section 242-7(A), shall be held on the first Tuesday of each

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month at 2:30 p.m. If the first Tuesday of the month is a holiday, the hearing will be scheduled for the second Tuesday of the month. Meetings shall be held in the Multipurpose Room of the Valdosta City Hall Annex located at 300 N. Lee Street, Valdosta, Georgia.

- (b) All meetings shall be open to the public. Notice of all meetings shall comply with OCGA 50-14-1, et seq., the Georgia Open Meetings Act.
  - (c) Each member shall be notified of each regular meeting at least 5 calendar days preceding the meeting through a written agenda prepared and distributed by the Secretary.
  - (d) If any member of the Zoning Board of Appeals is absent without cause for three consecutive regular meetings of the Boards, that member shall be automatically removed from membership, and a replacement shall be appointed in the same manner as the initial appointment as described in sub-section (B) of this section.
- (2) **Special Called Meetings.** The Chair, Secretary or a majority of the Zoning Board of Appeals may call a special meeting at any time that permits posting of a written notice for at least 24 hours in advance at the place of regular meetings and giving written or oral notice at least 24 hours in advance of the meeting to the official legal organ of the City. The Secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
- (3) **Agenda and Minutes.**
- (a) The Chair and Secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the Zoning Board of Appeals shall appear on the agenda.
  - (b) Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a record of any explanation or commentary that is relevant to the decisions made on matters before the Zoning Board of Appeals.
- (4) **Order of Business at Meetings.** All meetings shall be open to the public. The order of business at meetings shall be as follows:
- (a) Roll call and determination of a quorum
  - (b) Approval of minutes from previous meetings
  - (c) Approval of the Agenda.
  - (d) Unfinished business
  - (e) New business
  - (f) Reports & Public Hearings
  - (g) Adjournment
- (5) **Cancellation of Meetings.** In the event that there is a lack of business to be discussed and/or voted upon at a future meeting, the Secretary shall post an appropriate public notice at the stating the date of the canceled meeting. Such notice shall be posted at least 24 hours in advance of the scheduled meeting.
- (6) **Continuance of Hearing.** All items on an advertised agenda for a public hearing shall be heard on the scheduled date unless a majority of the members of the Zoning Board of Appeals present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.

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In such instances, it shall be understood that the matter will be continued at the next regularly scheduled Zoning Board of Appeals meeting. However, if the matter is continued to date other than the next regularly scheduled Zoning Board of Appeals meeting, the Department shall provide public notice of the new time, date, and location of the continued hearing consistent with OCGA 50-14-1, et seq., the Georgia Open Meetings Act.

### (E) Quorum and Voting.

- (1) Quorum. A quorum shall consist of five or more members of the Zoning Board of Appeals.
- (2) Voting.
  - (a) Non-Voting Chair: The Chairperson of the Zoning Board of Appeals shall be a non-voting member.
  - (b) Abstention: A Zoning Board of Appeals member, who is part of a quorum of the Zoning Board of Appeals during the consideration of any matter, but not participating in the discussion or voting on a specific matter because of a conflict of interest (see Section 242-17), shall be considered present for quorum purposes but abstaining from the voting on that specific matter. No member of the Zoning Board of Appeals may abstain from voting, except in the case of having a conflict of interest with respect to the matter under consideration.
  - (c) Majority Vote. A majority vote of those members present of the Zoning Board of Appeals is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position.

## **Section 242-8 Appeals**

### (A) Procedures for Application for Appeals to the Zoning Board of Appeals.

- (1) Eligibility for Appeal. Appeals to the Zoning Board of Appeals may be initiated by any aggrieved person, or by department, official, agency or board of the City affected by any decision, final order, requirement, determination or interpretation of any administrative official of the City with respect to the provisions of the LDR. These appeals shall be taken by filing with the Secretary of the Zoning Board of Appeals a written Notice of Appeal, specifying the grounds thereof, within 15 calendar days after the action being appealed was taken. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.
- (2) A person shall be considered aggrieved for purposes of this subsection if:
  - (a) Said person or said person's property was the subject of the action being appealed; or
  - (b) Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.
- (3) Transmission of Records. The Department shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action being appealed was taken. The application shall be accompanied by a non-refundable fee, as established from time to time by the City Council, to defray the actual cost of processing the application.

### (B) Appeal Stays Legal Proceedings. An appeal stays all legal proceedings in furtherance of the action being appealed, unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals after notice of appeal has been filed that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Lowndes County on notice to the officer from whom the appeal is taken and on due cause shown.

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- (C) Public Hearings. The Zoning Board of Appeals shall hear the appeal and matters referred to it within 60 calendar days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal. The Secretary shall issue proper public notification of the public hearing. The public notification shall indicate the place, date and time of the hearings and shall be posted and advertised per OCGA 50-14-1 et seq., the Georgia Open Meetings Act. Any party may appear at the hearing in person, by an agent, by an attorney or by written documentation.
- (D) Decisions of the Board. Following the consideration of all testimony, documentary evidence and matters of record, the Zoning Board of Appeals shall make a determination on each appeal. The Board shall decide the appeal within a reasonable time but, in no event, more than 30 calendar days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the Zoning Board of Appeals that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official's action was based on a determination not supported by the evidence, or erroneously interpreted, or both, and the applicant has provided sufficient proof as required in Section 242-10.

### Section 242-9 Variances

- (A) Authority. Unless otherwise provided for in the LDR, the Zoning Board of Appeals shall have authority to grant variances from the required property development standards applicable to zoning districts, as provided in Title 2 of the LDR, in accordance with the standards and procedures as set forth in this Section.
- (B) Purpose. The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of Title 2 would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.
- (C) Initiation. A written petition for a variance is to be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the Department and shall not be considered accepted unless complete in every respect. Application fees shall be as established by the City Council.
- (D) Application Procedures. An application for a variance shall be filed with the Department, accompanied by a non-refundable fee, as established from time to time by the City Council, to defray the actual cost of processing the application. The application shall be in such form and shall contain at least such following information and documentation:
- (1) Name, address, telephone number, fax number and email address of owner(s) and applicant, if not owner.
  - (2) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
  - (3) The size of the subject property.
  - (4) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
  - (5) The specific provision of Title 2 from which a variance is requested.
  - (6) A statement concerning each of the Standards for Granting Variances in subsection (I) of this Section.
  - (7) A statement explaining how the proposed variance is consistent with the general spirit and intent of Title 2 of the LDR and the Comprehensive Plan.
  - (8) One (1) copy of a conceptual site plan no larger than 11x17 drawn to a scale of 1" = 100' , including the following information:

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- (a) Applicant's name.
  - (b) Date of drawing and revisions as applicable.
  - (c) Map of the location of the property and landmarks.
  - (d) Dimensions along all property lines.
  - (e) Existing and proposed site improvements, including all buildings and structures with usages, roadways with right-of-way dimensions and names, and all other site improvements relative to the development.
  - (f) The location and use of any existing buildings on adjacent lots, and their distance from property lines, as applicable.
  - (g) Existing and proposed natural resources including streams and other water resources, as applicable.
  - (h) Any additional information as necessary to allow an understanding of the proposed use and development of the property as related to Sections 242-9(I) and 242-10.
- (9) **Review by Director.** Within a reasonable time, not to exceed 10 calendar days after receipt of any application or receipt of additional information pursuant to this Section, the Director shall examine the application and notify the applicant (by mail) of any apparent deficiencies in the application and request such additional information as may be necessary for the processing of the application.
- (10) **Review Process.** Within 30 working calendar days after an application has been determined to be complete by the Department, and not less than 7 calendar days before the scheduled public hearing on the matter, the application shall be reviewed by the Department and a recommendation submitted to the Zoning Board of Appeals.
- (E) **Staff Report.** The staff of the Department shall conduct a site inspection and shall prepare an analysis of each application for variance applying the criteria and standards set forth in subsection (i) of this Section. The staff report shall be presented in written form to the Zoning Board of Appeals at least 7 calendar days prior to the scheduled hearing date.
- (F) **Public Notice Procedures.**
- (1) **Legal Notice.** Due notice of public hearings, pursuant to this Section, shall be published in a newspaper of general circulation within the City. The legal advertisement shall be published at least 15 calendar days but not more than 45 calendar days prior to the date of each required public hearing. The notice shall state the time, place and purpose of the hearing. Notices for variance applications shall include reference to the section of this LDR from which the applicant is seeking a variance.
  - (2) **Signs Posted.** For an application for a variance from the requirements of this LDR, the Department shall post a sign or signs at least 15 calendar days prior to each public hearing required by this Section. Sign(s) shall be double-faced and a minimum of 24" x 36" in size. Signs shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the name of the applicant, the purpose of the application, the street address of the property, the current character area and zoning district of the property, the proposed character area and zoning district of the property, and the phone number of the Department.
  - (3) **Letters to Adjoining Property Owners.** The Department shall send notification of the requested variance by certified mail to all adjacent property owners as shown on the City tax records at the time of filing. All such notifications shall be mailed at least 15 calendar days

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prior to the first required public hearing and shall include a description of the application, and the date, time and place of all scheduled public hearings.

- (G) Public Hearing Procedures. The public hearing procedures for a variance application shall be in conformance with the following procedures. However, all testimony before the Zoning Board of Appeals shall be taken as if under oath, regardless of whether a formal oath or affirmation is administered.
- (1) Rules of procedure and presentation, as well as standards governing the granting of variances, shall be in writing and shall be available for distribution to the general public.
  - (2) The Chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
  - (3) The Chair shall request a report from the staff regarding its findings and recommendations.
  - (4) The Chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The applicant shall have the right to be represented by counsel, to present a rebuttal, to conduct a cross-examination, and to present summary comments following presentation of those opposed to the petition.
  - (5) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Chair.
  - (6) Following the allotted time for proponents and opponents, the Chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (I) of this Section.
  - (7) Within two (2) business days following the variance proceedings, the Zoning Board of Appeals shall provide a public written decision of each case citing the reasons for each decision.
- (H) Continuance of a Public Hearing. All items on an advertised agenda for a public hearing shall be heard on the scheduled date, except in the case of a public hearing of the Zoning Board of Appeals, if a majority of the members of the Zoning Board of Appeals present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. In such instances, the Department shall provide public notice of the new time, date, and location of the continued hearing consistent with the notices provided in paragraphs (F)(1), (F)(2), and (F)(3) of this Section.
- (I) Standards for Granting Variances.
- (1) Granting Variances. The Zoning Board of Appeals shall not grant a variance unless it has, in each case, made specific findings of fact based directly upon the particular evidence presented and supporting written conclusions that the variance meets each of the following criteria:
    - (a) Arises from a condition that is unique and peculiar to the land, structures and buildings involved.
    - (b) Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the LDR are literally enforced.
    - (c) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.



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- (d) The condition is created by the regulations of Title 2 of the LDR and not by an action or actions of the property owner or the applicant.
  - (e) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.
  - (f) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
  - (g) The requested variance will not be inconsistent with the general spirit and intent of Title 2 of the LDR or the purpose and intent of the Comprehensive Plan.
  - (h) The applicant has demonstrated that necessary proof as required in Section 242-10.
- (2) No Variance Shall Be Authorized To:
- (a) Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
  - (b) Allow an increase in maximum height of building.
  - (c) Allow any variance that conflicts with or changes any requirement enacted as a condition of zoning or of a conditional use permit by the City Council.
  - (d) Reduce, waive or modify in any manner the minimum lot area established by the LDR in any zoning district.
  - (e) Reduce, waive or modify in any condition of approval established by the City Council.
  - (f) Permit the expansion or enlargement of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination unless a PELUC certificate has been issued pursuant to Section 234-14 or non-conforming use requiring a Conditional Use Permit.
  - (g) Permit the re-establishment of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination, unless a PELUC certificate has been issued pursuant to Section 234-14, or non-conforming use requiring a Conditional Use Permit where such use has lapsed.
- (3) Ability to Impose Special Conditions. The Zoning Board of Appeals may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon property or the environment.

### Section 242-10 Burden of Proof in Appeals and Variances

- (A) Requirements. The standards and requirements of the LDR and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of the LDR and the Comprehensive Plan.
- (B) Review. It is the duty of the Zoning Board of Appeals to review such facts and evidence in light of the intent of the LDR to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the LDR on the applicant's property.

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## Section 242-11 Effect of Decisions of Zoning Board of Appeals

- (A) Compliance with Standards Upon Denial. If an application to the Zoning Board of Appeals is initiated as a result of an existing violation of the LDR, and the application is denied, the violation shall be required to be corrected within 15 calendar days of the denial or as specified by the Zoning Board of Appeals if a greater time period is required. The maximum extension of time the Zoning Board of Appeals may grant for correction shall not exceed 90 calendar days.
- (B) Successive Applications. When an application for a variance is denied by the Zoning Board of Appeals, a subsequent variance application affecting all or a portion of the same property shall not be accepted sooner than 12 months after the date of the decision by the Zoning Board of Appeals on the initial application. However, the Zoning Board of Appeals may reduce this time interval by majority vote, provided that the time interval between the date of the initial denial and any subsequent application or amendment affecting the same property shall be no less than 6 months.

## Section 242-12 Appeals of Decisions of the Zoning Board of Appeals

Appeals of all final decisions of the Zoning Board of Appeals under the provisions of this Chapter shall be as follows:

- (A) Review of Decisions. Any person aggrieved by a final decision of the Zoning Board of Appeals, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of Lowndes County for a Writ of Certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 calendar days after the final decision of the Zoning Board of Appeals is rendered.
- (B) Notice to the Board. In any such petition filed, the Zoning Board of Appeals shall be designated the Respondent in Certiorari and the City of Valdosta the Defendant in Certiorari. The Secretary of the Zoning Board of Appeals shall be authorized to acknowledge service of a copy of the petition and writ for the Zoning Board of Appeals as respondent. Service upon the City as defendant shall be as otherwise provided by law. Within the time prescribed by law, the Zoning Board of Appeals shall cause to be filed with the clerk of Lowndes County Superior Court a duly certified record 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.

## Section 242-13 Administrative Variances

- (A) Procedure. The following administrative variances may be submitted to the Department, which shall grant the variance, grant the variance with conditions or deny the variance with reasons clearly stated.
- (1) Administrative Variances to the Required Minimum Yard Setback Standards. A person desiring to decrease any required minimum yard setback on the effective date of the LDR by no more than 50 % of the minimum standard in the zoning district.
  - (2) Administrative Variance to the Required Minimum Distance between Buildings on the Same Lot. Any person desiring to decrease the required minimum distance between buildings on the same lot by no more than 2 feet.
  - (3) Administrative Variance from the Required Parking Standards. Any person desiring to reduce the minimum number or increase the maximum number of parking spaces permitted in Chapter 222 by 20% or less shall apply to the Director as provided in Section 222-3(F).
  - (4) Administrative Variance from the Parking Requirements for Front Yards. Any person desiring to obtain approval for parking in a required front yard where it is otherwise prohibited or restricted, provided that no such request shall be approved unless, in addition to any other

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requirements, a 10-foot landscape buffer be provided between the public or private street right-of-way and the parking area.

- (5) Administrative Variance due to Right-of-Way Acquisition or Donation. The Department shall be authorized to approve an administrative variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
  - (a) To reduce required minimum lot size by up to 50 %.
  - (b) To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be non-conforming with respect to the minimum setback standards of this Title 2.
  - (c) To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
- (6) Administrative Variance from Development Standards of Overlay Districts. The Department shall be authorized to approve an administrative variance to specific development standards of the Overlay Districts pursuant to Chapter 210.
- (7) Administrative Variance from Transitional Buffer Requirements. The Department shall be authorized to approve an administrative variance to the minimum required width of transitional buffers as proscribed in Section 328-1(D).
- (8) Administrative Variances from Access Management Requirements. The Department shall be authorized to approve an administrative variance to specific access management requirements of Section 332-2(C), (D), (E) and (F).

### (B) Application Procedures.

- (1) Form. An application shall be submitted on a form provided by the Department.
- (2) Fees. A non-refundable application fee shall accompany the application, as established from time to time by the City Council, to defray the actual cost of processing the application.
- (3) Documentation. The application shall be in such a form and contain such information and documentation as shall be prescribed by the Department, but shall contain at least the following:
  - (a) Name, address, telephone number, fax number and email address of owner(s) and applicant, if not owner.
  - (b) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
  - (c) The size of the subject property.
  - (d) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
  - (e) A statement of the hardship imposed on the applicant by the LDR and a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
  - (f) One (1) copy of a conceptual site plan drawn to a scale of 1" = 100' , including the following information:
    - i. Applicant's name.
    - ii. Date of drawing and revisions as applicable.
    - iii. Map of the location of the property and landmarks.
    - iv. Dimensions along all property lines.

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- v. Existing and proposed site improvements, including all buildings and structures with usages, roadways with right-of-way dimensions and names, and all other site improvements relative to the development.
  - vi. The location and use of any existing buildings on adjacent lots, and their distance from property lines, as applicable.
  - vii. Existing and proposed natural resources including streams and other water resources, as applicable.
  - viii. Any additional information as necessary to allow an understanding of how the proposed development of the property meets the standards of Sections 242-9(I) and 242-10.
- (4) Review by Director. Within a reasonable time, not to exceed 10 calendar days after receipt of any application or receipt of additional information pursuant to this Section, the Director shall examine the application and notify the applicant (by mail) of any apparent errors or omissions and request such additional information as may be necessary for the processing of the application.
- (5) Within 15 working days after an application has been determined to be complete, the Department shall either grant the variance, grant the variance with conditions or deny the variance with reasons clearly stated in accordance with the standards set forth in Section 242-13(C).
- (C) Standards for Issuance of Administrative Variances. In deciding whether to grant an application for an Administrative Variance, the Department shall consider all of the applicable standards provided in Section 242-9(I) of Title 2.
- (D) Appeals of Decisions by the Zoning Board of Appeals. Appeals from a final decision of the Department made pursuant to the provisions of Section 242-13 shall be to the Zoning Board of Appeals pursuant to Section 242-8. Decisions made by the Zoning Board of Appeals shall be final. All Appeals of decisions made by the Zoning Board of Appeals shall be by Writ of Certiorari from the Lowndes County Superior Court pursuant to Section 242-12.

### **Section 242-14 Administrative Permits**

- (A) The Director is authorized to approve administrative permits for certain temporary uses if authorized in accordance with Section 218-1 Table of Permitted Uses.
- (B) Applications for administrative permits shall be filed on forms provided by the Department and shall be accompanied by a fee that shall be established by the Mayor and City Council. The application shall specify the nature, equipment and facilities, location and duration of the proposed temporary use and shall provide written consent of owners of the property where the activity is proposed to take place, if not the applicant, as well as the written consent of each property owner of the adjacent properties.
- (C) Within 10 days following receipt of a complete application, the Department shall approve, approve with conditions, or disapprove said application.
- (D) Prior to action on an administrative permit application, the Department shall conduct a site inspection of the location specified in the application and shall prepare a written analysis applying the criteria and standards set forth as follows:
- (1) The proposed temporary use complies with the applicable standards of Section 218 and other applicable requirements of the LDR.
  - (2) The applicant possesses a current business license for the proposed use, if required by law.

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- (3) The location proposed for the temporary use(s) is appropriate in terms of each of the following criteria:
- (a) It provides adequate space for the proposed use.
  - (b) It makes adequate provision for public safety, access and traffic circulation.
  - (c) It makes adequate provision for utilities.
  - (d) It makes adequate provision for parking.
  - (e) It makes adequate provision for sanitation.
  - (f) It makes adequate provision for litter control and solid waste disposal.
  - (g) It is aesthetically compatible with the surroundings.
  - (h) It does not interfere with the use of the subject property and surrounding properties.
  - (i) It causes no undue emissions of smoke, light, heat, noise, runoff, or other forms of pollution.

### Section 242-15 Conditional Approval and Alterations to Conditions

- (A) Conditions of Approval. The Planning Commission and the Department may recommend and the City Council may impose reasonable conditions upon the approval of any amendment to the Comprehensive Plan, Official Zoning Map or approval of a Conditional Use Permit that it finds necessary to ensure compliance with the intent of the Comprehensive Plan or City ordinance. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:
- (1) Limitations or requirements on the size, intensity of use, bulk and location of any structure.
  - (2) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.
  - (3) Green space and open space conservation.
  - (4) Driveway curb cut limitations.
  - (5) Restrictions to land uses or activities that are permitted.
  - (6) Prohibited locations for buildings, structures, loading or parking areas.
  - (7) The provision of adequate ingress and egress.
  - (8) Making project improvements for streets, sidewalks, parks or other community facilities.
  - (9) Building height, massing or compatible architectural design features.
  - (10) Hours of operation.
  - (11) A requirement that development shall conform to a specific site plan.
  - (12) Other conditions that the City Council finds are necessary as a condition of approval of an amendment to the Comprehensive Plan, Future Development Map, Official Zoning Map or Conditional Use Permit.
- (B) Such Conditions, Limitations or Requirements shall be:
- (1) Set forth in the motion approving the amendment or Conditional Use Permit.
  - (2) Set forth in the local ordinance that officially recorded the amendment or Conditional Use Permit.

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- (3) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the Comprehensive Plan amendment, Official Zoning Map amendment, or Conditional Use Permit to which the conditions are attached and shall be:
  - (a) Required of the property owner and all subsequent owners as a condition of their use of the property.
  - (b) Interpreted and continually enforced by the Department in the same manner as any other provision of the LDR.

(C) Alterations to Conditions of Approval.

- (1) Alterations or repeal of conditions attached to any amendment to the Comprehensive Plan, Official Zoning Map, or approval of a Conditional Use Permit shall be made only by the City Council following a duly advertised public hearing conducted in accordance with Section 242-4(F) of this Chapter. Notice shall be provided in accordance with Section 242-4(E).
- (2) Alterations or repeal of conditions attached to a variance granted by the Zoning Board of Appeals shall be made only by the Zoning Board of Appeals following a duly advertised public hearing conducted pursuant to procedures provided in Section 242-9(G) of this Chapter. Notice shall be provided in accordance with Section 242-4(E).

### **Section 242-16      Orientation and Continuing Education Training for Planning Commission and Zoning Board of Appeals Members**

- (A) Training. Each Planning Commission and Zoning Board of Appeals member shall, within 120 calendar days after appointment, attend a minimum of 4 hours of orientation training concerning the duties of the Planning Commission or Zoning Board of Appeals, as applicable, and the substance of the LDR pertaining to his/her responsibilities. Such training program shall be provided by the staff of the City or its designated provider.
- (B) Continuing Education. Each Planning Commission and Zoning Board of Appeals member shall, within each period of 2 consecutive calendar years, starting at the date of the individual's appointment, attend no less than 8 hours of continuing education in any of the subjects listed in subsection (E) of this Section as provided by the American Planning Association (APA), the Georgia Chapter of APA (GPA), the Georgia Association of Zoning Administrators (GAZA), or as otherwise approved by the Director. Such training program shall be either through personal attendance or through audio or video teleconference.
- (C) Written Statements. Each of the individuals above shall certify his or her attendance by a written statement filed with the Secretary of his or her respective Planning Commission or Zoning Board of Appeals by December 31 of each calendar year. Each statement shall identify the date of each program attended, its subject matter, location, sponsors and the time spent in each program.
- (D) Funding. The Planning Commission, Zoning Board of Appeals or the legislative body of the government in which the Planning Commission and Zoning Board of Appeals have jurisdiction or representation, shall be responsible for providing training, as required in subsections (A) and (B) of this Section or for providing funding to each Planning Commission and Zoning Board of Appeals member so that each individual may obtain training, as required by subsections (A) and (B) of this Section, from other sources approved by the Director.
- (E) Education Subjects. The subjects for the education required by subsections (A) and (B) of this Section shall include, but not be limited to, the following: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; parliamentary procedure; public hearing procedure; planning or administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the Planning Commission and

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Zoning Board of Appeals. Other topics reasonably related to the duties of planning officials may be approved by the Director prior to December 31 of the year for which the credit is sought.

- (F) Documentation of Training. The Planning Commission and Zoning Board of Appeals shall keep in its official public records originals of all statements and the written documentation of attendance required in subsection (C) of this Section filed with the Secretary of each board pursuant to subsections (A) and (B) of this Section for 3 years after the calendar year in which each statement and appurtenant written documentation is filed.
- (G) Removal from Position. Members of the Planning Commission or Zoning Board of Appeals shall be subject to removal if they fail to:
  - (1) Complete the requisite number of hours of orientation training and continuing education within the time allotted in this Section.
  - (2) File the statement required by this Section.
  - (3) File the documentation required by this Section.

### **Section 242-17 Conflict of Interest**

- (A) Disclosure of Conflicts. A member of the City Council, Planning Commission, or Zoning Board of Appeals who:
  - (1) Has a property interest in any real property affected by a rezoning action that is under consideration by the Planning Commission or City Council;
  - (2) Has a financial interest in any business entity that has a property interest in any real property affected by a rezoning that is under consideration by the Planning Commission or City Council; or
  - (3) Has a member of the family having any interest described in paragraphs (1) or (2) of this subsection.

Shall comply with the requirements of O.C.G.A. 36-67A-1, et seq., as amended.

### **Section 242-18 Disclosure of Campaign Contributions**

It is the duty of all applicants and opponents of rezoning actions who have made campaign contributions aggregating \$250 or more to a member of the City Council or within two (2) years prior to the applicant's application for the rezoning action, to comply with the requirements of O.C.G.A. 36-67A-1, et seq., or as amended.

# **City of Valdosta Land Development Regulations**

## **Title 3      Development and Permitting.**

### **Chapter 302      Subdivision and Site Development Standards**

#### **Article 1              General**

#### **Section 302-1      Purpose**

(A) This title is adopted in order to encourage appropriate development and subdivision of land in the City and for the following purposes:

- (1) To ensure economically sound and stable land development.
- (2) To ensure the provision of required streets, utilities, and other facilities and services to land developments.
- (3) To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments.
- (4) To establish developmental patterns which preserve essential functions of the natural environment.
- (5) To ensure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
- (6) To ensure that the land is developed in conformity with the elements of the Comprehensive Plan, whenever reasonably practical.

#### **Section 302-2      Short Title**

This chapter shall be known and may be cited as the “City of Valdosta Subdivision Regulations.”

#### **Section 302-3 through 302-7              Reserved**



**Article 2          Development Design Standards**

**Section 302-8      Subdivision and Site Design**

- (A) Purpose. The purpose of quality subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project that will be an asset to the community. To promote this purpose, any proposed subdivision and site plan shall conform to the following standards that are designed to result in a well-planned community without adding unnecessarily to development costs.
- (B) Basis for Proper Planning and Design.
- (1) Site context.
  - (2) Geology and soil.
  - (3) Topography.
  - (4) Climate.
  - (5) Ecology and environment.
  - (6) Existing vegetation.
  - (7) Existing structures.
  - (8) Road networks.
  - (9) Existing and planned utilities
  - (10) Visual features.
  - (11) Past and present use of site.
  - (12) Local and regional plans for the City of Valdosta and surrounding communities.
- (C) Suitability of the Land. Land physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geological, or other features that may endanger the health, life, or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are implemented in the site design for solving these problems.
- (D) Conformance to the Comprehensive Plan. All subdivision plats and site development plans shall conform to the maps, policies, and text of the Comprehensive Plan.
- (E) Conformance to Zoning. All subdivision plats and site development plans shall conform to the Official Zoning Map of the City of Valdosta and Title 2 of the LDR.
- (F) Conformance to the Georgia Department of Transportation (GDOT) Functional Classification System for the City of Valdosta. Streets and rights-of-way for streets that are part of the state or federal highway system shall conform in location, width, design, and construction standards of the latest GDOT Functional Classification System for the City of Valdosta.
- (G) Conformance to Regulations of Health Department and State and Federal Agencies. All subdivision plats and site development plans shall conform to the regulations promulgated by the Lowndes County Board of Health, and the requirements of state and federal agencies, such as but not limited to the Georgia Department of Natural Resources and the Georgia Department of Community Affairs.

## City of Valdosta Land Development Regulations

### (H) Dedication or Reservation of Public Lands.

- (1) When public land uses or facilities required by the Comprehensive Plan or other plans adopted by the City of Valdosta or other public agencies of the State of Georgia are located in whole or in part in a subdivision or site development plan requiring a permit from the City of Valdosta, such features shall be either dedicated or reserved by the developer for acquisition within a reasonable length of time by the appropriate public agency.
- (2) Land dedicated for public rights-of-way or easements shall be suitable for their public purpose. No cross-slopes with a ratio less than 3:1 (horizontal: vertical) shall be permitted within rights-of-way or easements.

### (I) Subdivision Name. The name of the subdivision shall be reviewed and approved by the Director. Any proposed names shall not duplicate nor closely approximate the name of an existing subdivision or development.

## Section 302-9 Design of Lots

- (A) Unbuildable Lots Prohibited. No preliminary plat shall be approved on which is shown a flag lot or other lot or parcel of land that would require a variance to be developed or used or that is otherwise unlawful or unbuildable, whether due to the presence of a floodplain, configuration, lack of public utilities, or other physical impediments.
- (B) Lot Design Standards. All lots established in connection with the development of a subdivision shall comply with the following design standards unless the proposed subdivision is covered by approved variances or conditions of zoning that take precedence:
- (1) Insofar as practical, side lot lines shall be perpendicular to street lines, unless otherwise approved by the Director.
  - (2) Each lot shall contain at least sixty (60) feet of street frontage, except for lots fronting on cul-de-sacs that shall abut a public street with at least forty-five (45) feet of street frontage. All lots shall comply with Section 214-1.
  - (3) Each lot intended for building development shall contain a building site with the required buildable area that is outside the limits of floodways, easements, buffers, and building setback lines as required by this LDR.
    - (a) For residential districts, as defined in Chapter 214, the minimum buildable area per lot shall be 1,000 square feet in a single polygon.
    - (b) For non-residential districts, as defined in Chapter 214, the minimum buildable area shall be equal or greater than 125% of the square footage of the first floors of all structures on the lot.
  - (4) Subdivisions shall be designed to minimize direct lot access to major thoroughfares. Reverse frontage lots shall be required for residential subdivisions along the State Highway System or other arterials or collectors where internal access can be provided. An easement of at least fifteen (15) feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery. Said easement shall be landscaped with trees, fencing and plant materials consistent with Chapter 328 and any applicable design guidelines.
  - (5) Lot remnants that constitute reserve strips shall be prohibited. Such remnant areas shall be added to adjacent lots, or dedicated rights-of-way rather than remain as unusable parcels.
  - (6) No lot shall be created that is of a lesser dimension than that required to meet the frontage, minimum setbacks and yards established in Chapter 214 and Chapter 206 unless a variance is granted by the Zoning Board of Appeals. However, this provision shall not apply when a conforming lot is made non-conforming as a result of public acquisition.

## City of Valdosta Land Development Regulations

- (7) No lot shall be reduced in size less than the minimum lot area established in Chapter 214 and Chapter 206 except due to public acquisition.
  - (8) All finished floor elevations shall be a minimum of 6" higher than the highest point of the curb between property lines.
- (C) Political Boundaries. No lot line of a lot established in connection with the development of a subdivision shall cross over the corporate limits of the City of Valdosta.

### Section 302-10 Required Easements

- (A) General.
- (1) All required easements must be shown on the preliminary plat or site development plan.
  - (2) Areas required for easements cannot be counted as part of any setbacks or yards required by the applicable zoning district regulations.
  - (3) Areas required for easements shall not be obstructed by fences or walls other than those permitted for an approved stormwater management plan per Chapter 310 of the LDR.
  - (4) Any trees or other vegetation planted in the easement that need to be removed due to work in the easement shall be removed and replaced by the property owner or a contractor hired on his or her behalf.
  - (5) The use of common trenches for the installation of communication and electric utility equipment is permitted and encouraged.
- (B) Utility Easements. Unless underground utilities are provided, utility easements for overhead services that are not adjacent to street rights-of-way shall be a minimum width of 20 feet and located at the rear or side of lot lines. These requirements shall not prevent the use of initial blanket easements as long as, when fixed, they meet the minimum width of 20 feet and are located at the rear or side of lot lines. Utility easements shall be shown on all plans and dedicated to the appropriate utility company or to the City of Valdosta.
- (C) Drainage Easements. Drainage easement shall be provided as required by the City Engineer. Drainage easements located outside of the right-of-way shall follow side and rear lot lines, shall not be bisected by property lines, and shall be a minimum of 20 feet in width, unless the City Engineer determines a greater width is necessary for construction and maintenance.

### Section 302-11 Streets and Driveways

- (A) Connectivity. See also Section 332-2.
- (1) Where feasible, a proposed subdivision shall provide a street system that is interconnected with the existing or planned street system, subject to the following requirements:
    - (a) Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions.
    - (b) Whenever a tract of land that is to be subdivided abuts a street stub or dead-end street, the design of the streets within the subdivision shall be arranged so that the abutting streets or rights-of-way are continued through the new subdivision and connected with other adjoining streets.
    - (c) Cul-de-sacs are discouraged, except where streams, lakes, geological or topographical features make through-connections infeasible.

## City of Valdosta Land Development Regulations

- (d) Cul-de-sacs longer than 500 feet are prohibited. Length is measured from the nearest street right-of-way line with which the cul-de-sac intersects to the center of its diameter. See Section 332-4(E).
- (e) When cul-de-sacs are necessary, the City Engineer may require that access easements be provided through one or more lots from the cul-de-sac to another nearby public street in order to ensure interconnected access for pedestrians, bicycles, and emergency vehicles to through-streets and multi-use trails.
- (2) In order to ensure emergency access, every subdivision meeting the standards of Section 302-23 shall have the minimum number of access points required by the table set forth in LDR Section 332-2(E). If two or more public street entrances to a subdivision occur along the same existing street, the entrances shall have adequate sight distance, and be no less than 400 feet apart if on a local street, or 600 feet apart if on a street classified as collector or arterial street on the GDOT Functional Classification System, or as required by the City Engineer.
- (3) The Director is authorized to grant administrative variances to sub-Sections 302-11(A),(B) and (D) as provided in Section 242-13.

### (B) Access Management.

- (1) Driveways shall meet access management standards in Section 332-2.
- (2) Street jogs with centerline offsets of less than 150 feet are prohibited.
- (3) An un-signalized driveway entrance onto a street classified as an arterial or collector shall provide a deceleration lane as required in Section 332-3(D).
- (4) Deceleration lanes also may be required by the City Engineer if considered necessary for traffic safety based on traffic volumes and sight distance.

### (C) Private Gates.

- (1) Use of private gates across a private driveway that provides access to two or more lots shall be subject to approval of the City Engineer. See 332-2(G).
- (2) Gates placed across the entrance to a private development or a private driveway at the intersection with a public street shall be setback a minimum of 35 feet from the right-of-way of the public street in order to provide queuing space and not impede traffic on public streets.

### (D) Private Streets. Private streets are permitted at the discretion of the City Engineer and must meet all requirements of this section and Chapter 332 Public Improvements and shall be inspected by the City Engineer.

### (E) Roadway Construction. All phases of roadway construction shall be in accordance with the current Georgia Department of Transportation (GDOT) specifications except what is shown herewithin.

## Section 302-12 Monumentation

- (A) Boundary Monument. All subdivisions of residential property resulting in a total of three or more parcels and all subdivisions or site developments consisting of non-residential property without regard to the number of resulting parcels shall have a boundary monument installed on its boundary with public rights-of-way.
- (B) Construction. All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in location by magnetic locators. Said monuments shall have a minimum length of 18 inches. Longer monuments are required in soils less likely to hold and maintain the true position of the monument. Said monuments composed of solid metal rods shall have a minimum cross sectional area of 0.2 square inches. Concrete, composite or stone monuments

## City of Valdosta Land Development Regulations

shall have a minimum dimension of 3 inches by 3 inches. Every boundary monument set shall be identified with a durable marker or cap bearing the Georgia registration number of the responsible land surveyor or the name of the business entity and/or Certification of Authorization number (COA#).

- (C) Map Registration and Accuracy. Measurement units should be in U.S. Survey feet. The location, bearing and distance of the point of beginning from either: the intersection of two public rights-of-way, the intersection of those street/road surface centerlines, a point-of-reference of the surveyors choosing located with GPS equipment capable of sub-meter accuracy or better with notations on the plat referencing this position expressed in Georgia State Plane (West), datum NAD 1983 coordinates, shall be shown.
- (D) Street Corners. Solid steel rods at least ½ inch in diameter and 24 inches long or concrete posts at least 3.5 inches square and 18 inches long shall be set at all street ROW corners.
- (E) Lot Corners. All other lot corners shall be marked with solid steel rods not less than ½ inch in diameter, and at least 24 inches long.

### Section 302-13 Street Naming

- (A) Street Names. The names of streets shall be reviewed and approved by the Director. Proposed street names shall not duplicate nor closely approximate the name of an existing street.

### Section 302-14 Property Numbering

- (A) The intent of this section is to establish a uniform system of property numbering for the City, to provide the method for instituting such a system, and for the enforcement thereof.
- (B) A uniform system of numbering properties, as shown on the official City zoning maps, shall be on file in the office of the Director.
- (C) All legal lots of record within the City may be identified by reference to the property numbering system in this section.
- (D) Any new structure built in the City shall conform to the provisions of this section before occupancy.
- (E) The assignment of numbers shall be as follows:
  - (1) A separate number shall be allowed for each 20-foot interval along a road or street (except where dictated otherwise by street alignment) within each land lot.
  - (2) Lots located on the north and west side of a street shall be assigned only even numbers, and the lots located on the south and east side of the street shall be assigned only odd numbers. This odd/even numbering pattern shall be maintained in a consistent manner along the full extent of each street and new streets shall be consistent with the pattern set by existing streets.
  - (3) The City shall be divided into four quadrants: N.E., S.E., S.W., and N.W., and the quadrant designation shall follow the street address for each property. The east-west base quadrant line shall be Patterson Street. The north-south base quadrant line shall Hill Avenue.
  - (4) The numbers shall increase as distance from the base quadrant lines increases.
  - (5) Any structure that is occupied by more than one business or dwelling unit shall be assigned one number. However, each business or dwelling unit shall be assigned a separate unit letter.

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- (F) The owner of any improved parcel of land in the City shall cause the official assigned street numbers required by this section for such parcel to be posted in a conspicuous place in front of the principal entrance for each primary structure located thereon. Such number shall be affixed or painted on or adjacent to the front entrance or shall be affixed or painted on the mailbox for that entrance provided that such mailbox is clearly associated with the structure to which it refers; and such street number shall be painted on the street curb at the closest point of such curb to the relevant entrance. This requirement shall not be applicable if no street curb exists.
- (G) Numerals used for property numbering purposes shall be made of a durable material or shall be painted of a durable and weather-resistant paint and shall contrast in color with the background upon which they are placed or painted. Such numbers shall be posted or painted in numerals of no less than 2½ inches in height, except that where such numbers are more than 50 feet from a public right-of-way they shall be a minimum of 6 inches in height. All numerals required by this section shall be maintained in good condition at all times. All numerals shall be kept free of obstructions at all times so that they are clearly visible from the street right-of-way.
- (H) The Department shall issue to any property owner in the City upon request the number assigned to that property in accordance with the provisions of this section. The Director shall assign additional numbers in the same manner whenever a property is subdivided or a new front entrance opened.
- (I) The Department shall be responsible for recording and maintaining the numbering system on the zoning maps. In the performance of this responsibility, Director shall be guided by the provisions of this section.

**Section 302-15 through 302-19                      Reserved**

# City of Valdosta Land Development Regulations

## Article 3 Subdivision and Site Development Plan Review Procedures

### Section 302-20 Application and Authority

- (A) Permitting Authority.
- (1) No person shall proceed with any disturbance of the land, including clearing, grubbing, or grading activities on a proposed structure, development or subdivision before obtaining a land disturbance permit from the Engineering Department. See Section 302-44.
  - (2) No building or development permit of any kind shall be issued for any lot or lot of record not created in accordance with the provisions of this LDR.
  - (3) Nonconforming lots shall be exempt from Section 302-20(A)(2), provided that new development of said lots shall be in accordance with the LDR, except as to deficient lot dimensions on said lots and that said lots shall not be further divided in any manner except in accordance with Chapter 302.
- (B) Platting Authority. No plat of a land subdivision shall be filed or recorded in the office of the Clerk of the Superior Court unless it receives final plat approval from the Department pursuant to the requirements of this LDR, except as otherwise authorized in O.C.G.A. Section 15-6-67(d). The filing or recording of a plat of a subdivision not exempted by O.C.G.A. Section 15-6-67(d) without the approval of the Department is a violation of Section 302-20 of this LDR and is punishable as provided by Chapter 110 of the LDR.
- (C) Prohibitions. No lot or plat shall be created by subdivision except in accordance with the provisions of this Chapter 302. No lot shall be created based solely on a metes and bounds legal description. All lots shall be conforming lots, except where otherwise specifically authorized.
- (D) Use of Plat. The transfer of, sale of, or agreement to sell land by use of a plat that has not been given final approval by the Department and recorded in the office of the Clerk of the Superior Court is prohibited and shall constitute a violation of this Chapter in accordance with LDR Chapter 110. The description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties provided in Chapter 110.
- (E) Opening and Improving Public Streets. The City of Valdosta shall not accept, lay out, open, improve, grade, pave, or light any street or lay any utility lines in any street unless the street corresponds to the location approved in the preliminary plat or site development plan prepared consistent with this Chapter and meets all other requirements of the LDR, specifically Chapter 332.
- (F) Erection of Buildings. No buildings except model homes approved by the Director, and developments with approved private streets shall be erected on any lot in the City of Valdosta unless the street giving access thereto has been accepted or opened as a public street in accordance with this Chapter and has met all other requirements of the LDR, specifically Chapter 332. Model homes approved by the Director pursuant to this paragraph shall not be issued a Certificate of Occupancy until a final plat providing for approved access to a public street has been approved and recorded.
- (G) Refusal of Building Permit. No building permit shall be issued in connection with any lot or parcel or building site created by subdivision in violation of this Chapter.
- (H) Transfer or Conveyance. Transfer or conveyance of any lot, building site, or other parcel created by subdivision in violation of this Chapter shall be illegal and shall be subject to enforcement action as provided in Chapter 110 of the LDR.

# City of Valdosta Land Development Regulations

## Section 302-21 Developments of Regional Impact

- (A) DRI Review Threshold. When an applicant desires a building permit, land disturbance permit, site development plan, or preliminary plat review that meets or exceeds the thresholds of a Development of Regional Impact (DRI) as provided in Georgia Department of Community Affairs regulation 110-12-3, and the use has not had prior review in accordance with Section 242-5 of the LDR, then the Department shall initiate and the applicant for such permit or preliminary plat review shall participate in a review by the SGRDC as provided in Section 242-5 of the LDR.
- (B) Notification of Applicant. The applicant will be notified by the City of Valdosta in the pre-application conference or else shall be informed in writing by the City of Valdosta within 5 working days of receipt of the completed building permit, land disturbance permit, site development plan review or preliminary plat review application concerning the required DRI procedures, and additional information requirements, if any.
- (C) Suspension of Land Development Processing During Review. No action shall occur on such application by the City of Valdosta until a recommendation is received from the SGRDC regarding the DRI. The schedule for review and action on the application shall be adjusted accordingly.

## Section 302-22 Minor Subdivisions

- (A) Applicability. For the purpose of this ordinance, each of the types of activities described below shall be considered subdivisions, but are exempt from the preliminary platting procedures and requirements of this LDR and may be approved by the Director.
  - (1) The combination, recombination, or reconfiguration of two or more buildable lots of record, where the total number of lots is not increased.
  - (2) The division of land into four or fewer lots where no new streets, public utilities, or other public improvements or access easements are planned or required.
  - (3) The conveyance of land to a public entity as defined in Chapter 106.
- (B) Standards. The following standards apply to subdivisions meeting the standards of 302-22(A):
  - (1) The subdivision or lot meets all requirements of this LDR, and the applicant demonstrates that approval of the subdivision or lot will not create non-conformity to the requirements of this LDR on any other portion of the original property from which the lot was subdivided.
  - (2) All new lots front on an existing public street with a minimum frontage of 60 feet.
  - (3) No extension of utilities or construction of public streets are required or provided.
  - (4) The lots shall comply with the requirements of the Department of Utility Services and Lowndes County Health Department, as appropriate. If existing utilities are being modified, the Lowndes County Health Department or the Utilities Department, as appropriate, shall certify approval of wastewater treatment service prior to approval of the Final Plat by the Director.
  - (5) All slope and utility easements and additional street right-of-way, as determined by the Director on the basis of the latest GDOT Functional Classification Systems for the City of Valdosta shall be provided at no cost to the City.
- (C) Procedures. Subdivisions not requiring a preliminary plat shall be platted in accordance with the Final Plat standards of this LDR (Section 302-27 and Section 302-66), and shall be submitted with an application and appropriate non-refundable fees to the Director for review and approval demonstrating proof that the subject property is exempt as provided in Section 302-22(a) and (b). Upon approval by the Director, the plat shall be recorded with the Clerk of Superior Court of



## City of Valdosta Land Development Regulations

Lowndes County and the Director may grant the issuance of development permits pursuant to Article 5 of this Chapter.

### Section 302-23 Major Subdivisions

- (A) Applicability. This section applies to all subdivisions of property for non-residential use, all multi-phase subdivisions, and subdivisions of property for residential use other than those meeting the standards of Section 302-22.
- (B) Process. All subdivisions not meeting the standards of Section 302-22 shall be subject to the application, review, and approval procedures of this Section, consisting of the preparation and approval of a preliminary plat, site construction plans, and final plat.
- (C) Preliminary Plat.
  - (1) Application.
    - (a) Prior to any land disturbance activities, the applicant shall submit a preliminary plat of the proposed subdivision to the Department for review and approval. When multi-phase subdivisions receive prior approval as a whole in the concept plan stage, preliminary plat applications may be submitted individually for each phase. The application for approval of a preliminary plat shall be accompanied by the required fee and the following additional documents, as appropriate:
      - i. A natural resources plan shall be required by the Department. The natural resources plan shall include a map drawn at 1" = 100' that indicates the presence of streams, lakes, floodplain, wetlands, areas of prime vegetation, steep slopes, shallow or exposed rock, or other site resources or site hazards and the appropriate protection or mitigation measures that will be taken in development of the site.
      - ii. A traffic impact study for developments that have trip generation greater than 2,000 daily trips or otherwise as required by the City Engineer (see Chapter 332). The traffic study will be conducted in accordance with The City of Valdosta Traffic Study Standards found in Appendix I, or as otherwise required by GRTA for DRI review.
      - iii. Traffic calming plan, in accordance with the Chapter 332-10.
    - (b) The preliminary plat for a subdivision shall be in substantial conformity with the concept plan as required in Section 302-60.
    - (c) The preliminary plat shall be prepared in accordance with this Chapter and consist of the elements as described in Section 302-61.
    - (d) After approval of the preliminary plat, the developer shall provide copies of the approved preliminary plat to all utility companies serving the area.
  - (2) Preliminary Plat Review Procedures and Standards.
    - (a) Preliminary plats prepared pursuant to this section shall be reviewed with respect to their consistency with the City of Valdosta Comprehensive Plan and conformity with each of the standards and requirements of this section and all other applicable sections of the LDR and state and Federal regulations as they may be applicable.
    - (b) The applicant shall be responsible for compliance with all Federal, state, and local codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the Department and related agencies reviewing the preliminary plat.
    - (c) Within 15 working days from receipt of the preliminary plat, the Director shall coordinate the internal review of said preliminary plat with staff representing applicable disciplines, including but not limited to: planning and zoning, transportation, stormwater,

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engineering, GIS, water/sewer, environmental health, the City Arborist, the Fire Chief and other departments, as applicable.

- (d) Review of natural resources plan, traffic impact study, and traffic calming plan.
    - i. Concurrent with review of the preliminary plat the Director and the Engineering Department shall review the natural resources plan, traffic impact study, and traffic calming plan, if required. Such reviews shall assess the conformity with each of the standards and requirements of this Chapter, Chapter 332 and Chapter 222.
    - ii. If the natural resources plan, traffic impact study, or traffic calming plan is disapproved, the applicant shall revise and resubmit such document so that it meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the Director.
    - iii. Approval of the preliminary plat shall be contingent on the Director's approval of the natural resources plan, traffic impact study, and traffic calming plan, if applicable.
  - (e) The Director shall indicate on a review copy of the drawings or in a memorandum all comments related to compliance of the preliminary plat with this Chapter, principles of good engineering and design, conditions of zoning approval, and regulations of other City departments and State agencies as appropriate. The Director shall have final staff authority to determine the applicability of any and all comments of staff, and review agencies under these regulations or conditions of zoning approval.
  - (f) When the Director has determined that the preliminary plat is in compliance with this LDR and approval has been received from all affected City Departments and outside agencies having jurisdiction the Director shall proceed with action on the application.
- (3) Action on Application.
- (a) No more than 30 working days following submission of the preliminary plat, the Director shall either approve or disapprove the preliminary plat unless the applicant consents to waive this requirement and consent to an extension. Otherwise, if the Director fails to take action within 30 working days after the date of submission of the preliminary plat, then the preliminary plat shall be deemed to be approved.
  - (b) If approved, the Director shall sign such preliminary plat and certify approval on nine copies of the preliminary plat. One copy shall be returned to the applicant and the other copies retained and made a part of the City's records.
  - (c) If the preliminary plat is disapproved, the Director shall notify the applicant in writing, within seven working days following the 30 day period provided in Section 302-23(C)(3) stating the reasons for disapproval.
  - (d) The Director may not approve any preliminary plat whereon is shown a lot which would present particularly unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" because of its unsuitability, whether due to the presence of floodplain, unusual configuration, lack of public utilities or for any other reason. At the discretion of the Director, a house or structure location plan, see Section 302-25, may be required to be filed as a part of the preliminary plat approval to substantiate the buildability of any such difficult or unusual lot.
- (4) Resubmission. If the preliminary plat application is disapproved, the applicant shall resubmit the preliminary plat and completed application form correcting all deficiencies, along with the appropriate resubmission fee. Failure to resubmit within 180 calendar days shall void the application and require the applicant to submit a new preliminary plat.
- (5) Effect of Preliminary Plat Approval.

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- (a) Approval of the preliminary plat shall be deemed an expression of approval of the layout of the subdivision to be used as a guide for the preparation of the final plat.
- (b) Approval of the preliminary plat shall entitle the applicant to prepare and submit construction plans for site development and improvement as provided in Article 4 of this Chapter 302 and to meet all other provisions of the LDR.
- (c) Land Disturbance Permits. Following approval of construction plans for subdivisions and required improvements, a land disturbance permit to construct the required improvements for a subdivision may be issued at the applicant's request. See also Section 302-44.
- (d) The approval of the preliminary plat shall expire if a land disturbance permit for any required improvements has not been issued or a final plat has not been submitted for recording within 12 months of the date of approval of the preliminary plat. This period may be extended one time by the Director for an additional period of time not to exceed 120 days.

### Section 302-24 Site Development Plans

- (A) Applicability. Site developments consist of proposed developments of a single parcel of land, having a single phase, other than a single-family dwelling or a residential accessory structure, that do not require subdivision of property into separate lots or units for sale.
- (B) Process. Site development plans shall be subject to the application, review and approval procedures of this section, consisting of the preparation and approval of a site development plan and construction plans for site development and public improvements.
- (C) Site Development Plan Application.
  - (1) Prior to undertaking disturbance of land or construction requiring a building permit, the developer shall submit to the Department a site development plan and an application on a form provided by the Department. When multi-phase developments receive prior approval as a whole in the concept plan stage, site development plans may be submitted individually for each phase. The application for approval of a site development plan shall be accompanied by the required fee and the following information:
    - (a) A natural resources plan, if the site is larger than 1 acre and has not been developed previously for commercial use or is a recorded lot in a commercial subdivision. The natural resources plan shall include a map drawn at 1 in. = 100 ft. that indicates the presence of streams, lakes, floodplain, wetlands, prime vegetation, endangered species, shallow or exposed rock or other site resources or site hazards and the appropriate protection or mitigation measures that will be taken in development of the site.
    - (b) A traffic impact study for developments that have trip generation greater than 2,000 daily trips. The traffic study will be conducted in accordance with The City of Valdosta Traffic Study Standards found in Appendix I, or as otherwise required by GRTA for DRI review.
    - (c) Traffic calming plan, if required in accordance with Section 332-10.
  - (2) The site development plan shall provide all elements required in Section 302-62.
  - (3) New construction of condominium developments shall be reviewed as site developments as provided in this Section 302-24. Condominium developments shall meet the requirements of the "Georgia Condominium Act", O.C.G.A. Section 44-3-80 et seq.

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### (D) Site Development Plan Review Procedures and Standards.

- (1) Site development plans prepared pursuant to this section shall be reviewed with respect to their consistency with the City of Valdosta Comprehensive Plan and conformity with each of the standards and requirements of this section and all other applicable sections of the LDR, the Standards and Specifications, and state and Federal regulations as they may be applicable.
- (2) The applicant shall be responsible for compliance with all Federal, state, and local codes, regulations and zoning requirements and for the satisfaction of all noted and written comments of the Department and related agencies reviewing the site development plan.
- (3) Within 15 working days of receipt of the site development plan, the Director shall coordinate the internal review of said site development plan with staff representing applicable disciplines, including but not limited to: planning and zoning, transportation, stormwater, engineering, GIS, water/sewer, environmental health, the City Arborist, the Fire Marshal and other departments, as applicable.
- (4) Review of natural resources plans, traffic impact study and traffic calming plan.
  - (a) Concurrent with review of the site development plan the Director and the Engineering Department shall review the natural resources plan, traffic impact study, and traffic calming plan, if required. Such reviews shall assess the conformity with each of the standards and requirements of this Chapter, Chapter 332 and Chapter 222.
  - (b) If the natural resources plan, traffic impact study, or traffic calming plan is disapproved, the applicant shall revise and resubmit such document so that it meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the Director.
  - (c) Approval of the site development plan shall be contingent on the Director's approval of the natural resources plan, traffic impact study, and traffic calming plan, if applicable.
- (5) The Director shall indicate on a review copy of the drawings or in a memorandum, all comments related to compliance of the site development plan with the Comprehensive Plan, this LDR, the Standards and Specifications, principles of good engineering and design, conditions of zoning approval and regulations of other City departments and state agencies as appropriate. The Director shall have final staff authority to determine the applicability of any and all comments of staff and review agencies under these regulations or conditions of zoning approval.
- (6) When the Director has determined that the site development plan is in compliance with this LDR, the Standards and Specifications, and approval has been received from all affected City Departments and outside agencies having jurisdiction the Director shall proceed with action on the application.
- (7) Action on the Application.
  - (a) No more than 30 working days following submission of the site development plan, the Director shall either approve or disapprove the site development plan unless the applicant consents to waive this requirement and consents to an extension. Otherwise, if the Director fails to take action within 30 working days after the date of submission of the site development plan, then the site development plan shall be deemed to be approved.
  - (b) If approved, such action shall be noted on two copies of the site development plan. One copy shall be returned to the applicant, and the other copy shall be retained and made a part of the Department's records.

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- (c) If the Director disapproves the site development plan, the Director shall notify the applicant in writing within seven working days following the 30 day period provided in Section 302-24(D)(7)(a), stating the reasons.
- (E) Resubmission. If the site development plan is not approved, the applicant shall resubmit the site development plan and completed application form correcting all deficiencies, along with the appropriate resubmission fee. Failure to resubmit the site development plan within 180 calendar days shall void the application and require the applicant to submit a new application for site development plan approval with appropriate fees.
- (F) Effect of Approval.
  - (1) Approval of the site development plan shall be deemed an expression of approval of the layout of the development to be used as a guide to the preparation of construction plans.
  - (2) The approval of the site development plan shall expire if a land disturbance permit for any required improvements has not been issued within 12 months of the date of approval of the site development plan.
  - (3) Approval of the site development plan shall entitle the applicant to prepare and submit construction plans for site improvements required in this section in conformity with Article 4 of this Chapter and other provisions of the LDR.
- (G) Land Disturbance Permits. Following approval of construction plans for site developments and required improvements, a land disturbance permit may be issued at the applicant's request. See also Section 302-44.
- (H) Development Conformance for Site Developments.
  - (1) After completion of the construction of any required improvements for all or part of the area shown on the approved site development plan and before seeking a building permit, the developer shall submit all required certificates, including certification for stormwater management facilities, and guarantees and sureties for required improvements not yet completed, as provided in Section 302-30, to the Department for approval.
  - (2) All improvements and utility installations that are required for approval that are to be dedicated under the rules and regulations of the City shall be completed in accordance with the appropriate specifications, unless the applicant provides guarantees and sureties for required improvements not yet completed in accordance with the performance and maintenance agreement, as provided in Section 302-30.
  - (3) The Director shall certify by signature on the original of the site development plan that all of the requirements of this LDR, the Standards and Specifications, and the conditions of zoning approval, if any, have been met, and that all other affected departments and agencies have inspected and approved the construction of improvements pursuant to the approved site development plan.

### **Section 302-25      House or Structure Location Plans**

- (A) The Director, in accordance with Sections 302-23 and 302-27 may require the submittal of a house or structure location plan to ensure that a new home or structure is located properly on a lot in accordance with minimum setback requirements and buffers due to unusual conditions such as lot line configuration or the location or easements.
- (B) If required by the Director, any applicable house or structure location plans shall be approved prior to approval of a preliminary plat.

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- (C) House and structure location plans shall be prepared in accordance with the requirements outlined in Section 302-68.

### **Section 302-26      Approval of Development Conformance for Subdivisions**

- (A) Approval of Development Conformance. Approval of development conformance shall be a prerequisite to the approval of a final plat or issuance of a Certificate of Completion or Certificate of Occupancy for any part of a project included in a land disturbance permit. The approval shall reflect certification that all site work and construction has been accomplished according to the terms of approved plans and permits, except when performance bonds have been authorized, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.
- (B) As-built Drawings. Upon completion of the development activity as authorized by the land disturbance permit, and prior to final development inspection of public and private improvements, the developer shall submit to the Department for review and approval a complete set of drawings prepared by a registered land surveyor in the state of Georgia showing “as-built” conditions, (see Standards and Specifications) as well as electronic “as-built” files in AutoCAD format.
- (C) Certification.
- (1) Upon completion of the project, the owner may request a Certificate of Completion or Certificate of Occupancy from the Director. The Certificate of Completion or Certificate of Occupancy shall be in a form as provided by the Director.
  - (2) Following final inspection and approval of all as-built drawings, the Director shall approve the Certificate of Completion or Certificate of Occupancy.

### **Section 302-27      Final Plat Approval**

- (A) Final Plat Required for Subdivisions.
- (1) After completion of the construction of any required improvements for all or part of the area shown on the approved preliminary plat and before selling any lots, the applicant shall submit a final plat meeting the specifications of Section 302-66. The final plat application shall be submitted to the Department for approval together with the required certificates, including certification for stormwater management facilities and guarantees and sureties for required improvements not yet completed. The applicant also shall provide copies of the approved final plat to all utility companies serving the area.
  - (2) The final plat shall be in substantial conformity with the approved preliminary plat.
  - (3) All improvements and installations to the subdivision that are required for approval of the final plat and that are to be dedicated shall be completed in accordance with the appropriate specifications, unless the applicant provides guarantees and sureties for required improvements not yet completed in accordance with approved Performance Guarantees Agreement, as provided in Section 302-30.
  - (4) The following certifications shall accompany the final plat application:
    - (a) A statement from the Lowndes County Health Department or the Utilities Department, as appropriate, approving the water supply and wastewater disposal systems, and a statement from the Fire Chief approving the provision of fire hydrants. No final plat shall be approved except that the applicant has shown compliance with all of the requirements regarding public utilities, see Chapter 332 – Article 3.

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- (b) A statement from the Department that all improvements have been made as required by this Chapter.
- (c) The appropriate final plat review and filing fees as established by the City of Valdosta.

### (B) Final Plat Approval Procedures.

- (1) The final plat shall not be approved by the Director until after a final inspection, as required in Section 302-37(C), certification by the Director that all requirements of these and other applicable regulations have been met, preparation of as-built drawings, dedication of public land and improvements, and approval of an executed performance guarantee and maintenance agreement and security, if required, consistent with Section 302-29.
- (2) The Director shall certify by signature on the original of the plat that all of the requirements of this LDR, and the conditions of zoning approval, if any, have been met, and that all other affected departments and agencies have approved the plat.
- (3) After the final plat has been approved, the Director shall authorize recording with the Clerk of the Superior Court of Lowndes County. The applicant shall provide the Department with an appropriate number of copies of the plat, as determined by the Director. The final plat shall indicate rights-of-way and other lands within the subdivision that are required to be dedicated to the City.
- (4) The Director may not approve any final plat whereon is shown or by which is otherwise created a lot which would present particularly severe and unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" due to the presence of floodplain, unusual configuration, or for any other justified reason.

### (C) Plat Recording and Usage.

- (1) No plat of a subdivision shall be accepted for recording in the Plat Books or Deed Books in the Office of the Clerk of Superior Court, except a final plat on which is inscribed the approval of the Director.
- (2) The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been ratified by the Mayor and City Council and recorded in the office of the Clerk of Superior Court of Lowndes County is prohibited, and the description of metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties.

## **Section 302-28      Dedication of Rights-of-Way and Other Public Lands**

- (A) If dedication of right-of-way or other land to the City is required by the LDR, acceptance by the City shall be contingent on the developer submitting, and the City approving, a metes and bounds description of the required right-of-way and transferring title to such land by deed to the City prior to issuance of a Certificate of Completion and related building permits. The metes and bounds description shall be consistent with the right-of-way survey data and public lands survey data shown on the final plat approved by the Director.
- (B) Refusal to Accept Dedications. Whenever a plat or site development proposes dedication of land to public use, the Director may require an independent environmental review to be conducted of such property. Such environmental review shall consider, among other things, whether the proposed land to be dedicated contains wetlands, subsidence, exposed rock, hazardous wastes, human burials, rights of way with steep cross slopes (ratio 3:1 or less) or any other natural features that diminish the suitability of the property for its dedication, public use, public facilities, and maintenance. If the Director finds that the proposed dedicated land is not suitable in whole or in part, the Director may disapprove the plat or site development plan, shall notify the applicant in

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writing of the reasons for such determination and shall recommend that the Mayor and City Council not accept dedication of unsuitable land.

### **Section 302-29      Procedures for Revising Final Plats**

- (A) When it becomes necessary or desirable to revise a recorded final plat, the developer shall prepare a letter to the Director documenting the reason for and extent of the revision and reproducible drawing(s) that contain the subject revisions along with a review fee as may be determined by the Mayor and City Council. The revised plat shall contain a new signature block, be dated with the current date, be drawn at an appropriate scale and contain notation(s) indicating the nature and location of the revision(s). The subdivision name, date and book and page number of the original recording shall be noted on the new plat; and the new plat drawings shall be designated as “revised final plat.”
- (B) All revisions shall be bound by the protective covenants, if any, recorded on the original final plat, and a statement to that effect shall be noted on the revised final plat.
- (C) If necessary, corresponding revisions to construction drawings, as-built drawings, engineering data and reports also shall be prepared, labeled appropriately, submitted, reviewed and certified by the Director, and filed in the Department along with a review fee as may be determined by the Mayor and City Council.
- (D) The Director shall forward the revised final plat and any related documentation to the appropriate departments or agencies that would be involved in checking the accuracy of the revision. Upon receipt of approval from such other departments or agencies, the Director shall certify the revised final plat and as provided in Section 302-27(B)(4) and (5).
- (E) The approved revised final plat shall be recorded by the Clerk of Superior Court and returned to the developer.
- (F) Any revised plat that does not receive approval shall be returned to the developer with written notification stating the reasons for denial.

### **Section 302-30      Guarantees and Sureties**

- (A) Application. Guarantees and sureties shall be required for any development involving the division of land into multiple ownerships with lots or units where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this Title and all conditions of approvals and permits.
- (B) Improvements. All guarantees and sureties shall be conditioned upon the faithful completion and performance by the developer of all work required for completion of all amenities, improvements and installations that are part of a subdivision of land in order to fulfill requirements of this Title for an approved portion of the development, when such installations are to be completed within a specified period of time. Such delay in installation is subject to approval by the Director because of unusual weather, site conditions or construction phasing situations where it is in the ultimate interests of the City and the purchaser of the subject lots or units that installation and construction be delayed.
- (C) Guarantees and Sureties. With the Director’s approval, guarantees and sureties may be allowed for the following types of improvements:
  - (1) Stormwater management facilities, subject to Section 302-30 (E).
  - (2) Sidewalks, trails or walking paths.



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- (3) Street surface course.
  - (a) The street base required under Section 332-7 shall be in place, as well as the binder course, if applicable.
  - (b) Streets shall be so designed to divert stormwater runoff into storm drainage systems.
- (4) Landscaping and tree planting.
  - (a) Final landscaping and planting grass, sod, mulch and ground cover in common areas and within rights-of-way. Under no circumstances shall this be construed as allowing Erosion and Sedimentation Control measures required by Chapter 306 to be bonded for future installation.
  - (b) Planting and irrigation of trees and shrubbery in common areas and within rights-of-way.
- (5) Recreational facilities.
- (6) Guaranties and sureties shall not be allowed for Erosion and Sedimentation Control facilities, improvements or management practices.

### (D) Performance Guarantee.

- (1) In the pre-construction conference, the Director shall have the authority to require the applicant to establish a performance guarantee or post a performance bond prior to issuance of a land disturbance permit. Such guarantee as bond shall be presented in a form acceptable to the City in order to guarantee timely installation of required project improvements; such as; but not limited to, Erosion and Sedimentation Control Best Management Practices as required by Chapter 306, streets, utilities, stormwater management facilities, sidewalks and landscaping within the subject development that are consistent with this Title. Said performance guarantee shall be in an amount equal to 125% of the estimated construction cost and be for a term not to exceed 24 months, with one 12-month extension, subject to approval by the Director.
- (2) The developer shall provide the Department with a certified copy of a properly executed improvement agreement covering all of the work to be done to complete all improvements. This agreement shall include the following:
  - (a) A condition requiring that all improvements, whether required by this Title or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Title.
  - (b) A condition requiring that all required improvements shall be constructed satisfactorily within the period stipulated.
  - (c) The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
    - i. An estimate prepared and provided by the applicant's engineer and approved by the Director.
    - ii. A copy of an executed construction contract with a bona fide and qualified contractor.
  - (d) Specification of the public improvements to be made and dedicated including a timetable for making such improvements.
  - (e) A condition requiring that, upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the City shall utilize the surety provided in connection with the agreement to complete the improvements.

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- (3) Release of Bond. The performance bond or other surety shall not be released until compliance with the requirements listed below has been achieved.
  - (a) Final inspection. The Department shall perform a final inspection of the facilities and determine that they have been constructed in compliance with the requirements of this LDR.
  - (b) Execution. The Department shall determine that all provisions of the associated approved development plans have been executed faithfully.
- (4) Partial Release. A provision may be made for partial release of the amount of the bond, pro rata, upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the associated approved development plans. The applicant shall notify the Department upon completion of each stage that is ready for inspection.

### (E) Required Stormwater Performance Surety.

- (1) Upon approval of the stormwater management plan, but before the issuance of a land disturbance permit, the applicant shall be required to post a performance bond, cash escrow, certified check or other acceptable form of performance security for construction of the proposed stormwater system.
  - (a) Amount of surety. The amount of surety shall be 125% of the total estimated construction costs of the facilities required by the stormwater management plan.
  - (b) Release of bond. The performance bond or other surety shall not be released until compliance with the requirements listed below has been achieved.
    - i. Final inspection. The Department shall perform a final inspection of the facilities and determine that they have been constructed in compliance with the stormwater management plan.
    - ii. Execution. The Department shall determine that all provisions of the stormwater management plan have been executed faithfully.
- (2) Partial Release. A provision may be made for partial release of the amount of the bond, pro rata, upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the stormwater management plan. The applicant shall notify the Department upon completion of each stage that is ready for inspection.

### (F) Type of Surety.

- (1) Subject to the approval of the City Attorney the following types of surety arrangements may be used to secure the developer's obligations in the agreements required in the section:
  - (a) Cashier's check.
  - (b) Certified check.
  - (c) Developer/lender/City agreement.
  - (d) Interest-bearing certificate of deposit.
  - (e) Clear, irrevocable letters of credit.
  - (f) Surety bond.

- (G) Subsequent Phases. Guarantees and sureties for any subsequent phase of construction of a subdivision or development project must include all streets within the subdivision or development project that provide access to the subsequent phase, unless alternate access for construction traffic is provided and approved by the Director.

## City of Valdosta Land Development Regulations

- (H) Maintenance of Improvements. Prior to approval of a Certificate of Completion or a Certificate of Occupancy, a maintenance agreement and bond shall be provided to ensure the continued function and good condition of public improvements being constructed as part of a subdivision to fulfill all requirements of this Title for a specified time until such bonds are released by the City. The developer shall be responsible for maintenance of all such public improvements for 18 months from the date of issuance of the Certificate of Occupancy or Certificate of Completion, as applicable. The amount of the maintenance bond shall be equal to 10% of the actual cost of construction of the public improvements shown on the as-built surveys. The cost of construction shall be determined by copies of contractor agreements or actual invoices paid, or as otherwise determined by the Director.
- (I) Release of Guarantees and Sureties.
- (1) It shall be the responsibility of the developer to petition the City for release of surety. During the 18-month period, the Department will inspect the improvements randomly, listing any defects. The owner shall have 30 calendar days to correct any specified deficiencies. Failure to perform said corrections shall result in the forfeiture of the surety.
  - (2) An organization shall be identified or established, with the approval of the City Attorney, for the purpose of owning and maintaining common facilities not proposed for dedication to the City. If covenants or conservation easements are used, they shall be approved by the City Attorney and recorded with the Final Plat.

**Sections 302-31 through 302-33                      Reserved**

# City of Valdosta Land Development Regulations

## Article 4 Site Construction Plans and Inspections

### Section 302-34 Site Construction Plans

#### (A) Authority.

- (1) Following approval of the preliminary plat or site development plan, the applicant shall submit an application for approval of site construction plans to the City Engineer for all site development and improvements.
- (2) No permit for development or site construction activity requiring a preliminary plat, site development plan, or construction plans shall be issued prior to approval of site construction plans.

#### (B) Application.

- (1) The applicant for site construction plan approval shall submit an application, accompanied by the appropriate fees, and the required number of site construction plans and related documentation, including, but not limited to following elements:
  - (a) Stormwater management plan – see Chapter 310.
  - (b) Soil erosion and sedimentation control plan – see Section 306-3
  - (c) Buffer plan and tree protection and replacement plan – see Section 302-63.
  - (d) Grading plan – see Section 302-64.
  - (e) Streets, sidewalks and bicycle improvements plan – see Section 302-65.
- (2) All site construction drawings and other engineering data, except the buffer plan and tree protection and replacement plan, shall be prepared, signed and sealed by a Professional Engineer currently registered in the State of Georgia, in accordance with the provisions of Georgia law.
- (3) Multi-phase developments may submit construction plans in phases, provided they are consistent with the approved concept plan and/or preliminary plat for the entire project.
- (4) After receiving an application for approval of site construction plans, the City Engineer shall determine whether the application is complete or insufficient. If the application is determined to be incomplete or insufficient, the City Engineer shall notify the applicant in writing and shall require that the application for site construction plans approval be resubmitted, along with appropriate resubmission fees, prior to further review.

#### (C) Review of Construction Plans.

- (1) The City Engineer shall review site construction plans prepared pursuant to this section, with respect to their consistency with the City of Valdosta Comprehensive Plan, the preliminary plat or site development plan and the conformity of the site construction plans with each of the standards and requirements of this section and all other applicable sections of the LDR and the Standards and Specifications. The applicant shall be responsible for compliance with all state and Federal codes and regulations and generally accepted engineering principles and practices.
- (2) Within 20 working days of receipt of the completed application for site construction plans approval, the City Engineer shall prepare a written report documenting approval or disapproval of the site construction plans. This report shall document any conditions of approval, if approved, or reasons for disapproval, if disapproved. If said report is not issued within 20 working days, the site construction plans shall be deemed approved. The applicant shall be responsible for meeting all zoning requirements and comments of the City Engineer.

## City of Valdosta Land Development Regulations

- (3) If the site construction plans are disapproved, the applicant shall resubmit revised site construction plans that meet the standards of this Section and other applicable provisions of the LDR and address the reasons for disapproval in a manner that is satisfactory to the City Engineer. If said applicant fails to resubmit revised site construction plans within 180 calendar days after disapproval, the preliminary plat or site development plan shall be void; and a new preliminary plat or site development plan, as applicable, shall be submitted by the applicant, along with appropriate resubmission fees.

### Section 302-35 Effect of Site Construction Plan Approval

- (A) Responsibility for Quality and Design. The approval of plans or completion of inspections by the City and authorization for work continuation shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession from the professional corporation or individual who prepared or supervised and signed or sealed the plans.
- (B) Pre-construction Conference. Approval of site construction plans shall entitle the applicant to schedule a pre-construction conference with the City Engineer and to obtain land disturbance permits for construction of site improvements required in this section and other requirements of the LDR. See Section 302-44.

### Section 302-36 Initiation of Development Activities

- (A) Issuance of a building permit for any principal building or associated accessory structures shall first require issuance of a land disturbance permit for the building site, unless a land disturbance permit is not required pursuant to Section 306-1.
- (B) Once the affected departments and agencies having jurisdiction have certified compliance, the City Engineer shall certify by signature on the Certificate of Completion or Certificate of Occupancy that all of the requirements of this LDR, the Standards and Specifications, and the conditions of zoning have been met. The Certificate of Completion or Certificate of Occupancy shall not be deemed approved until the City Engineer has signed it.
- (C) The developer shall initiate required erosion control measures as required in Chapter 306 and the approved site construction plans and in sequence with the requirements of Chapter 306 as the project progresses.
- (D) The developer shall install temporary fencing, flags or other appropriate markings to designate areas required to be undisturbed, as conditions of zoning or by requirements of other regulations; including, but not limited to, tree protection, wetlands, riparian buffers and zoning buffers or other natural resource areas identified in the natural resource protection plan, see Section 302-23(C).

### Section 302-37 Development Inspections

- (A) Authority. The Community Development Director and City Engineer or their designee have the power to enter property to make inspections of land, land uses, structures, buildings, signs and any construction or land disturbance activity related to the execution of its responsibilities pursuant to the LDR to determine if they conform to the requirements of the LDR, City of Valdosta Code of Ordinances, and the Standards and Specifications.
- (B) Scheduling by Developer or Contractor. The developer or contractor must notify the City Engineer at least 24 hours prior to commencement of each phase or milestone of development activity. The City Engineer shall inspect and approve each phase or milestone prior to continuation of further activity or proceeding with new phases or milestones, specifically:

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- (1) Pre-clearing. Prior to land disturbance, the City Engineer will inspect and approve the areas required to be undisturbed, such as riparian buffers and zoning buffers, to ensure that they are clearly designated by survey stakes, flags, ribbon or other appropriate markings. Pre-clearing inspection shall include phase 1 soil erosion and sedimentation control measures as well as the installation of temporary sanitary services (porta-johns) on the construction site, which are to remain until development completion. Inspection of soil erosion and sedimentation control measures will be conducted on a continuing basis.
- (2) Clearing and Grubbing.
- (3) Grading and Drainage. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan. Installation of slope stakes shall be required. Upon completion of roadway grading, the water certificate shall be submitted to the water provider certifying that the centerline of the road and the offset centerline of the water line are within 6 inches of that shown on the approved plans or red-lined plan submittal. Inspection and approval shall be required prior to trenching or continuation with sub-base preparation. Bury inspection shall be conducted prior to burial of any underground drainage structure.
- (4) Installation of storm drainage pipe, detention or other stormwater facilities.
- (5) Installation of potable water supply lines.
- (6) Installation of sanitary sewer and appurtenances.
- (7) Curbing of Roadways. Inspection shall be requested before the forms have been set (if used). Roadway width will be spot checked by a string line between curb stakes.
- (8) Sub-base or sub-grade of streets. After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested with an 18-ton tandem dump truck and shall pass with no movement to the satisfaction of the City Engineer.
- (9) Street Base. The base will be string-lined for depth and crown and shall pass with no movement to the satisfaction of the City Engineer.
- (10) Paving.
  - (a) City Inspector shall be on site during the paving process to check consistency, depth and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored, and the street will be cored (one core per 500 feet with a minimum of one core per street, including graded aggregate base and/or asphalt base and wearing surface) after completion to check thickness and density. Satisfactory test results of the cores shall be delivered to the City Engineer prior to approval of a final subdivision plat or certificate of completeness.
  - (b) Paving after the business hours of the Department is prohibited except with the approval of the City Engineer.
- (11) Failure to Notify. If the contractor fails to make the proper notification to the City Engineer, he/she shall be responsible for the expense of any operation or laboratory testing required by the City Engineer to ascertain compliance with the specifications.

### (C) Final Development Inspection.

- (1) Following submission and review of the as-built surveys, as required by the Standards and Specifications, the City Engineer shall conduct a final development inspection of the project.
- (2) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final plat or Certificate of Completion or Certificate of Occupancy.
- (3) The completion of inspections by the City and authorization for work continuation shall not transfer responsibility from the owner for the quality of the work performed or materials used,

## **City of Valdosta Land Development Regulations**

or imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.

### **Section 302-38 Stop Work Order**

- (A) The City Engineer is authorized to issue a stop work order when a violation of a permit occurs. If the violation has not ceased within 30 minutes of the issuance of the stop work order, The City Engineer shall take any or all of the following actions:
- (1) Immediately revoke the permit.
  - (2) Issue a citation subject to enforcement by the municipal court.
  - (3) Institute a civil action for injunctive relief.
  - (4) Take other enforcement steps authorized in Chapter 110.
- (B) Other enforcement and penalties are provided in Chapter 110.

**Section 302-39 through Section 302-43 Reserved**

# City of Valdosta Land Development Regulations

## Article 5 Development Permits

### Section 302-44 Land Disturbance Permits

#### (A) Permit Required.

- (1) No person shall conduct any land-disturbing activity within the City without first obtaining a land disturbance permit from the City Engineering Department to perform such activity, unless the activity is otherwise exempt from the soil erosion and sedimentation control provisions in Chapter 306 of this LDR.
  - (a) In the event that the project is exempted from permit requirements under the provisions set forth in Section 306-1(h), the following guidelines shall apply.
    - i. Failure to design install and maintain proper BMP'S shall constitute a violation of Section 306-2(C).
    - ii. After the building permit is issued and prior to any land disturbance activity, all BMP'S shall be installed. Upon completion of installation, the City Engineer shall be called for inspection and shall have 24 hours to complete said inspection. If approved, the City Engineer shall place his or her stamp on the building permit. If rejected, no stamp shall be placed on the building permit.
    - iii. No other site or building inspections will be conducted unless the BMP'S are approved.
    - iv. In the event that deficiencies are found after approval, but during construction, a written notice shall be affixed to the permit. Owner shall have 24 hours to take corrective action.
    - v. Failure to make corrections after 24 hours may result in suspension of building inspections, and the issuance of a citation/court summons. Inspections may be suspended until the matter is resolved.
    - vi. Violation of these guidelines shall be handled in accordance with Sections 306-4 and 306-5.
- (2) A land disturbance permit shall be issued to authorize all activities associated with development activity; including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, stormwater drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs or other structures requiring the issuance of a building permit.

- (B) Payment of Ad Valorem Taxes. A land disturbance permit shall not be issued unless the applicant provides a statement by the Lowndes County Tax Commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.

#### (C) Procedures.

- (1) Application Requirements.
- (2) An application for a land disturbance permit shall be submitted to the Department and shall include:
  - (a) Application on the form furnished by the Engineering Department.
  - (b) Preliminary plat, as provided in Section 302-23 or site development plan as provided in Section 302-24, reflecting approval by the Department, as applicable.
  - (c) Natural resources plan, as provided in Section 302-23(C).



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- (d) A buffer plan demonstrating compliance with Chapter 328, Article 1, Buffers and Screening in conformance with Article 6 of this Chapter.
  - (e) A tree protection and replacement plan demonstrating compliance with Chapter 328, Article 2, Tree Protection and Replacement, in conformance with Article 6 of this Chapter.
  - (f) A traffic impact study, if required, as provided in Section 332-11.
  - (g) A traffic calming plan, if required, as provided in Section 332-10.
  - (h) The erosion and sedimentation control plan and supporting documentation required in Chapter 306.
  - (i) Stormwater management concept plan, permit application, and Stormwater Management Plan as provided in Chapter 310.
  - (j) DRI Review, if applicable, as provided in Section 302-21.
  - (k) The applicable civil design and construction drawings prepared in conformance with the Standards and Specifications.
  - (l) Payment of all land disturbance permit fees established by the Mayor and City Council.
- (3) Other Agency Approval. The applicant may be required by the Engineering Department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:
- (a) City of Valdosta Community Development Department.
  - (b) City of Valdosta Fire Department.
  - (c) City of Valdosta Utilities Department.
  - (d) Lowndes County Health Department.
  - (e) Georgia Department of Transportation.
  - (f) Georgia Department of Natural Resources.
  - (g) U.S. Army Corps of Engineers.
  - (h) U.S. Environmental Protection Agency.
- (4) Comments on Applications. Upon receipt of comments from other City departments, the Engineering Department shall indicate on a copy of the construction drawings, or in writing, all comments related to compliance with this Chapter, conditions of zoning approval, and other regulations under the purview of the City, as appropriate.
- (5) Forwarding of Comments. The Engineering Department shall forward to the applicant the City's review comments.
- (6) Compliance. The applicant shall be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments of the Engineering Department. The owner also shall be responsible for obtaining necessary approvals and permits from all other agencies affected by the project prior to issuance of the permit.
- (7) Disapproval.
- (a) If the applicant has had two or more violations of previous land disturbance permits, this Chapter, or Chapter 306, within the three years prior to filing of the application under consideration, the City Engineer may deny the permit.
  - (b) If a land disturbance permit is disapproved, the City Engineer shall notify the applicant within 45 working days of the date the application was submitted and provide notes or comments to indicate deficiencies.

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- (c) No development activity may take place on the subject parcel until the permit application is resubmitted to address deficiencies and approved by the Engineering Department.
- (d) Resubmission of the land disturbance permit shall require payment of a resubmission fee.
- (8) Conditions of Approval. Minor changes, revision notes or additions to the plans may be made by the Engineering Department; if required for approval, notes shall be conditions of permit approval.

### (D) Issuance of Land Disturbance Permit.

- (1) Following satisfaction of all comments from the City and receipt of applicable performance sureties, as well as approvals from all affected agencies, including the Soil and Water Conservation District, the Engineering Department shall schedule a pre-construction conference with the owner and other appropriate parties determined by the Engineering Department to discuss the terms of the permit. At the pre-construction conference the Engineering Department may issue the owner a land disturbance permit authorizing commencement of land-disturbance and other activities specified on the approved construction plans, specifications and documents.
- (2) The owner shall be responsible for compliance with the terms of the permit.
- (3) Distribution of Copies. Two signed copies of the approved plan shall be returned to the applicant; one of which shall be retained on site by the construction crew performing the activity. The applicant may request additional signed copies of the approved plan, provided they supply the unsigned additional copies.
- (4) Permits for Phased Developments. If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
- (5) Suspension, Revocation or Modification of Permit. The land disturbance permit may be suspended, revoked or modified by the City as to all or any portion of the land affected by the plan, upon finding that the holder or their successor in title is not in compliance with the approved erosion and sediment control plan or is in violation of any provision of this LDR. A holder of a land disturbance permit shall notify any successor in title as to all or any portion of the land affected by the approved plan of the conditions contained in the development permit.

### (E) Effect of Plan Approval.

- (1) Approval of a land disturbance permit by the Engineering Department shall not imply or transfer acceptance of responsibility for the application of the principles of engineering architecture, landscape architecture, or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (2) Approval of a land development or grading permit shall not be interpreted to relieve any owner of the responsibility of maintaining full compliance with all codes, ordinances and other regulations of the City.

### (F) Issuance of Permits in Error. Any development permit issued in error or in contradiction to the provisions of this LDR shall be considered to have been null and void upon its issuance.

### (G) Liability.

- (1) Liability Not Imposed. The approval of an erosion and sediment control plan or other plans under the provisions of this article, the issuance of a land disturbance permit, or the compliance with the provisions of the LDR shall not relieve any person from the responsibility for damage to any person or property, otherwise imposed by law or impose any liability upon the City of the Soil and Water Conservation Commission District for damage to any person or property.

## City of Valdosta Land Development Regulations

- (2) **Presumption of Violation Not Created.** The fact that any activity for which a land disturbance permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Chapter or the terms of the permit.
- (3) **Violation of State Requirements Not Permitted.** No provision of this Chapter shall permit any person to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act or rules and regulations promulgated and approved there under or pollute any water of the state as defined thereby.
- (H) **Expiration of Land Disturbance Permit.** A land disturbance permit shall expire if the development activity described in the permit is not begun within 180 calendar days from the date of issuance and continues to progress, or if the development activity described in the permit is suspended for a period of 180 calendar days.
- (I) **Renewal of Land Disturbance Permit.** Any land disturbance permit that has expired may be renewed by the Department within 180 calendar days of expiration with payment of appropriate fees. If a land disturbance permit has been expired for more than 180 calendar days, the applicant shall be required to apply for a new development permit under the development regulations applicable at the time of the new permit application.

### **Section 302-45      Flood Area Permit**

- (A) **When Permit Required.** If development or construction is proposed within or affecting an area of special flood hazard, a flood area permit application shall be included with and reviewed along with a grading permit or land disturbance permit application.
- (B) **Application for Permit.** Application for a flood area permit shall be made to the City Engineer on forms furnished by them prior to any development activities and may include, but are not limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
  - (1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings.
  - (2) Elevation in relation to mean sea level to which any non-residential building will be flood proofed.
  - (3) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood proofing criteria in Chapter 320.
  - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and the manner in which the applicant will comply with stream buffers required in Article 4 of Chapter 310.
  - (5) Obtain and record the actual certified elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures, as provided by a registered surveyor.
- (C) **Certification of Lowest Floor Elevation.** The applicant shall provide an affidavit signed by a Registered Land Surveyor that shall certify the lowest floor elevation level, and the record shall become a permanent part of the permit file.
- (D) **Distribution.** Copies of the approved site development permit and plans shall be distributed as follows:

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- (1) Two copies of each to be retained in the Department, one filed and one for the inspector.
  - (2) Two copies to be provided to the applicant.
- (E) Approved Plans. A copy of approved plans and permits shall be kept on the construction site at all times until final inspection has been made and approved.

### Section 302-46 Building Permits

- (A) Applicability. It shall be unlawful to commence construction of any building or structure, including accessory buildings or structures and supplemental uses or structures; or to commence the moving or alteration of any building or structure until the Director has issued a building permit for such work.
- (B) Procedures. Building permits must be requested using an application available from the Department and shall be accompanied by the appropriate fee. Along with the application, building plans, when required by this Ordinance, must be reviewed and approved by the Director prior to issuing a permit.
- (1) If a plat, site plan, house or structure location plan has not been required, the applicant shall file with the building permit application a dimensioned sketch or to-scale plan signed by the owner or an authorized agent indicating:
    - (a) The size, shape and location of the lot to be built upon.
    - (b) The uses, shapes, sizes, heights and locations of the buildings or structures to be erected, demolished, altered or moved, and of any building already on the lot.
    - (c) Location of soil erosion and sedimentation control measures.
    - (d) Required buffers and tree protection compliance, as applicable.
    - (e) Any other information that may be essential for determining whether the provisions of this LDR will be observed.
  - (2) The requirements of paragraph (b)(1) of this Section may be waived by the Director in the case of minor modifications that do not involve new construction, structure design, or the addition of floor area or height to an existing structure, or the installation of mechanical plumbing or electrical equipment subject to building codes.
- (C) Standards of Review.
- (1) Issuance of a building permit for any principal building other than a single-family detached residence (and associated accessory structure) shall first require issuance of a Land Disturbance Permit for the building site, and the building permit shall be consistent with said Land Disturbance Permit.
  - (2) Building plans must be reviewed and approved by the Fire Chief, Community Development Department, City Engineer, and Utilities Department prior to permitting for all structures, except for one family residences or accessory structures. Building Plan approval shall expire after one year, after which re-review and approval by the Department shall be required prior to issuance of a building permit for the building or additional buildings.
  - (3) The Director shall further determine that either:
    - (a) All public improvements and installations in the development that are to be dedicated and are required for approval of the Certificate of Completion or Certificate of Occupancy under this Chapter have been completed in accordance with the appropriate specifications; or

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- (b) All of the stormwater management facilities, soil erosion and sedimentation control measures, water and sewer utilities, street base and curbing construction required for approval of the Certificate of Completion or Certificate of Occupancy have been properly installed and completed and, for those required public improvements not yet completed, within areas to be dedicated (grassing, pavement topping, required landscaping, sidewalks, etc.), a performance bond shall have been filed by the developer in accordance with the Development Performance and Maintenance Agreement as provided in Section 302-30.
- (D) Applicable Codes. Building permits for all structures or interior finishes shall be issued only after all required plans have been submitted and found to meet the applicable requirements of this LDR, the Standards and Specifications, the fire prevention codes and the various health, water, sewer and building codes of the City.
- (E) Sewage Disposal. For sites connected to public sewer, approval by the Utilities Department will be required before issuance of a building permit. These requirements shall apply to new construction as well as changes in use or renovations that alter the type or intensity of existing sewer disposal.
- (F) Single-family Dwellings.
  - (1) A building permit for a single- family residence may be issued after the recording of a final plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.
  - (2) The approval of a structure location plan may be required prior to issuance of the building permit in cases when the size or inappropriate location of a building within the buildable area of a lot may have a deleterious effect on access, circulation, site drainage, or otherwise impact usability of adjacent property. Such requirement shall be noted and conditioned on the preliminary and final plat. For such lots a Certificate of Occupancy shall not be issued until conformance to the structure location plan has been field verified or shown on a certified foundation survey prepared by a registered land surveyor. See Section 302-66.
- (G) Issuance on Conforming Lots.
  - (1) Building permits shall be issued only on conforming lots or non-conforming lots authorized in Section 302-20(A)(3), except under special circumstances limited to and as specifically described below:
    - (a) In single-family detached residential subdivisions, building permits for no more than two model home buildings on specific individual lots may be issued after approval of construction drawings and after the approval of the Fire Chief, the Health Department and subject to all limitations or requirements as may be established by the Director. No Certificate of Occupancy shall be issued for the model home until the final plat, including the model building lots, has been approved and recorded.
    - (b) In non-residential subdivisions, the Director may issue building permits on the basis of an approved preliminary plat and after a land disturbance permit, if applicable, has been approved reflecting the site development plan and construction drawings for specific buildings and associated site improvements. Issuance of any building permits shall be conditioned on the following:
      - i. Approval by the Fire Chief shall be required prior to issuance of any building permit, which may include approval of an acceptable access, fire hydrant location and water pressure.
      - ii. Approval by the Utilities Department for a building to be served by public water and sewer shall be required prior to issuance of any building permit.

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- iii. Construction of the required public improvements shall not proceed concurrently with construction of the buildings without approval of the Director and subject to development sureties as described in Section 302-30.
- iv. No Certificate of Completion or Certificate of Occupancy shall be approved for any structure within the subdivision prior to recording of the final plat.
- (c) In fee-simple townhouse developments, a building permit may be issued on a buildable lot of record established for each building, (containing any number of dwelling units) through the recording of a final plat following completion of all required public improvements. Upon completion of the buildings, the final plat shall be revised to establish individual lots for the townhouse units, based on their actual locations, prior to issuance of Certificates of Occupancy.

### (H) Expiration of Building Permit.

- (1) Any building permit issued shall become invalid unless the work authorized by the permit has commenced within 180 calendar days of the date of issue and continues to progress, or if the work authorized by the permit is suspended for a period of 180 calendar days.
- (2) After a building permit expires, no further work, construction or use shall be permitted on the premises prior to resubmission. Resubmission of a building permit application shall require a resubmission fee, re-review and approval of a building permit for continuation of the work.

### (I) Issuance of Permits in Error. Any building permit issued in error or in contradiction to the provisions of this LDR shall be considered to have been null and void upon its issuance.

## **Section 302-47      Driveway Permits**

### (A) Application for Permit. Any person seeking to construct or reconstruct any curb cut or driveway on any City-maintained public street shall submit a permit application and drawing to the Department accompanied by a non-refundable fee, as determined from time to time by the Mayor and City Council.

### (B) Application Contents. The driveway permit application shall include the following information:

- (1) Name and address of the owner of the property on which the driveway is proposed to be located.
- (2) Except for detached single-family residences, a set of detailed plans for the proposed driveway or curb cut.
- (3) Except for detached single-family residences, estimated cost of the alteration.
- (4) Relationship to driveways on the opposite side of the same street.
- (5) Distance to the nearest intersection of driveway in each direction.
- (6) Calculation of sight distance as proscribed in Section 332-3.
- (7) Demonstration of adequate corner sight distances as proscribed in Section 332-5.
- (8) Approval from Georgia Department of Transportation, if applicable.
- (9) Payment of the applicable fee.
- (10) All other information deemed necessary by the Director and/or City Engineer for the reasonable review of the proposed driveway connection.

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### (C) Procedure for Review of Driveway Permit Applications.

- (1) Within 20 working days after the application has been submitted, the Director shall review the application and determine if it is complete.
- (2) If the Director determines that the application is not complete, he/she shall send the applicant a written statement specifying the deficiencies and shall take no further action until the deficiencies are remedied.
- (3) Within 30 working days after the official submittal of the complete application, the Director shall approve, approve with conditions or deny the application based upon the standards set forth in this Chapter. Notification of the decision shall be mailed to the applicant and filed with the Department.

### (D) Issuance of Driveway Permit.

- (1) Following approval of an application, the Director shall issue a driveway permit that shall take effect on the date issued.
- (2) Any driveway permit issued in error or in contradiction to the provisions of this LDR shall be considered to have been null and void upon its issuance.

## **Section 302-48      Swimming Pool Permit**

- (A) Issuance of a building permit for a swimming pool as an accessory use, whether to be issued at the same time as or subsequent to the permitting or construction of the principal use, shall first require conformance with this LDR, all other applicable ordinances and the safety standards of the Lowndes County Health Department.
- (B) Permits shall be valid for a period of 60 calendar days and may be renewed once for a 30-calendar day period.
- (C) Any such permit issued in error or in contradiction to the provisions of this LDR shall be considered to have been null and void upon its issuance.

## **Section 302-49      Relocated House Permit**

Relocated houses shall require a conditional use permit in all residential districts, and shall be subject to approval at a public hearing by the Planning Commission and the Mayor and City Council.

### (A) Inspections.

- (1) **Preliminary Inspection.** No building permit or application for a conditional use for a relocated house shall be approved until a complete inspection of the house is made by the Department prior to relocation. An application for relocated house inspection shall be completed on forms provided by the Department prior to the inspection being made. The Department inspection shall determine the compliance or the feasibility of compliance to all existing development codes and ordinances adopted by the Mayor and City Council. Depending upon the size, age, condition, or design of the house; the Director may require an inspection and report from a structural engineer to evaluate the suitability of the house for moving. The engineering inspection and report fee shall be paid by the applicant for the relocated house.
- (2) **Inspection Fee.** The applicable inspection fee shall be paid to the Department prior to the inspection being made.
- (3) **Performance Bond Required of Owner of Structure.** To ensure that the structure will meet all of city's building construction codes and that the renovation of the relocated structure is completed and ready for occupancy within 6 months from the date the building permit is issued, the owner of the relocated structure shall provide a \$10,000 performance bond or

## City of Valdosta Land Development Regulations

bank escrow letter of surety from a bank approved by the City of Valdosta, made payable to the City of Valdosta.

- (B) Building Permit. A building permit shall be obtained from the Department for a relocated house prior to the issuance of a Relocated House Permit.
- (C) Owner Certification. All applications for a relocated house permit shall be accompanied by a sworn affidavit that said applicant is the owner of the relocated structure and said owner shall obtain a Certificate of Occupancy to verify completion of all work, and that the structure is ready for habitation.
- (D) Route Approval.
  - (1) Structures That Will Be Placed in the City of Valdosta. Prior to the issuance of a relocated house permit, the applicant must first submit and receive approval from the Georgia Department of Transportation regarding the proposed route. The applicant shall provide information concerning the name and address of the moving company; owner of the structure to be relocated; destination of the structure; type and size of structure; map of the proposed route; and insurance company. Said approval and information must be on forms furnished by the Department and shall be submitted to the Department. Structures to be moved shall not exceed 30 feet in width.
  - (2) Structures to be Moved Out of or Through the City of Valdosta. Prior to moving a pre-existing structure through the City, routes must be approved by the Georgia Department of Transportation and submitted to the City on forms provided by the Department. The applicant shall provide information concerning the name and address of the moving company; owner of the structure to be moved; destination of the structure; type and size of the structure; map of the proposed route; and insurance company. Structures to be moved shall not exceed 30 feet in width. Required police escort must be pre-arranged with the City of Valdosta Police Department 3 working days prior to moving the structure through the city. Move-through structures will be allowed only on state routes.
- (E) Licenses and Bonds Required of Moving Companies.
  - (1) Licenses. Any firm or individual moving structures into, out of, or through, the City of Valdosta must obtain and shall provide proof of all required state licenses.
  - (2) Personal Injury and Property Damage Insurance Bond. Any firm or individual moving structures into, out of, or through, the City of Valdosta shall be required to retain insurance with a minimum \$25,000 for property damage and \$300,000 for personal injury. A copy of the insurance bond shall be provided to the Department.
  - (3) Performance Bond. A performance bond or surety bond in the amount of \$10,000 must be maintained by the moving company to enable the City of Valdosta to repair public and private property in the event that the moving company's insurance company fails to pay for necessary repairs.
- (F) Guarantee of Completion. No application for a building permit shall be approved until a performance bond or irrevocable bank escrow letter of surety shall first be posted with the Valdosta Mayor and City Council in the amount of \$10,000 as referred to in Section 302-49(E).
- (G) Time of Completion. All permits for relocated structures must be completed and in compliance with the LDR, including any applicable design guidelines, and all other codes and ordinances of the City of Valdosta within 6 calendar months from the date of granting of the building permit. In the event said structure is not in compliance and/or is not completed within the specified time limit, the Director shall notify, in writing, the surety bonding company giving specific causes of non-compliance or completion.



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Upon notification, the surety bonding company has 30 calendar days to correct said causes of non-compliance or non-completion. In the event of failure of the surety bonding company to correct causes of non-compliance or non-completion, said bond shall be forfeited and a notice to move said structure shall be issued to the owner immediately. Failure to move or demolish said structure within 10 days of this notice shall be deemed a violation of this section and shall be punishable in the small claims court or magistrate's court of the City of Valdosta.

- (H) Certification of Occupancy. A Certificate of Occupancy shall be issued upon final inspection of a structure and shall verify the completion requirements hereinabove set forth.
- (I) Extension of Completion Time. The Director may issue one extension of completion time for cause, not to exceed 30 calendar days beyond the original 6-month compliance/completion period. An extension of compliance/completion time shall be in writing and signed by the Director designating the reasons for granting the extension request. Permission for a greater extension of time may be granted only by the Mayor and City Council sitting in regular public session.

### **Section 302-50 Certificate of Completion or Certificate of Occupancy**

- (A) Applicability. It shall be unlawful to use or occupy or permit the use or occupancy of any building, premises or structure that is hereafter created, erected, changed converted or wholly or partly altered or enlarged in its use or structure, until a Certificate of Completion (for non-occupied site or structures) or Certificate of Occupancy (for occupied structure) is issued by the Director.
- (B) Permanent Electric Power. Permanent electric power may not be supplied to any structure until a Certificate of Occupancy or Certificate of Completion, as applicable, shall have been issued and the power company contacted by the Director.
- (C) Temporary Certificates. A Temporary Certificate of Occupancy or Certificate of Completion may be issued for a period not to exceed 90 calendar days during alterations or partial occupancy of a building or structure pending its completion. A temporary certificate may include conditions and safeguards necessary to protect the safety of the occupants and the public.
- (D) Activities Requiring a Certificate. Certification shall be required for all of the following:
  - (1) A new building or structure.
  - (2) An addition to an existing building or structure or alteration of the interior of an existing building or structure.
  - (3) A building or structure or premise in which there is a change of use.
- (E) The Director shall issue a Certificate of Completion or a Certificate of Occupancy if the building is found to conform to the provisions of the building permit and this LDR and accurately reflect the statements made in the application for the building permit.
- (F) A record of all certificates shall be kept on file in the Department and copies shall be furnished, for a fee, on request to any person having a proprietary or tenancy interest in the building or land involved.

### **Section 302-51 Demolition Permit**

- (A) Applicability. A demolition permit is required for any demolition or partial demolition of any building or structure located in the City of Valdosta that is larger than 500 square feet, or that is located closer than 5 feet from the nearest property line.

## City of Valdosta Land Development Regulations

- (B) Application Required. In order to obtain a demolition permit, the following information is required at the time of application:
- (1) A completed application as provided by the City of Valdosta.
  - (2) A site plan with the following information:
    - (a) A north indicator.
    - (b) The actual dimensions of the lot or lots drawn to a scale of 1" = 20' and drawn to the actual bearings of the lot(s).
    - (c) The actual location of all buildings or structures on the property in relation to the property lines.
    - (d) The street address or tax parcel identification number of the building(s) or structure(s) to be demolished.
    - (e) Erosion and sedimentation control plan, if applicable.
  - (3) Photographs (at least 3"x5") of all sides of the building(s) or structure(s) to be demolished.
  - (4) The owner's complete name, present mailing address and phone number.
  - (5) The contractor's complete name, present mailing address and phone number.
  - (6) A copy of a written release from all utility companies stating that such utilities to the building or structures being demolished have been properly terminated.
  - (7) A copy of an affidavit from a professional engineer certifying that the building or structure to be demolished does not contain asbestos or other hazardous materials.
  - (8) A copy of all written notices to the owner(s) of the properties adjoining the projected demolition site.
  - (9) If the property is subject to Section 238 (Historic Preservation) then a Certificate of Appropriateness shall be required prior to applying for a demolition permit. See Section 238-14(C).
  - (10) At the discretion of the Director of Engineering, depending on the nature of the demolition, some portions of the required information may not be required for permit application.
- (C) Application Approval
- (1) The application will be reviewed by the Building Inspector for completeness and compliance with this Section.
  - (2) The permit is not valid until the permit fee has been paid and the permit placard posted on the job site.
- (D) Posting of Permit The demolition permit shall be displayed on the site where it is plainly visible from the street and shall not be removed until demolition is completed.

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- (E) Required Inspection. Upon completion of demolition, the building inspector shall be notified and an inspection shall be made on site to assure all debris has been removed and the site is properly filled and safe.
- (F) Permit Voided. If work has not commenced within or is suspended for a period of 6 months from the issue date, the permit is invalid and voided.

**Section 302-52 through Section 302-59**

**Reserved**

# City of Valdosta Land Development Regulations

## Article 6 Specifications of Standard Development Documents.

### Section 302-60 Concept Plans

When required by the regulations of the applicable zoning district (MXD, TND) and/or in cases where a subdivision is to be developed in stages with additional plats being filed with the Department at a later date(s), the preliminary plat application will be accompanied by a Concept Plan, a reasonably accurate plat in sketch form of the entire tract.

#### (A) Format.

- (1) A plan drawn to a designated scale of not less than 1 inch equals 100 feet.
- (2) Maximum sheet size of 24 inches x 36 inches unless otherwise approved by the Director. If presented on more than one sheet, sheets shall be numbered consecutively and there shall be an index sheet referenced to match lines on each sheet that shall clearly indicate where the several sheets join.

#### (B) Content.

- (1) Name, address, email address and telephone number of owner of record, the applicant, the developer, and the person who prepared the plat.
- (2) Street address and land lot, district, and tax parcel ID number of the subject property.
- (3) Proposed name of the subdivision or development approved zoning and total acreage.
- (4) Names, addresses and tax parcel ID numbers of current owners of abutting property and existing zoning of abutting properties.
- (5) Graphic scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- (6) Date of drawing and revisions for each sheet.
- (7) A vicinity map showing location of the subdivision, existing streets, streams and rivers, City boundaries in the vicinity.
- (8) Size and location of adjoining existing streets or access drives and proposed right-of-way, roadways and access drives.
- (9) Topography with contour intervals no greater than 10 feet.
- (10) Boundary lines of the overall property showing bearings and distances along all lines and the bearings and distance to an existing street intersection or other recognized permanent landmark. The source of said boundary information shall be indicated.
- (11) All contiguous property under the ownership or control of the developer, except those lands of a dissimilar zoning category specifically approved to be excluded by the Department. Areas not planned at the time of the submittal shall be shown as "Future Development".
- (12) Authorization statement on Concept Plan to read as follows:

I hereby submit this Concept Plan as authorized agent/owner of all property shown thereon, and certify that all contiguous property under my ownership or control is included within the boundaries of this Concept Plan, as required by the Valdosta LDR.

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Signature of Authorized Agent/Owner

Date

- (13) Location and size (in acres) of lakes, ponds, wetlands and floodplains and the source of the information.

## City of Valdosta Land Development Regulations

- (14) Required open space, and other public areas to be dedicated to the public or held in common ownership by a homeowner association or other similar entity.
- (15) General development data (in tabular form) for individual multi-family or nonresidential site developments, such as number of residential units, number of gross square feet of nonresidential floor area by building, number of parking spaces, number of stories, etc.
- (16) General development data (in tabular form) for single-family developments, such as minimum lot size, and all relevant conditions of zoning.
- (17) Indication of proposed phases or stages of development.
- (18) Any other information deemed necessary by the Director or the service provider for the reasonable review of the development.
- (19) Signature block to read as follows:

This Concept Plan has been reviewed and approved for general compliance with the Land Development Regulations of Valdosta, Georgia.

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Director, Dept of Community Development

Date

### **Section 302-61 Preliminary Plats**

#### **(A) Format.**

- (1) A plan drawn to a designated scale of not less than 1 inch = 100 feet certified by a design professional licensed by the State of Georgia.
- (2) Maximum sheet size of 24 inches x 36 inches unless otherwise approved by the Director. If presented on more than one sheet, sheets shall be numbered consecutively and there shall be an index sheet referenced to match lines on each sheet that shall clearly indicate where the several sheets join.

#### **(B) Content.** Preliminary plats required in Section 302-23 shall contain the following elements, as applicable:

- (1) Name, address, email address and telephone number of owner of record, the applicant, the developer, and the person who prepared the plat.
- (2) Names, addresses and tax parcel ID numbers of current owners of abutting property.
- (3) Street address and land lot, district, and tax parcel ID number of the subject property.
- (4) Proposed name of the subdivision, approved zoning and acreage.
- (5) Graphic scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- (6) Date of drawing and revisions for each sheet.
- (7) Seal and signature of professional person preparing the plan.
- (8) Certificate of preliminary plat approval in a format provided by the Department.
- (9) A vicinity map showing location of the subdivision, existing streets, streams and rivers, City boundaries in the vicinity.
- (10) A survey of the subject property prepared by a registered surveyor with bearings and distances of the perimeter property lines, and referred distance to a known street intersection or land lot corner.
- (11) Statement that ad valorem taxes are paid.

## City of Valdosta Land Development Regulations

- (12) Location, character and amount of proposed development, by type of use.
- (13) Development density and lot sizes for each dwelling unit type, if applicable.
- (14) Lot lines with dimensions and bearings.
- (15) Lot numbers.
- (16) Centerline location, pavement width and right-of-way lines of existing streets on and abutting the property.
- (17) Existing utilities, pipe sizes and easements on subject property and adjacent to the tract.
- (18) Banks of streams, lakes and other existing water bodies.
- (19) Topographic contour lines: 2-foot contour intervals. Indicate method of deriving contours.
- (20) Delineation of floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Valdosta; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
- (21) Approximate location and extent of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will preserve the feature and provide access to it during and after construction.
- (22) For all existing structures provide location, floor area, height, lowest floor elevation and whether they will be retained or demolished.
- (23) Existing and proposed covenants and deed restrictions.
- (24) Table of proposed lot areas in square feet, setbacks, and buildable areas in square feet.
- (25) For proposed buildings give building use, location, square footage, density, building height in stories and feet and lowest floor elevation.
- (26) For all off-street parking areas, show number of spaces by type, width, depth, angle of standard stalls, width and types of aisles, curb cuts, curbing, drainage, landscaping and irrigation.
- (27) Show off-street loading areas, with location, number and dimensions of all berths, aisles and driveways.
- (28) Survey limits and area in square feet or tenths of acres for all areas to be held in joint ownership, common ownership or control and the proposed method of control and management of these areas.
- (29) Location of existing and proposed easements with use and width.
- (30) Conceptual plans for drainage, with approximate location and estimated size and discharge points of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- (31) Location and width of required buffers at external site boundaries and internal zoning district boundaries, if applicable.
- (32) Location and approximate extent (in acres) of open space and recreation facilities, if applicable.
- (33) Location, where applicable, of proposed trails, recreation areas, parks, schools, libraries, churches and other public or community uses, facilities or structures on the site.
- (34) Calculation of the percent of the lot covered in impervious surface after completion of development.
- (35) Applicable standards of the City of Valdosta GDOT Functional Classification System.

## City of Valdosta Land Development Regulations

### (36) Site data and construction details.

- (a) Contour changes, dams or any created water bodies or proposed changes to water courses.
- (b) Retaining walls, bulkheads and bridges.
- (c) Proposed layout of internal streets, with proposed street names, rights-of-way, centerlines, and pavement widths.
- (d) Notes indicating location, type, and dimensions of curb and gutter.
- (e) Location and width of sidewalks, bicycle lanes, landscape areas and any other required or proposed improvements to the public rights-of-way.
- (f) Plans for all underground utilities; including, but not limited to, sanitary sewer, storm sewers, and water lines, showing connections to existing systems, or proposals for developing new water supply, storm drainage, sewage disposal systems.
- (g) List of regulatory approvals or permits other than those issued by the City.
- (h) Any other information deemed necessary by the Director or the service provider for the reasonable review of the development.

### **Section 302-62      Site Development Plans**

#### (A) Format.

- (1) A plan drawn to a designated scale of not less than 1 inch = 100 feet certified by a design professional licensed by the State of Georgia.
- (2) Maximum sheet size of 18 inches x 24 inches unless otherwise approved by the Director. If presented on more than one sheet, sheets shall be numbered consecutively and there shall be an index sheet referenced to match lines on each sheet that shall clearly indicate where the several sheets join.

#### (B) Content. Site development plans required in Section 302-24 shall contain the following elements:

- (1) Name, address, email address, and phone number of owner of record, the developer, the applicant, and the person who prepared the plan.
- (2) Names and addresses of current owners of abutting property, including tax parcel ID number.
- (3) Approved zoning, acreage in tenths of an acre.
- (4) Street address, land lot, district and parcel ID number of subject property.
- (5) Graphic scale and north arrow, with north, to the extent feasible, oriented to the top of the plan and on all supporting graphics.
- (6) Date of drawing and revisions for each sheet.
- (7) Seal and signature of professional person preparing the plan.
- (8) Certificate of site development plan approval in a format provided by the Department.
- (9) Statement that ad valorem taxes are paid.
- (10) A vicinity map showing location of the property, existing streets, streams and rivers, City boundaries in the vicinity.
- (11) A survey of the subject property prepared by a registered surveyor with bearings and distances of the perimeter property lines, and referred distance to a known street intersection or land lot corner.
- (12) Survey with metes and bounds description of parcels to be dedicated for public use.

## City of Valdosta Land Development Regulations

- (a) For all streets and rights-of-way, provide curve data, length of tangents, radii, arcs, chords and control angles for all centerlines and rights-of-way, and centerline curves on streets.
- (b) Acreage of tract to the nearest tenth of an acre.
- (13) Location, character and amount of proposed development, by type of use.
- (14) Development density (units per acre or square feet per acre) for each type of development.
- (15) Centerline location, pavement width and right-of-way lines of existing streets on and abutting the property.
- (16) Utilities, pipe sizes and easements on and adjacent to the tract.
- (17) Banks of streams, lakes and other water bodies.
- (18) Topographic contour lines: 2-foot contour intervals. Indicate method of deriving contours.
- (19) Delineation of floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Valdosta; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
- (20) Approximate location and extent of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will preserve the feature and provide access to it during and after construction.
- (21) For all existing structures provide location, floor area, height, lowest floor elevation and whether they will be retained or demolished.
- (22) Existing and proposed covenants and deed restrictions.
- (23) Proposed lot area in acres, setbacks, yards and buildable area in acres.
- (24) For proposed buildings, give building use, location, square footage, density, building height in stories and feet and lowest floor elevation.
- (25) For all off-street parking areas, show number of spaces by type, width, depth, angle of standard stalls, width and types of aisles, curb cuts, curbing, drainage, landscaping and irrigation.
- (26) Show off-street loading areas, with location, number and dimensions of all berths, aisles and driveways.
- (27) Survey limits and area in square feet or tenths of acres for all areas to be held in joint ownership, common ownership or control and the proposed method of control and management of these areas.
- (28) Indication that the property is served by public water and/or sewer or private water and/or septic field.
- (29) Location of existing and proposed easements, with use and width.
- (30) Conceptual plans for drainage, with approximate location and estimated size and discharge points for all proposed stormwater management facilities and a statement as to the type of facility proposed.
- (31) Location and width of required buffers at external site boundaries and internal zoning district boundaries, if applicable.
- (32) Location and approximate extent (in acres) of open space and recreation facilities.
- (33) Location of proposed trails, recreation areas, parks, schools, libraries, churches and other public or community uses, facilities or structures on the site.



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- (34) Calculation of the percent of the lot covered in impervious surface after completion of development.
- (35) Applicable standards of the City of Valdosta GDOT Functional Classification System.
- (36) Site data and construction details.
  - (a) Contour changes, dikes or any created water bodies or proposed changes to water courses.
  - (b) Retaining walls, bulkheads and bridges.
  - (c) Proposed layout of internal streets with proposed street names, rights-of-way, centerlines, pavement widths.
  - (d) Notes indicating the location, type and dimensions of curb and gutter.
  - (e) Plans for all underground utilities including, but not limited to, sanitary sewer, storm sewers, and water lines, showing connections to existing systems, or proposals for developing new water supply, storm drainage, and sewage disposal systems.
  - (f) List of regulatory approvals or permits other than those issued by the City.
  - (g) Any other information deemed necessary by the Director or the service provider for the reasonable review of the development.

### **Section 302-63      Buffer Plan and Tree Protection and Replacement Plan**

- (A) Scope. All applications for a land disturbance permit pursuant to Article 5 of this Chapter shall require submission, review and approval of a Buffer Plan demonstrating compliance with Chapter 328, Article 1, Buffers and Screening, and a Tree Protection and Replacement Plan demonstrating compliance with Chapter 328, Article 2, Tree Protection and Replacement. With the approval of the Director, these two plans may be consolidated as one plan if the information can be clearly shown.
- (B) Buffer Plan.
  - (1) Format. Scale at 1 inch = 20 feet, or as needed to clearly show the location, type and arrangement of proposed planting and screening required.
  - (2) Content. The Buffer Plan shall be consistent with the preliminary plat and provide the following information:
    - (a) The name of the development and its acreage (or square footage if less than an acre).
    - (b) Name, address, email address, and telephone number of the property owner and subdivider or developer.
    - (c) Name, address, telephone number, and email address of the applicant.
    - (d) Name, address, telephone number and email address of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
    - (e) Date of survey, north point and graphic scale, source of datum, date of plan drawing and revision dates, as appropriate.
    - (f) The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
    - (g) The location of all existing and proposed parking areas, loading areas, dumpsters, outdoor storage, no access easements, and other site features for which outdoor screening is required in Chapter 328 or Section 226-3.
    - (h) The outline of all existing and proposed buildings and structures.

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- (i) The boundaries of all required transitional buffers, indicating where there are undisturbed buffers, non-vegetative screening, outdoor screening, and required stream buffers.
  - (j) For each natural undisturbed buffer and stream buffer, the Buffer Plan must provide:
    - i. A plan showing the location, size, spacing, common names, and botanical names of existing trees and plant materials to be retained that contribute to meeting the minimum requirements of Chapter 328.
    - ii. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, and signage
  - (k) For all other buffers and outdoor screening areas required in Article 1 of Chapter 328, the Buffer Plan shall include:
    - i. The location, size, common names and botanical names of all existing plant materials to be retained.
    - ii. Plans and cross-sections indicating the location, height, materials, and construction of non-vegetative screening such as berms, walls, fences or other means of providing an effective visual screen.
    - iii. The location, height, spacing and common and botanical names of supplemental plantings and other landscape materials.
- (C) Tree Protection and Replacement Plan. The Tree Protection and Replacement Plan shall demonstrate how the applicant will meet the requirements of Chapter 328, Article 2.
- (1) The Tree Protection and Replacement Plan shall be approved by the City Arborist prior to any grading, bulldozing or other removal of existing vegetation that may affect the health of existing tree coverage.
  - (2) Tree Protection and Replacement Plan Procedures.
    - (a) The Tree Protection and Replacement Plan for a site development shall be consistent with the preliminary plat or site development plan for the project.
    - (b) Combination of the Tree Protection and Replacement Plan and the site landscaping plan is allowed with approval of the Director.
    - (c) For subdivisions, the Tree Protection and Replacement Plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this subsection will be added.
  - (3) The Tree Protection and Replacement Plan shall include the following elements:
    - (a) The name of the development and its acreage (or square footage if less than an acre).
    - (b) Name, address, telephone and fax numbers of the property owner and subdivider or developer.
    - (c) Name, address, telephone number of the applicant.
    - (d) Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
    - (e) Date of survey, north point and graphic scale, source of datum, date of plan drawing and revision dates, as appropriate.

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- (f) For site development projects, the Tree Protection and Replacement Plan shall be drawn at a scale of 1 inch = 20 feet, or as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
- (g) The outline of all existing and proposed buildings and structures.
- (h) The location and size of all underground or above-ground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings also must be shown.
- (i) The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
- (j) The location and dimensions of landscaped areas in parking lots, along with the planting plan for each.
- (k) The location of curb stops installed to prevent vehicle overhang, where required to protect planting areas and vegetation.
- (l) The limits of all disturbed areas.
- (m) The boundaries of all natural buffers, greenways and other areas required to remain undisturbed.
- (n) The boundaries of each landscape area.
- (o) The extent of the development site or disturbed area, the gross area of the site and the undisturbed area and acreage to which the tree conservation requirements apply.
- (p) Tree plan.
  - i. Limits of tree protection and planting areas, showing existing trees to be retained and new trees to be planted, specifying type and size. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of trees in each stand that are submitted for credit by number and size.
  - ii. Locations of all trees to be planted on the site and calculations showing compliance with the tree unit requirements of Chapter 328.
  - iii. Planting schedule, if applicable, showing the type (common and botanical names), size, quantity of trees to be planted, and required planting comments and detail.
  - iv. Plans for alternative compliance, if applicable as provided in Section 328-30.
- (q) Exceptional trees.
  - i. Each specimen tree that will remain on the development site and be protected during construction, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement.
  - ii. Grade changes or other work adjacent to a specimen tree that would affect it adversely, with drawings or descriptions as to how the grade, drainage and aeration will be maintained around the tree.
- (r) Methods of tree protection for all tree protection areas; including, but not limited to, tree fencing, erosion control, retaining walls, tunneling for utilities, aeration, transplanting, staking, and signage.
- (s) Irrigation.
  - i. The Tree Protection and Replacement Plan shall also include a note indicating the type of irrigation to be used, sufficient to supply at least 5 gallons/tree/week.

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- ii. If hand watering is the type to be used, the plan must show the location of water faucets or quick couplers that will be used for this purpose.
- iii. If an irrigation system is provided, a separate irrigation plan is to be submitted showing the location of lines and heads, the spray radius for each head, all valves (control, shut off, drainage, etc.), timer and rain sensor location.
- (t) Additional information. Provide additional information that the City Arborist requires for a full understanding of conditions on the site and the elements of the proposed tree preservation and landscape plan or during construction activities.

### Section 302-64 Grading Plan

The grading plans shall be prepared on a map scale consistent with the preliminary plan, shall be in conformity with requirements of the Flood Area Permit in Section 302-45, the Soil Erosion and Sedimentation Control requirements in Section 306-3 and shall provide the following information.

- (A) Existing and Proposed Contour Lines. Grading plans shall show existing and proposed contour lines.
- (B) Disturbed and Undisturbed Areas. Grading plans shall outline the areas which are to be disturbed and areas required to remain undisturbed (i.e., Tree Protection Areas, buffer, etc.) and shall indicate protective fencing or staking to be placed surrounding such areas. Show areas where earth or fill materials are to be temporarily stored.
- (C) Flood Plain. Grading plan shall show any area of special flood hazard, the 100-year floodplain. Grading in and around these areas shall be in conformity with Chapter 320, "Floodplain Management and Flood Damage Prevention" and a Flood Area Permit, if required in Section 302-45.
- (D) Roads and Drainage. Grading for roads and improved ditches shall be shown on the Grading Plan.

### Section 302-65 Street, Sidewalk and Bicycle Improvements Plan

- (A) Plans, Profiles, and Sections Required. Plans must include centerline profiles of all proposed streets. Profiles shall be drawn on standard plan and profile sheets with plan section showing street layout, pavement and right-of-way width, curvature and required drainage facilities.
- (B) Underground Utilities. Where sanitary sewer or stormwater sewers are to be installed, the grade, size, location and bedding class of pipe and the location and invert elevations of manholes, as required by the Standards and Specifications, shall be indicated on the road profile.
- (C) Street Profiles. Centerline profiles of new streets shall include elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by Chapter 332 for street improvements, but no less than 200 feet.
- (D) Elevations. All plan elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Georgia Department of Transportation benchmarks where feasible.
- (E) Striping and Signage Plan. A street striping and signage plan, showing improvements in accordance with the Manual on Uniform Traffic Control Devices, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to three or more lanes.
- (F) Bicycle Improvements.

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- (1) Bicycle improvements, where applicable, are to be designed in accordance with Section 332-(i), and construction drawings prepared in the Street, Sidewalk and Bicycle Improvements Plan. All of the following improvements shall be located and designed where required by this LDR or applicable conditions of rezoning or permit approval:
  - (a) Multi-purpose trails.
  - (b) On-street bicycle lanes.
  - (c) Ramps and bollards at intersections with public streets.
  - (d) Bicycle signage and pavement markings.
  - (e) Bicycle parking spaces.
- (2) Bicycle Improvement Plan. Where bicycle improvements or multi-purpose trails are required or provided, a bicycle plan shall be submitted, reviewed and approved consisting of the following elements:
  - (a) A site plan at a scale of 1 inch = 50 feet. showing the location of on-street and off-street bike lanes or paths with respect to rights of ways, easements, streets, sidewalks, trails, streams, parking areas and buildings on the site.
  - (b) The typical cross-section of the bicycle facilities showing the typical cross-slopes, paving or surfacing and sub-base, drainage, and horizontal and vertical clearance standards.
  - (c) A profile sheet or other indication of the grade of bicycle lanes or paths.
  - (d) Typical construction details of the paving or surfacing, drainage, signage, pavement marking, bollards, ramps, and intersections with public streets.
  - (e) Location and construction of any proposed amenities such as restrooms, rest areas, shelters, benches, lighting, refuse collection, water fountains, bicycle parking fixtures, and landscaping.

### Section 302-66 Final Plat Specifications

- (A) Final Plat Format. The final plat shall be clearly and legibly drawn in permanent ink on high-quality reproducible material. Sheet sizes shall be 18 inches by 24 inches. Where more than one sheet is required, all sheets shall be numbered consecutively and shall include a notation of the total number of sheets, i.e., sheet 12 of 13 and the like. The final plat shall be drawn at a scale not smaller than 1 inch = 100 feet unless approved otherwise by the Director.
- (B) Final Plat Contents. The final plat shall conform to the general concept of the preliminary plat, with the following additions.
  - (1) Direction and distance from a point on the boundary of the subdivision ("subdivision monument") to at least one specific point of reference ("city monument"). All final plats shall depict the exact boundary lines of the tract by bearings and distances. Such depiction shall include the individual identification indicator, elevation and Georgia State Plane (West), datum NAD 1983 coordinates for this city monument. Measurement units should be in feet. Additionally, show the location bearing and distance from either: the intersection of two public rights-of-way, the intersection of those street/road surface centerlines, a point-of-reference of the surveyors choosing located with GPS equipment capable of sub-meter accuracy or better with notations on the plat referencing this position expressed in Georgia State Plane (West), datum NAD 1983 coordinates. The standard accuracy shall be in accordance with applicable American Land Title Act (ALTA) requirements for suburban surveys in all three planes (X, Y, and Z).
  - (2) The location of all such city monuments shall be supplied to any interested party by the Department upon request. These requirements shall specifically apply to all acquisitions of

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land by the city, except those solely for the purpose of acquiring right-of-way or for acquiring easements (permanent or temporary). All plats or surveys contracted by or paid for by the city must include the appropriate monument data as required by this Chapter.

- (3) Municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and bearings where these lines traverse or are reasonably close to the subdivision.
- (4) Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-hundredth foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not less than 1:10,000.
- (5) Name of subdivision, exact locations, right-of-way widths, pavement widths, and names of all streets and alleys within and immediately adjoining plat.
- (6) Street centerlines.
- (7) Lot lines, with dimensions to the nearest one-hundredth foot, and bearings.
- (8) Lots numbered in numerical order.
- (9) The following information pertaining to location, dimension and purpose:
  - (a) Location, dimensions and purposes of any easements and any area to be reserved or dedicated to public use.
  - (b) Size of all culvert pipes, on the site and adjacent to subdivision limits.
  - (c) Flood limit line corresponding to the 100-year floodplain elevation shall be shown.
  - (d) Location, description and dimensions of any stormwater runoff retention/detention facility and to include an access easement thereto having a minimum width of 20 ft and not more than 20% longitudinal gradient.
  - (e) Location and dimensions of any public and private water systems and fire hydrants.
  - (f) All water and wastewater systems and fire hydrants shall be provided for in compliance with all applicable requirements of the Standards and Specifications.
- (10) Accurate location, material and description of monuments and markers. All corner monuments must be in place prior to approval of the final plat.
- (11) A statement, either directly on the plat or in an identified attached document, of any private covenants.
- (12) The following certifications:
  - (a) An engineer's or surveyor's certification, directly on the plat as follows:

It is hereby certified that this plat is true and accurate and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size type and material are correctly shown, and that all engineering requirements of Title 3 of the City of Valdosta Land Development Regulations have been fully complied with.

Registered Georgia Civil Engineer No. \_\_\_\_\_

By: \_\_\_\_\_

OR

Registered Georgia Land Surveyor No. \_\_\_\_\_

By: \_\_\_\_\_

- (b) An owner's certification:

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Owner's Certification: State of Georgia: City of Valdosta: The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that all state, city and county taxes or other assessments now due on this land have been paid.

Agent: \_\_\_\_\_ Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

- (c) A dedication certificate, directly on the plat as follows:

Dedication Certification: It is hereby certified that the lands and improvements shown on this plat and designated as being dedicated to public use are hereby dedicated to the City of Valdosta, Georgia, for public use.

Owner: \_\_\_\_\_

Date: \_\_\_\_\_

- (d) Certificate of approval of the final plat by the Health Department, City Engineer and Planning and Zoning Administrator, directly on the plat as follows:

Pursuant to Title 3 of the City of Valdosta Land Development Regulations, all the requirements for approval having been fulfilled, this Final Plat was given Final Approval by:

the Planning and Zoning Administrator, Valdosta, GA

\_\_\_\_\_  
Date Planning and Zoning Administrator

the Department of Public Health, Lowndes County, GA

\_\_\_\_\_  
Date Health Department Representative

the City Engineer, Valdosta, GA

\_\_\_\_\_  
Date City Engineer

- (e) Revised final plats shall provide the date of the revision, description of revision and adequate space for the appropriate signature of the engineer or surveyor and the owner.

### (C) Specifications of Revised Final Plat.

- (1) A new tracing shall be required for revision of that portion of the subdivision being revised showing all requirements listed under Section 302-66(a).
- (2) Revision and notation explaining these revisions shall be shown in ink on the revised plat. When revised, the plat shall be designated as "revised final plat".
- (3) Revised plats shall be prepared at the same scale as the original plat, or at a scale of not less than 1 inch = 100 feet.
- (4) The revised plat shall comply with the regulations of Title 2 of the LDR, "Land Use and Zoning."
- (5) The revised plat shall contain the following wording:

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This revised plat has been submitted to and considered by Planning and Zoning Administrator and City Engineer and is hereby approved subject to any protective covenants shown hereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

By: \_\_\_\_\_

Planning and Zoning Administrator

City Engineer

All changes shall be bound by the protective covenants on the original plat, and a statement to that effect shall be noted on the revised plat.

- (6) Other data which may be required in a final engineering design report on proposed revisions and such other certificates, affidavits, endorsements or dedications as may be required by the City in the enforcement of Title 3 of the LDR.

### **Section 302-67        *Reserved***

### **Section 302-68        House or Structure Location Plans**

House or structure location plans required in accordance with Section 302-25 shall contain the following elements:

- (A) House or structure location plans shall be legible and drawn to a measureable scale and may be shown on a certified boundary survey of the lot or any other drawing showing the information required below.
- (B) The plan shall be drawn with sufficient readability and accuracy to ensure that the proposed improvements will be constructed on the lot in conformance with the requirements of Title 3 of the LDR, or other regulations as applicable.
- (C) House or structure location plans shall show the following, as applicable:
  - (1) Boundary lines of the lot, giving distances to the nearest one-tenth of a foot and bearings to the nearest minute.
  - (2) Location and names of all abutting streets or other rights-of-way.
  - (3) Minimum required front, side and rear building setback or buffer lines with dimensions and notation of the existing zoning on the property.
  - (4) The approximate outline of all buildings, driveways, parking areas, swimming pools, recreational courts, patios, accessory structures and other improvements existing or proposed on the property, and dimensions of buildings and distances between all structures and the nearest property lines.
  - (5) Location & dimensions of any water, sewer, drainage or other easements, storm water management facilities, septic tank, and septic tank drain field located on the lot.
  - (6) Subdivision name, lot designation, land lot, district, and tax parcel ID number.
  - (7) North arrow and graphic and numeric scale.
  - (8) Limit of the 100-year floodplain, wetland areas, streams, historic structures and any applicable buffers or special building setback lines.
  - (9) All other applicable requirements of the LDR or conditions of zoning approval.
  - (10) Name, address, email address, and telephone number of the owner and the person who prepared the plan, if different.
  - (11) Other data as may be required by the Director.



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- (D) A Certificate of Occupancy shall not be issued for the house, structure or other improvements until conformance to the provisions or other requirements of the structure location plan have been field verified by the Department or by a foundation survey prepared for the applicant.
- (E) The following note shall appear on all House or Structure Location Plans:

“This House or Structure Location Plan has been reviewed for general compliance with the Valdosta Land Development Regulations and is approved for issuance of a building permit for the residential structure and other improvements shown hereon. (No framing inspection will be approved until a flood elevation certificate, if applicable, has been received by the Department.) This approval is granted with the provision that no Certificate of Occupancy shall be issued until conformance to this structure location plan has been field verified by the building official or has been verified by an as-built foundation survey prepared by a Registered Land Surveyor or Professional Engineer.”

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## Chapter 306 Soil Erosion, Sedimentation, and Pollution Control

### Section 306-1 Exemptions

This chapter shall not apply to any of the following activities:

- (A) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, the "Mineral Resources and Caves Act."
- (B) Granite quarrying and land clearing for such quarrying.
- (C) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion.
- (D) The construction of single-family residences, when such construction disturbs less than 1 acre and is not part of a larger common plan of development or sale with a planned disturbance of equal to or greater than 1 acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in subsection 306-2(C) and the stream buffer zones provided by Section 306-2(E)(15) and (16) of this Chapter, which shall be enforced by the City Engineer.
- (E) Agricultural operations as defined in O.C.G.A. § 1-3-3 to include those practices involving the establishment, cultivation, or harvesting of products of the field or orchards; the preparation and planting of pasture lands; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings.
- (F) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in subsections 306-2(C)(15) and (16), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of 3 years after completion of such forestry practices.
- (G) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
- (H) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, 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 Georgia Department of Transportation or state road and tollway authority which disturb 1 or more contiguous acres of land shall be subject to the 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 the notice of intent under the state general permit shall be submitted to the City Engineer, the City Engineer shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.
- (I) 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 electric system or any public

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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 City Engineer shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

- (J) Any public water system reservoir.
- (K) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one 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 in this chapter shall prevent a city or county which is a local issuing authority from regulating any such project which is not specifically exempted by paragraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), or (J) of this Code section;

### **Section 306-2 Minimum Requirements for Soil Erosion, Sedimentation, and Pollution Control Using Best Management Practices**

- (A) General Provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this chapter shall contain provisions for application of soil erosion, sedimentation, and pollution control measures and practices. Those provisions shall be incorporated into the soil erosion, sedimentation, and pollution control plans. Soil erosion, sedimentation, and pollution control measures and practices shall conform to the minimum requirements of Section 306-2(B) through Section 306-2(E). 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. Submittal of the NOI is required along with the plan. Measures shall be installed to prevent or control soil erosion, sedimentation, and pollution during all stages of any land-disturbing activity. Full copies of the requirements for state permits are available for download from the Georgia EPD at <http://www.gaepd.org/> or from the City of Valdosta's Engineering Department.
- (B) Notice of Intent (NOI).
  - (1) As part of the permit process, a NOI shall be submitted to the City of Valdosta and the EPD director. This submittal shall be in accordance with the requirements of the respective general NPDES permits for construction activities issued by the EPD.
  - (2) This submittal is required for both new construction activities and construction activities that began on or before the effective date of this chapter.
- (C) Minimum Requirements/BMPs.
  - (1) BMPs, as set forth in this subsection through subsection (E) below shall be required for all land-disturbing activities. Proper design, installation, and maintenance of BMPs shall constitute a complete defense to any action by the EPD Director or to any other allegation of noncompliance with subsection (C)(2) of this Section or any substantially similar terms

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contained in a permit for the discharge of storm-water issued pursuant to O.C.G.A. § 12-5-30(f) of 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 stormwater runoff from disturbed areas where BMPs have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by the City Engineer or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f) of 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 NTUs for waters supporting warm water fisheries or by more than 10 NTUs for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the EPD Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes, which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than 5 acres.
  - (3) Outfall monitoring may be required pursuant to the requirements of the applicable general NPDES permits for construction activities issued by the EPD.
  - (4) Failure to properly design, install, or maintain BMPs shall constitute a violation of any land-disturbing permit issued by the City Engineer or any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f) for each day on which such failure occurs. BMP maintenance as a result of the permit holder's routine inspections shall not be considered a violation for the purposes of this section. If, during the course of the permit holder's routine inspection, BMP failures are observed that resulted in sediment deposition into waters of the state, the permit holder shall correct the BMP failures and shall submit a summary of violations to the City Engineer and to EPD in accordance with the guidelines provided by the EPD Director.
  - (5) The EPD Director may require, in accordance with regulations adopted by the DNR Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- (D) The plan shall be designed, installed, and maintained for the entire construction activity covered under the applicable general NPDES permits for construction activities issued by the EPD. The plan must be prepared by a design professional as defined by the applicable general NPDES permits for construction activities issued by the EPD. A certification statement provided in each of the general NPDES permits for construction activities issued by the EPD in part IV. The certification statement must be included and signed by the design professional preparing the plan.
- (E) The rules, regulations, ordinance, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and BMPs, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, shall be 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, re-grading, and other development activities shall be conducted in a manner so as to minimize erosion;
  - (2) Cut and fill operations must be kept to a minimum;
  - (3) Development plans must conform to topography and soil type, so as to create the lowest practical erosion potential;

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- (4) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 through 12-7-18, "the Erosion and Sedimentation Act of 1975";
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills;
- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts, except when such methods are not feasible, provided, in any case, that such crossings must be kept to a minimum;
- (14) Land-disturbing activity plans for soil 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 subsection (c) of this Section.
- (15) Except as provided in Section 306-2(E)(16), there is established a 25-foot buffer along the banks of all state waters (see also, Section 310-112), as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by said EPD Director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, the buffers of at least 25 feet established pursuant to Part 6 of Article 5 of Chapter 5 of Title 12, "*the Georgia Water Quality Control Act*" shall remain in force unless a variance is granted by the director as provided in this subsection. The following requirements shall apply to any such buffer:
  - (a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

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- (b) The buffer shall not apply to the following land disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- (16) Additional buffers beyond those listed in subsection (E)(15) of this Section may be required for the site. Applicant should refer to Article 4 of Chapter 310 for additional requirements;
- (17) Grading operations or other soil disturbing activities that are suspended for more than 7 calendar days shall have temporary vegetation, mulching, silt fence, and/or other erosion control measures, at the discretion of the City Engineer, employed to protect the soil from erosive elements. Grading operations or other soil disturbing activities that are abandoned or without activity for 30 calendar days shall have permanent grassing, silt fence and/or other erosion control measures employed to protect the area. If the site includes proposed roadbeds, it shall be regraded to remove any grass, weeds or other perishable matter prior to final acceptance of subgrade.
- (F) The Mayor and City Council may adopt rules and regulations, ordinances or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 306-2(B) through Section 306-2(E).
- (G) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

### Section 306-3 Application and Permit Process

- (A) General. The property owner, developer, and designated planners and engineers shall review the general development plans and detailed plans with the City Engineer that affect the tract to be developed and the area surrounding it. They shall review this LDR and other ordinances which regulate the development of land within the jurisdictional boundaries of the City of Valdosta. However, the operator is the only party who may obtain a permit.
  - (1) Enforcement Authority. The City Engineer shall have authority to administer and enforce these regulations as designee for the City of Valdosta, the Mayor and City Council, except where otherwise stated.
- (B) Application Requirements.
  - (1) All persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. section 12-7-20.
  - (2) Each permittee proposing to subdivide property for development shall meet with the City Engineer for a pre-application conference to discuss the project and the local and state permitting strategy as provided in Section 302-24. All permittees of other construction types may request a pre-application conference for advisement of their permit applicability.
  - (3) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Valdosta without first obtaining a land disturbance permit from the City Engineer to perform such activity.
  - (4) The application for a land disturbance permit shall be submitted to the City Engineer. Such application shall be accompanied by the applicant's NOI, soil erosion, sedimentation, and pollution control plans and by such supportive data as will affirmatively demonstrate that the land-disturbing activity proposed will be carried out in such a manner that the minimum

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requirements set forth in Section 306-2(B) through Section 306-2(E) shall be met. Applications for a land disturbance permit will not be accepted unless accompanied by 4 copies of the applicant's soil erosion, sedimentation, and pollution control plan, hydrology report and storm drainage plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by DNR Board.

- (5) A fee shall be charged for each application based on the fee structure established by the Mayor and City Council and shall be made prior to the issuance of any land-disturbing activity. If an application undergoes more than 2 reviews an additional fee will apply.
- (6) In addition to the City of Valdosta permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to the issuance of the land disturbance permit. Half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the EPD, regardless of the existence of a City Engineer in the jurisdiction.
- (7) Immediately upon receipt of an application, NOI, and plan for a permit, the City Engineer shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the NOI and soil erosion, sedimentation, and pollution control plan. A District shall approve or disapprove the plan within 45 working days of receipt. Failure of the District to act within 45 working days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the City Engineer. No permit will be issued unless the NOI and the plan have been approved by the District, and any variances required by Section 306-2, and bonding, if required, as per Section 306-3, have been obtained. Such review will not be required if the City of Valdosta and the District have entered into agreement which allows the City of Valdosta to conduct such review and approval of the NOI and plan without referring the application, NOI, and plan to the District.
- (8) **Additional Fees.**
  - (a) If a permit applicant has had 2 or more violations of previous permits, this chapter, or the Erosion and Sedimentation Act, O.C.G.A. § 12-5-20 et seq. as amended, within 3 years prior to the date of filing of the application under consideration, the City Engineer may deny the permit application.
  - (b) The City Engineer may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this chapter or with the conditions of the permit after issuance, the City Engineer 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.
  - (c) Land Disturbance commencing before Permit Issuance: Any person who commences land disturbance on any property before obtaining the necessary permit, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

- (C) **Plan Requirements.** Plans must be prepared to meet the minimum requirements as contained in Section 306-2(B) through Section 306-2(E). Conformance with those minimum requirements may be attained through the use of design criteria specified in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the GA Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound

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conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia*, as revised, is hereby incorporated by reference into this chapter. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

(D) Data Required for Site Plan.

- (1) Requirements for erosion, sedimentation, and pollution control plans are fully detailed in the GA Soil and Water Conservation Commission's Guidance Document and Checklists. These documents and checklists are available for download from the Georgia EPD at <http://gaswcc.georgia.gov/> or from the City of Valdosta's Planning and Zoning Department.
- (2) A completed checklist is required to be submitted with the site plans.

(E) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional license in the State of Georgia in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control.

(F) Maintenance of all soil erosion, sedimentation, and pollution control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(G) The City Engineer may notify the permittee at any time that the plan is deficient. Within 7 calendar days of such notation, the permittee shall make the required changes to the plan, as appropriate to correct the deficiency, and shall submit the amended plan to the City Engineer.

(H) Sampling Requirements.

- (1) Sampling may be required pursuant to the requirements of the applicable general NPDES permit for construction activities issued by the EPD to prove that no excess sediment from land disturbing activities is escaping to state waters. See Part IV.D.5 of the applicable NPDES permit for construction activities issued by the EPD.
- (2) The above sampling requirements do not apply to the construction of single-family homes not part of a developed community or common development, unless the disturbance exceeds 5 acres for the home construction.

(I) Permits.

- (1) Permits shall be issued or denied as soon as practicable, but in any event not later than 45 working days after receipt by the City Engineer of the completed application, providing variances and bonding is obtained where necessary.
- (2) No permit shall be issued by the City Engineer unless the soil erosion, sedimentation, and pollution control plan has been approved by the City Engineer; the City Engineer has affirmatively determined that the plan is in compliance with this chapter; any variances required by subsection 306-2(E)(15) are obtained; bonding requirements, if necessary, as per subsection 306-3(B)(5) are met; and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the City of Valdosta are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- (4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.



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- (5) The permit may be suspended, revoked, or modified by the City Engineer, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved soil erosion, sedimentation, and pollution control plan or that the holder or his successor in title is in violation of this chapter or the Georgia Soil Erosion and Sediment Control Act, O.C.G.A. § 12-7-1 et seq. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (6) No permit shall be issued unless the applicant provides a statement by the Tax Assessors that all ad valorem taxes levied against the property and due and owing have been paid.
- (7) Qualified personnel provided by the permittee shall make regular inspection of all control measures at least once every 7 calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater in accordance with the inspection schedule outlines in the approved soil erosion, sedimentation, and pollution control plan. The purpose of such inspections will be to determine the overall effectiveness of the plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the City Engineer on a weekly basis for the duration of the project or until final stabilization is achieved.
- (8) 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 accordance with O.C.G.A. 12-7-7 (f) (1).

### Section 306-4 Inspection and Enforcement

- (A) The City Engineer shall 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 approved plan and if the measures required in the plan are effective in controlling soil erosion, sedimentation, and pollution. Also, the City Engineer shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of BMPs where the primary permittee is conducting land disturbing activities. Secondary permittees shall be responsible for installation and maintenance of BMPs where the secondary 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 chapter, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter and subject to the penalties for violation of this chapter, a stop work order, and/or other enforcement action provided for in this chapter.
- (B) The City Engineer shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this chapter, and when necessary issue citations and/or court summons, 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.
- (C) The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- (D) No person shall refuse entry or access to any authorized representative or agent of the City of Valdosta, the GA Soil and Water Conservation Commission, the District or EPD who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his or her official duties. If such permission is refused, or is otherwise unobtainable, then the

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City Engineer may seek issuance of a search warrant from any court of competent jurisdiction upon showing probable cause to believe that a violation of this section may exist.

- (E) The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- (F) The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

### Section 306-5 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 chapter without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the specified fines, conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority. See Section 306-3(B)(8). In addition:
  - (1) Failure to design install and maintain proper BMP'S shall constitute a violation of Section 306-2(C).
  - (2) After the building permit is issued and prior to any land disturbance activity, all BMP's shall be installed. Upon completion of installation, the City Engineer shall be called for inspection and shall have 24 hours to complete said inspection. If approved, the City Engineer shall place his or her stamp on the building permit. If rejected, no stamp shall be placed on the building permit.
  - (3) No other site or building inspections will be conducted unless the BMP'S are approved.
  - (4) In the event that deficiencies are found after approval, but during construction, a written notice shall be affixed to the permit. Owner shall have 24 hours to take corrective action.
  - (5) Failure to make corrections after 24 hours may result in suspension of building inspections, and the issuance of a citation/court summons. Inspections may be suspended until the matter is resolved.
  - (6) Most common violations are as follows. Silt fence down and not being maintained, and sediment tracked into street, gravel tracked out into street, concrete trucks washed out into an unprotected area and paint cans and brushes being washed out into an unprotected area.
- (B) Stop-work Orders.

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- (1) For the first violation of the provisions of this chapter, the City Engineer shall issue to the violator a written warning in the form of written notice to comply. The violator shall have five days to correct the violation. If the violation is not corrected within 5 days after the initial violation, the City shall issue a second written warning to the violator. If the violation is not corrected within 5 days of issuance of second notice to comply, then the City Engineer shall issue a stop-work order requiring that land-disturbing activities and construction activities be stopped, with the exception of the installation and maintenance of temporary or permanent erosion, sedimentation, and pollution controls, 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 City Engineer shall issue an immediate stop-work order in lieu of a warning;
  - (2) For a third and each subsequent violation, the City Engineer shall issue an immediate stop-work order;
  - (3) All stop-work orders shall be effective immediately upon issuance and shall be 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 City Engineer, have been or are being discharged into state waters and where BMPs have not been properly designed, installed and maintained, a stop work order shall be issued by the City Engineer. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land disturbing activities on the site with the exception of the installation and maintenance of temporary or permanent soil erosion, sediment, and pollution controls.
- (C) Bond Forfeiture. If, through inspection by the City Engineer, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 302-30. The City Engineer 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 Chapter or any permit condition or limitation established pursuant to this Chapter or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this Chapter shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this chapter, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which the violation or failure or refusal to comply continues shall be a separate violation.
- (E) Certificate of Occupancy. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, the City Engineer may request that the City Engineer refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the measures necessary to achieve compliance

## City of Valdosta Land Development Regulations

with the plan have been completed and all violations of this chapter have been brought into compliance.

### Section 306-6 Education and Certification

- (A) All persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the EPD and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- (B) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have, as a minimum, present on site one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- (C) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- (D) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

### Section 306-7 Administrative Appeal and Judicial Review

#### (A) Administrative Remedies.

- (1) If the City Engineer determines that a permit holder is not in compliance with the approved soil erosion, sedimentation, and pollution control plan; or that the permit holder is in violation of permit conditions; or that the permit holder is in violation of any chapter; or that a proposed plan submitted by a permit applicant is not sufficient to meet the requirements of this section, the City Engineer may suspend the permit, revoke the permit, or deny the application for a permit, as applicable.
- (2) An aggrieved permit holder or permit applicant may appeal the decision of the City Engineer regarding such denial, suspension or revocation by appeal to the Mayor and City Council. The decision of the City Engineer shall be final unless a written appeal is filed within 15 calendar days. All such appeals shall be filed in the office of the City Clerk. An appeal shall not stay the City Engineer decision.
- (3) The Mayor and City Council shall conduct a hearing on an appeal within 30 calendar days after receipt of the written request for a hearing unless the permit holder or permit applicant requests an extension in writing for good cause that is granted by the Mayor and City Council. The hearing shall be conducted before the Mayor and City Council at the date and time established by the Mayor and City Council and after reasonable notice of no less than 5 calendar days has been provided to the applicant. At the hearing, the Mayor and City Council shall receive oral and written testimony regarding the permit or permit application, and each

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party may present evidence and witnesses and be represented by legal counsel. The appeal shall be sustained by the Mayor and City Council if the Mayor and City Council finds that the City Engineer made an erroneous finding of material fact or that the City Engineer acted in an arbitrary manner in reaching his or her decision.

- (4) The Mayor and City Council shall render a written decision and issue notice of the decision to the permit holder/permit applicant within 10 working days after the conclusion of the hearing. The decision of the Mayor and City Council shall be final.

- (B) Judicial Review. The appeal process contained in this section shall be a condition precedent to an aggrieved property owner seeking judicial relief. Any person, aggrieved by a decision or order of the City Engineer, after exhausting his administrative remedies, shall have the right to appeal de novo within 30 calendar days of the date of service of the decision of the Mayor and City Council to the Superior Court of Lowndes County.

### Section 306-8 Severability and Liability

- (A) Severability. If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this chapter.

- (B) Liability.

- (1) Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City Engineer or the GA Soil and Water Conservation Commission for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.
- (3) No provision of this chapter shall authorize any persons to violate the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.; the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.; the rules and regulations promulgated and approved there under; or to pollute any waters of the state as defined thereby.
- (4) If any provision of this chapter is in conflict with the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.; the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.; and the rules and regulations promulgated and approved there under, then the provisions of the said state statutes and rules and regulations shall control.

# City of Valdosta Land Development Regulations

## **Chapter 310 Stormwater Management**

### **Article 1 Post-development Stormwater Management**

#### **Division 1 General Provisions**

##### **Section 310-1 Purpose and Intent**

- (A) The purpose and intent of this article 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-development stormwater runoff and non-point source pollution associated with new development and redevelopment. Proper management of post-development 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. This article seeks to meet that purpose through the following objectives:
- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
  - (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
  - (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  - (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
  - (5) Encourage the use of non-structural stormwater management and stormwater better site design practices, such as the preservation of open space and other conservation areas, to the maximum extent practicable;
  - (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and non-structural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or to the integrity of downstream water resources; and
  - (7) Establish administrative procedures for the submission, review, approval, and disapproval of stormwater management plans and for the inspection of approved active projects, and long-term follow up.

##### **Section 310-2 Applicability**

- (A) This article shall be applicable to all land development; including, but not limited to, site plan applications, subdivision applications, and grading applications, unless otherwise exempted. The provisions of this article shall apply to any new development or redevelopment site that meets one or more of the following criteria:
- (1) New development that involves the creation of 5,000 square feet or replacement of 10,000 square feet or more of impervious cover, or that involves other land development activities of 1 acre or more;
  - (2) Redevelopment that includes the creation or addition of 5,000 square feet or more of impervious cover, or that involves other land development activity of 1 acre or more;

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- (3) Any new development or redevelopment, regardless of size, that is defined by the City Engineer to be a "hotspot" land use (The Georgia Stormwater Management Manual (GSWMM) defines a hotspot land use based on water quality criteria, and the City of Valdosta can also consider flooding conditions to define hotspot areas where known flooding conditions and existing structural limitations should be considered)
- (4) Land development activities that are smaller than the minimum applicability criteria set forth in paragraphs (1) and (2) of this subsection, if such activities are part of a larger common plan of development; even though multiple, separate, and distinct land development activities may take place at different times on different schedules.

(B) The following activities are exempt from this article:

- (1) Development of individual single-family residential lots that involve the creation of less than 5,000 square feet of impervious cover or that involves other land development activities less than 1 acre and are not part of a subdivision or phased development project;
- (2) Additions or modifications to existing single-family residential structures that involve the creation of less than 5,000 square feet of impervious cover or that involves other land development activities less than 1 acre;
- (3) Agriculture or silviculture land management activities within areas zoned for such activities;
- (4) Land disturbing activities conducted for the purpose of restoration of streams, streambanks, riparian zones, or other environmentally protected areas; and
- (5) Repairs to any stormwater management facility or practice deemed necessary by the City Engineer.

### **Section 310-3    Responsibility for Administration**

The City Engineer shall administer, implement, and enforce the provisions of this article.

### **Section 310-4    Compatibility with Other Regulations**

This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **Section 310-5    Stormwater Design Manual**

The City Engineer shall utilize the policy, criteria, and information, including technical specifications and standards, set forth in the Georgia Stormwater Management Manual, as now and hereafter amended, and any relevant local requirements for the proper implementation of the requirements of this article. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience. This includes any addenda or updates to the local design guidelines as approved by the Mayor and City Council.

### **Sections 310-6 through 310-10                      Reserved**

# City of Valdosta Land Development Regulations

## Division 2 Permit Procedures and Requirements

### Section 310-11 Stormwater Management Permit Required

- (A) No owner or developer shall perform any land development activities without first obtaining a stormwater management permit and meeting the requirements of this article prior to commencing the proposed activity.
- (B) Unless specifically exempted by this article, any owner or developer proposing a land development activity shall submit a stormwater management permit application to the City Engineer prior to initiating any land-disturbance.
- (C) Applications for a stormwater management permit shall be on a form provided by the City Engineer for that purpose and shall be accompanied by the following items in order to be considered:
  - (1) Stormwater concept plan and consultation meeting certification in accordance with Section 310-12;
  - (2) Stormwater management plan in accordance with Section 310-13;
  - (3) Inspection and maintenance agreement in accordance with Section 310-14, if applicable;
  - (4) Maintenance surety in accordance with Section 310-15, if applicable;
  - (5) Permit application and plan review fees in accordance with Section 310-17;
  - (6) Construction drawings, stormwater hydrology, hydraulics report and site analysis;
- (D) Applications for a stormwater management permit that are incomplete or which otherwise do not meet the criteria set forth above, as determined by the City Engineer, shall not be reviewed by the City of Valdosta.

### Section 310-12 Stormwater Concept Plan and Consultation Meeting

- (A) Before any stormwater management permit application is submitted, the owner or developer shall meet with the City Engineer for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place prior to the preliminary plan submission of any development or redevelopment plan. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project; as well as to discuss and assess constraints, opportunities, and potential ideas for stormwater management designs before the formal site design engineering is commenced.
- (B) To accomplish this goal, the following information shall be included in the concept plan, which shall be submitted to the City Engineer a minimum of 10 business days prior to the meeting:
  - (1) Existing conditions/proposed site plans. Existing conditions and proposed site layout sketch plans that illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.
  - (2) Natural resources inventory. A written or graphic inventory of the natural resources located on the site and within a ¼-mile radius of the site as they exist prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site; as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands,



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lakes, ponds, floodplains, stream buffers, and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features.

- (3) Post-development stormwater management system concept plan. A written or graphic concept plan of the proposed post-development stormwater management system, including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
- (4) Local watershed plans, greenspace program, greenway plan, park development plans, and any relevant resource protection plans will be consulted in the discussion of the concept plan.

### Section 310-13 Stormwater Management Plan Requirements

- (A) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in Division 3 of this article.
- (B) The stormwater management plan shall be in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a professional engineer licensed in the State of Georgia, who is qualified to address stormwater issues and who must verify that the design of all stormwater management facilities and practices comply with the submittal checklists(s) found in the Georgia Stormwater Management Manual.
- (C) The stormwater management plan must ensure compliance with the requirements and criteria in this article and demonstrate that opportunities are being taken to eliminate adverse post-development stormwater runoff impacts from the development by ensuring a zero net increase. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the site plan checklist found in the Georgia Stormwater Management Manual. At a minimum, this includes:
  - (1) Street address and legal description of site.
  - (2) Vicinity map.
  - (3) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions for the subject parcel with the drainage basin boundaries indicated; acreage, soil types, and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For new developments, the base date shall be the year in which this article was originally adopted. For redevelopment sites, predevelopment conditions shall be modeled using the following established guidelines for the portion of the site undergoing land development activities:
    - (a) For substantial developments (more than 5,000 square feet of impervious area), the predevelopment conditions shall be grass and trees.
    - (b) For less 5,000 square feet of impervious, the predevelopment conditions are to not make the stormwater runoff rates, volumes and velocities any worse than they currently exist.

## City of Valdosta Land Development Regulations

- (4) Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in Division 3 of this article; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50% of the site area for the entire site, then the performance criteria in Division 3 of this article must be met for the stormwater runoff from the entire site.
- (5) Where the existing development is to be redeveloped, the applicant should attempt to make every reasonable effort to provide water quality and detention for the total land area of the redeveloped site, which may include but not be limited to underground detention and subsurface water quality treatment.
- (6) Stormwater management system. The description, scaled drawings, and design calculations for the proposed post-development stormwater management system shall include a map and/or drawing of the stormwater management facilities, including the location of non-structural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Division 3 of this article; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales, areas of overland flow; and BMP for post-construction clog prevention on all outlet control orifices with a diameter of 4" or less; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace program, greenway plans or any other relevant resource protection plans.
- (7) Post-development downstream analysis. A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. At a minimum, the analysis of downstream conditions in the report shall address:
  - (a) A map of each and every point or area along the project site's boundaries at which runoff will exit the property;
  - (b) Delineation of all downstream structures and property adjacent or within the flow path of the downstream flow analysis;
  - (c) The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10% of the total basin area;

## City of Valdosta Land Development Regulations

- (d) In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes;
  - (e) The analysis shall be in accordance with the *Georgia Stormwater Management Manual*.
  - (f) Where both channel protection volume and water quality volume requirements have been met, the City Engineer may modify or waive the requirements of Section 310-13(C)(7) for post-development downstream analysis on projects where the Stormwater Management Report demonstrates that post-development conditions provide a 15% reduction of post-development peak flows from pre-development peak flows for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year storm events.
- (8) Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan which satisfies the requirements of Chapter 306 of this LDR. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
  - (9) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the existing and proposed trees, landscaping and other vegetation within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
  - (10) Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access, and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
  - (11) Maintenance access easements. The applicant must ensure adequate access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property. Regular maintenance shall be the responsibility of the property owner's association or the property owner.
  - (12) Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City Engineer, as provided in Section 310-14, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with Section 310-14.
  - (13) Evidence of acquisition of applicable environmental permits. The applicant shall certify and provide documentation to the City Engineer that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

## City of Valdosta Land Development Regulations

### Section 310-14 Stormwater Management Inspection and Maintenance Agreements

- (A) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder (examples not limited to stormwater pools, stormwater wetlands, and bioretention areas) and for which the City Engineer requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City Engineer, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.
- (B) The inspection and maintenance agreement, if applicable, must be approved by the City Engineer prior to plan approval, and recorded in the office of the Lowndes County Clerk of Superior Court, real estate division upon final plat approval.
- (C) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner(s). If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (D) The inspection and maintenance agreement shall include a schedule for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof. Copies of routine inspection summaries will be submitted in accordance with the approved maintenance plan.
- (E) In addition to enforcing the terms of the inspection and maintenance agreement, the City engineer may also enforce all of the provisions for ongoing inspection and maintenance as set forth in Division 5.
- (F) The Mayor and City Council may, upon recommendation by the City Engineer, accept, in lieu of an inspection and maintenance agreement, the dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

### Section 310-15 Maintenance Surety

- (A) Prior to issuance of a stormwater management permit under this article, the applicant shall provide to the city sufficient financial security to guarantee the maintenance and performance of stormwater management facilities for a period of two years after the final plat is recorded or a certificate of occupancy is issued, as described in the applicant's approved stormwater management plan. The applicant's financial guarantee may be any of the following: (1) an escrow of funds with the city; (2) an escrow with a bank or savings and loan association upon which the city can draw funds; (3) an irrevocable letter of commitment or credit upon which the city can draw funds; (4) a certificate of deposit with assignment letter; and (5) any other form of guarantee approved by the Mayor and City Council that will satisfy the objectives of this article. The guarantee shall be in an amount to secure the full costs, as determined by the City Engineer, of maintaining, repairing or replacing the stormwater management facilities required by this article.

## City of Valdosta Land Development Regulations

- (B) In the event the applicant or responsible person fails to ensure adequate maintenance pursuant to the approved stormwater management plan, the City Engineer shall take those steps necessary to correct the defective maintenance pursuant to the provisions of Section 310-54. At the option of the City, after providing notice as provided in Section 310-54(A), the City Engineer may call the bond required in paragraph (A) of this Section to the extent that the proceeds of such bond are sufficient to reimburse the cost to the City of hiring a contractor to bring the site into full compliance with this Chapter.

### Section 310-16 Application Procedure

- (A) Applications for stormwater management permits shall be filed with the City Engineer.
- (B) Permit applications shall include the items set forth in subsection 310-11(C) of this article (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).
- (C) The City Engineer shall notify the applicant in writing within 30 days of receipt of the complete application whether the application, stormwater management plan, and inspection and maintenance agreement are approved or denied. Any complete application for which no action has been taken after 30 business days or more shall be deemed to be approved.
- (D) If the permit application, stormwater management plan, and inspection and maintenance agreement are denied, the written notification from the City Engineer shall specify the reasons for the denial, and the applicant may then revise any item not meeting the requirements hereof and resubmit the same. Such resubmittal shall be treated as a new application; however, no new application fee shall be required.
- (E) Upon a finding by the City Engineer that the stormwater management permit application, stormwater management plan, and inspection and maintenance agreement, meet the requirements of this article and the performance criteria set forth in Division 3, the City Engineer shall issue a stormwater management permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (F) Notwithstanding the issuance of the stormwater management permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
  - (1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development, and drainage will be completed according to the approved plan;
  - (2) The land development project shall be conducted only within the area specified in the approved plan;
  - (3) No changes may be made to an approved plan without review and written approval by the City Engineer; and
  - (4) Upon completion of the land development project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans pursuant to Section 310-42 of this article.
- (G) A violation of any provision of this article will be grounds for terminating a permit granted by the city. Should it be determined that a permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this article, the City Engineer shall revoke the permit.

# City of Valdosta Land Development Regulations

## Section 310-17 Permit Application Fees

The permit fee for review of any stormwater management application shall be based on the fee structure established by the Mayor and City Council. The total fee due shall be submitted with the application and review of the application shall not begin until the permit application fee is paid in full.

## Section 310-18 Stormwater Management Plan Modifications for Off-site Facilities

- (A) The stormwater management plan for each land development project should provide for stormwater management measures located on the site of the project. Where the physical characteristics of the site so dictate, as determined by the City Engineer, the applicant may be allowed to modify the stormwater management plan to utilize an off-site or regional stormwater management facility.
- (B) A modified stormwater management plan must be submitted to the City Engineer that shows the adequacy of the off-site or regional facility.
- (C) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City Engineer that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
  - (1) Increased threat of flood damage to public health, life, and property;
  - (2) Deterioration of existing culverts, bridges, dams, and other structures;
  - (3) Accelerated streambank or streambed erosion or siltation;
  - (4) Degradation of in-stream biological functions or habitat; or
  - (5) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.
- (D) The off-site or regional facility must be:
  - (1) Located on property legally dedicated for the purpose;
  - (2) Designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices; and
  - (3) There must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility.
- (E) In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

## Sections 310-19 through 310-24 Reserved

# City of Valdosta Land Development Regulations

## Division 3 Post-Development Stormwater Management Performance Criteria

### Section 310-25 Water Quality

- (A) All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
- (1) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the *Georgia Stormwater Management Manual*;
  - (2) Appropriate structural stormwater controls or non-structural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the *Georgia Stormwater Management Manual*; and
  - (3) Runoff from hotspot land uses and activities identified by the City Engineer are adequately treated and addressed through the use of appropriate structural stormwater controls, non-structural practices, and pollution prevention practices.

### Section 310-26 Stream Channel Protection

- (A) Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following 3 approaches:
- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
  - (2) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; and
  - (3) Post development erosion prevention measures such as energy dissipation and velocity control taking into consideration their location and size of outlet control structures.
- (B) The City Engineer may modify or waive the detention requirements for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a manmade channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity.

### Section 310-27 Overbank Flooding Protection

- (A) Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under subsection 310-26(B) is waived or modified, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided.
- (B) The City Engineer may modify or waive the provisions of Section 310-27(A) for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

### Section 310-28 Extreme Flooding Protection

- (A) Extreme flood and public safety protection shall be provided by controlling and/or safely conveying the 100-year, 24-hour storm event such that flooding is not exacerbated.
- (B) The City Engineer may modify or waive the provisions of Section 310-28(A) for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

# City of Valdosta Land Development Regulations

## Section 310-29 Structural Stormwater Controls

- (A) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the *Georgia Stormwater Management Manual*. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the *Georgia Stormwater Management Manual*, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the City Engineer before being included in the design of a stormwater management system.
- (B) In addition, if hydrologic or topographic conditions or land use activities warrant greater control than that provided by the minimum control requirements, the City Engineer may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.
- (C) Applicants shall consult the *Georgia Stormwater Management Manual* for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

## Section 310-30 Stormwater Credits for Non-structural Measures

The use of 1 or more better site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Section 310-25. The applicant may, if approved by the City 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 which 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 *Georgia Stormwater Management Manual*.

## Section 310-31 Drainage System Guidelines

- (A) Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters, shall be provided when necessary for the protection of public right-of-way, public properties, and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than 1 parcel, existing or proposed, shall meet the following requirements:
  - (1) Methods to calculate stormwater flows shall be in accordance with the *Georgia Stormwater Management Manual*;
  - (2) All culverts, pipe systems, and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the *Georgia Stormwater Management Manual*; and
  - (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the *Georgia Stormwater Management Manual*.

## Section 310-32 Dam Design Guidelines

Any land development activity that involves a site which proposes a dam, as such term is defined by O.C.G.A. § 12-5-372(4), shall comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

## Sections 310-33 through 310-40 Reserved



# City of Valdosta Land Development Regulations

## **Division 4      Construction Inspections of Post-development Stormwater Management System**

### **Section 310-41   Inspections to Ensure Plan Compliance During Construction**

- (A) Periodic inspections of the stormwater management system construction shall be conducted by the City Engineer or conducted and certified by either a professional engineer, a registered landscape architect (RLA), or a registered surveyor (RLS), who is licensed in the State of Georgia and has been approved by the City Engineer. Construction shall be inspected to establish compliance with the approved stormwater management plan.
- (B) All inspections shall be documented with written reports that contain the following information:
  - (1) The date and location of the inspection;
  - (2) Whether construction is in compliance with the approved stormwater management plan;
  - (3) Variations from the approved construction specifications; and
  - (4) Any other variations or violations of the conditions of the approved stormwater management plan.
- (C) If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions in accordance with the provisions of Section 310-61.

### **Section 310-42   Final Inspection and As-built Plans**

Upon completion of a project, and before a certificate of occupancy shall be granted or a final plat recorded, the applicant shall be responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. Refer to the Standards and Specifications for as-built criteria. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by either a professional engineer, a registered landscape architect (RLA), or a registered surveyor (RLS), who is licensed in the State of Georgia. A final inspection by the City Engineer is required before the release of any performance securities can occur. The City Engineer may verify the accuracy of the submitted as-built plans prior to the issuance of a final recorded plat or certificate of occupancy.

### **Sections 310-43 through 310-50      Reserved**

# City of Valdosta Land Development Regulations

## **Division 5      Ongoing Inspection and Maintenance of Stormwater Facilities and Practices**

### **Section 310-51   Long-term Maintenance Inspection of Stormwater Facilities and Practices**

- (A) Stormwater management facilities and practices included in a stormwater management plan that are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan, and this article.
- (B) Where no maintenance agreement has been recorded, it shall be the responsibility of the property owner(s) to maintain the operational characteristics of any facility (detention/retention pond, swale, gully, inlet, outlet and/or pipe) constructed on their property for storm water management pursuant to City requirements, to keep access points to the facility free of obstructions, and to keep the facility free of trash, debris, excessive vegetation, excessive sediment and other obstacles that would pollute, contaminate or significantly retard the flow of water through the stormwater management facility.
- (C) A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City Engineer shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, and there is an immediate danger to public health or public safety, the City Engineer may correct the violation as provided in Section 310-15 and 310-54 of this article.
- (D) Inspection programs by the City Engineer may be established on any reasonable basis; including, but not limited to, routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

### **Section 310-52   Right-of-Entry for Inspection**

The terms of the inspection and maintenance agreement shall expressly allow the City Engineer to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the city has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

### **Section 310-53   Records of Maintenance Activities**

Parties responsible for the operation and maintenance of a stormwater management facility shall, upon his request, provide records of all maintenance and repairs to the City Engineer.

### **Section 310-54   Failure to Maintain**

- (A) If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City Engineer, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may refer the violation for legal action in accordance with Section 310-61 and 310-62.

## City of Valdosta Land Development Regulations

- (B) In the event that an emergency repair must be made by the City Engineer, the costs of the emergency repair work shall be billed to the owner(s) of the facility. Failure of the owner(s) to pay the costs within 30 days of receipt of the bill shall result in a delinquency and will be handled in accordance with Section 310-82(B).

**Sections 310-55 through 310-60      Reserved**

# City of Valdosta Land Development Regulations

## Division 6      Violations and Penalties.

### Section 310-61   Notice of Violation

- (A) If the City Engineer determines that an applicant or other responsible person has failed to comply with the provisions of this article or is engaged in activity covered by this article without having first secured a stormwater management permit, the City Engineer shall notify the owner or the responsible person in charge of the activity being conducted on the site by registered or certified mail to the person specified.
- (B) The applicant or other responsible person shall be provided a reasonable opportunity, of not less than 10 days, to cure such violation; except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient.
- (C) Where a person is engaged in activity covered by this article without having first secured a stormwater management permit, the City Engineer shall issue an immediate stop work order in lieu of a written notice.
- (D) The notice of violation shall contain:
  - (1) The name and address of the owner or the applicant or the responsible person.
  - (2) The address or other description of the site upon which the violation is occurring.
  - (3) A statement specifying the nature of the violation.
  - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the stormwater management permit, the stormwater management plan, or this article, and a time schedule 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 a violation may be appealed to the City Engineer by filing a written notice of appeal within 10 days after the notice of violation, except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be required.
  - (7) Appeals filed in writing to the City Clerk pursuant to paragraph (6) of this Section shall be referred to a committee consisting of the City Engineer, the City Attorney and the Stormwater Technician to decide within 5 business days.
- (E) In the event the violation constitutes an immediate danger to public health or public safety, the City Engineer is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or to restore the property. The City Engineer is authorized to seek costs of the abatement as a delinquency that will be handled in accordance with Section 310-82(B).

### Section 310-62   Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, or the time for filing an appeal has expired, 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.

- (A) Stop work order. The City Engineer may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall be in effect immediately upon issuance and shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

## City of Valdosta Land Development Regulations

- (B) Withhold certificate of occupancy. The City Engineer may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (C) Suspension, revocation or modification of permit. The City Engineer may suspend, revoke or modify any 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 such permit may be reinstated (upon such conditions as the City Engineer may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (D) Civil Penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the City Engineer shall deem appropriate, except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient, the City Engineer may refer the matter to municipal court as provided in Section 310-62(E). Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- (E) Criminal Penalties. For intentional and flagrant violations of this article, the City Engineer may issue a citation to the applicant or other responsible person, requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**Sections 310-63 through 310-70                      Reserved**

# City of Valdosta Land Development Regulations

## Article 2 Stormwater Utility

### Section 310-71 Purpose

- (A) The City of Valdosta is authorized by the State Constitution, including, without limitation, Article IX, Section II, Paragraphs I(a) and III(a)(6) thereof and state law to provide stormwater management services throughout the incorporated areas of the city.
- (B) In order to protect the health, safety and welfare of the public, and the natural resources of the city, the City of Valdosta hereby exercises its authority to establish a stormwater utility and establish rates for stormwater management services.
- (C) The federal Clean Water Act, as amended by the Water Quality Act of 1987 (33 USC 1251 et seq.), other amendments and rules promulgated by the United States Environmental Protection Agency pursuant to the act, place increased emphasis on the role of local governments in developing, implementing, conduction and making available to is citizens and property owners stormwater management services which address water quality and volume impacts of stormwater runoff.
- (D) Prior development in the city and the outlook for continued development at an increasing rate in the future has created and will continue to create a need for stormwater management services, systems and facilities within the city.
- (E) The city has engaged a consultant to perform professional engineering and financial analysis of the city's stormwater management needs and the alternatives available to the city for dealing with stormwater management, and has received, reviewed and considered the results of the consultants' analysis which identify stormwater management needs, propose strategic program goals and priorities, estimate the costs of stormwater management services, systems, and facilities, examine reasonable charges by the city for providing such services and facilities and project the rate base available within the city to support such costs.
- (F) The Mayor and City Council find and conclude from the professional engineering and financial analyses that it would be desirable to provide for additional stormwater management services, systems and facilities within certain more developed portions of the city.
- (G) The Mayor and City Council find and conclude from the professional engineering and financial analyses that a fair and equitable rate structure for those receiving the benefits of stormwater management services, systems and facilities, the proceeds of which will be dedicated to the city stormwater utility for carrying out its purposes, will be essential if the city is to provide the level of stormwater management services, systems and facilities that would be desirable to meet the existing and future stormwater management needs of the city.

### Section 310-72 Findings

- (A) The Mayor and City Council make the following findings of fact:
  - (1) The professional engineering and financial analyses conducted on behalf of and submitted to the city assesses and defines the stormwater management issues, needs, goals, program priorities and operation opportunities of the city.
  - (2) Given the issues, needs, goals, priorities and operational opportunities identified in the professional engineering and financial analyses submitted to the city, it is appropriate to authorize the establishment of an accounting unit which shall be dedicated specifically to the management, maintenance, protection, control, regulation, use and enhancement of stormwater management services, system and facilities in the city in concert with water resources management programs.
  - (3) Stormwater management is applicable and needed throughout the city. Development in the city has altered the natural hydrology with some natural elements having been replaced or augmented by man-made facilities. Even areas of the city that remain less densely developed and rural in character with natural stormwater drainage predominating demand

## City of Valdosta Land Development Regulations

services along roads where ditches and culverts have been installed. As a result, stormwater management services systems and facilities needs apply to all areas of the city.

- (4) The stormwater needs in the city include, but are not limited to, protection of the public health, safety, and welfare of the community. Provision of stormwater management services renders and/or results in both a service and a benefit to all properties, property owners, citizens, and residents of the city in a variety of ways as identified in the professional engineering and financial analyses.
- (5) The services and benefits rendered, or resulting from provision of stormwater management services, may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners of properties in proportion to the long term demands the properties impose on the city's stormwater management services which render or result in services and benefits to such properties and the owners thereof.
- (6) The city presently owns and operates stormwater management systems and facilities, which have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and operational function of the existing stormwater management systems and facilities owned and operated by the city, and the future additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities within the city in concert with the management of other water resources within the city. In order to do so, the city must have both a comprehensive stormwater management program as well as an adequate and stable funding source for its stormwater management services, systems, and facilities.
- (7) A stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services throughout the city, and the most equitable means to regulate the use of a higher level of stormwater management services in the city through stormwater service charges, user fees and other mechanisms as described in the professional engineering and financial analyses prepared for the city.
- (8) Improper management of stormwater runoff may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may create environmental damage to the streams and other bodies of water within and adjacent to the City of Valdosta.
- (9) Failure to effectively manage stormwater affects the operations of sanitary sewer operated by the City of Valdosta by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system.
- (10) Failure to effectively manage stormwater contributes to the further degradation of the water quality in area water bodies which may result in higher levels of treatment requirements imposed on the city's wastewater treatment facilities and increased water treatment cost of potable water supplies.
- (11) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to support existing and future development in the City of Valdosta.
- (12) A schedule of stormwater utility service charges based in part on the area of impervious surface located on each property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the city. Such user fee charges may be complemented by other types of charges which address specific needs, including, but not limited to, special service fees, special assessments, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the Mayor and City Council.

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- (13) The existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets which reduce or otherwise mitigate the impact of a particular property on the city's stormwater utility's cost of providing stormwater management services and/or stormwater management systems and facilities should be taken into account to reduce the service charge on that property either in the form of a direct reduction or credit, and such reduction or credit should be conditional upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Director of Utilities. Reductions or credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the affect that such systems have on the peak rate of runoff from the property benefited by such systems.
- (14) The area of impervious surfaces on each property is the most important factor influencing the cost of the stormwater management services provided by the city or to be provided by the city in the future, and the area of impervious surfaces on each property is therefore the most appropriate parameter for calculating a monthly stormwater service charge.
- (15) It is imperative that the proceeds from all service charges for stormwater management services, together with any other revenues raised or otherwise allocated specifically to stormwater management services, be dedicated solely to those purposes, and such proceeds of service charges and revenues shall therefore be deposited into the enterprise accounting fund of the city stormwater utility and shall remain in that fund and be dispersed only for stormwater management operating and non-operating costs.

### **Section 310-73 Stormwater Utility and Enterprise Fund Established**

- (A) There is hereby established a stormwater utility to be known as the City of Valdosta Stormwater Utility, which shall be responsible for stormwater management services throughout the city, and which shall provide for the management, protection, control, regulation, use, and enhancement of the city's stormwater management services, systems and facilities.
- (B) There is hereby established a stormwater utility enterprise fund in the city budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the city stormwater utility, including, but not limited to, rentals, rates, charges, fees and licenses, as may be established by the Mayor and City Council from time to time, and other funds that may be transferred or allocated to the city stormwater utility. All revenues and receipts of the stormwater utility shall be placed in the stormwater utility enterprise fund, and all expenses of the stormwater utility shall be paid from the stormwater utility enterprise fund; provided, however, that other revenues, receipts, and resources not accounted for in the stormwater utility enterprise fund may be applied to stormwater management services as deemed appropriate by the Mayor and City Council.
- (C) The Mayor and City Council shall place within the city stormwater utility department the responsibility for operation, maintenance and regulation of the existing stormwater management services, systems and facilities previously performed, owned and operated or maintained by the city, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management. This responsibility shall be placed with the city stormwater utility department as the Mayor and City Council has determined that the city stormwater utility department has been sufficiently organized, staffed, and funded to adequately carry out such responsibilities. The Mayor and City Council shall determine which division of the city's governing body organization to place the stormwater utility in, and the Mayor and City Council can move the stormwater utility to other division from time to time as it sees fit.



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## Section 310-74 Scope of Responsibility for Systems and Facilities

- (A) The City owns or has rights established by written agreements that allow it to operate, maintain, and access those stormwater management systems and facilities which are located:
  - (1) Within public road rights-of-way and easements;
  - (2) On private property but within easements granted to the city, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for operation, maintenance, improvement and access to the stormwater management and facilities; or
  - (3) On public land which is owned by the city or another governmental entity, and to which the city has agreements providing for the operation, maintenance, and access to the stormwater management systems and facilities.
- (B) Operation and maintenance of stormwater management systems and facilities which are located on private or public property not owned by the city and for which there has been no written agreement granting easements, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the city for operation, maintenance, and access of such stormwater management and systems and facilities shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the state and federal laws and regulations.
- (C) It is the express intent of this article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any individual person, or to any specific property within or outside the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the city, its council members, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (D) If any permit, plan approval, inspection or similar act is required by the city as a condition precedent to any activity or change upon property not owned by the city pursuant to this or any other regulatory ordinance, regulation or rule of the city, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages or equitable remedies against the city, its council members, officers, employees or agents.

## Section 310-75 Enforcement Methods and Inspections for On-site Systems and Facilities

- (A) All owners of real property within the incorporated limits of the City of Valdosta, and every person who serves as a contractor for the purposes of developing real property located in the city, shall, as to the real property owned or being developed, provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all city development regulations, ordinances, and state and federal laws and which, in any event, will not discharge stormwater in a manner which will flood, damage, or otherwise harm property which is located downstream from the real property owned or being developed. Any failure to meet this obligation and requirements imposed by this article shall constitute a public nuisance and the parties damaged thereby and/or the city may bring an action to abate such nuisance. Any parties damaged may include in such action a claim for damages which such party has sustained. Each day such violation exists shall constitute a separate offense.
- (B) If any court of competent jurisdiction shall find that the failure of the owner and/or developer to meet the obligations and requirements imposed by this article constitutes a public nuisance or private nuisance, and the property owner and/or developer fails to abate within the time limit which the court might impose, the city may enter upon the property at issue and cause such work to be

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performed as is reasonably necessary to abate the nuisance, with the cost of such work thereof assessed against the property owner and the developer, if any, on a joint and several basis.

- (C) If the city incurs costs to abate a nuisance as set forth in subsection (B) of this section, the city may file suit to recover such costs and establish its judgment lien rights in relation thereto, which lien rights may be perfected, after judgment, by the city filing a notice of lien on the general execution docket of the Superior Court of the City of Valdosta.
- (D) The city shall have the right for its designated officers, representatives, agents, and employees to enter upon private property and public property owned other than by the city, upon reasonable notice to the owner of such property, to inspect the property, in order to assure compliance with the provisions of this article, all applicable city ordinances, state and federal law, orders or judgments. Such inspections shall be limited to the following purposes:
  - (1) Conducting surveys and engineering tests on existing stormwater management systems and facilities located on-site; or
  - (2) Determining that stormwater management systems and facilities need to be constructed on such property.

### Section 310-76 Service Charges and User Fees

- (A) It shall be the policy of the city that service charges and user fees for stormwater management services to be provided by the stormwater utility in the city shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater management services by individual properties and/or the level of service rendered by or resulting from the provision of stormwater management services. Stormwater service charge rates shall be structured so as to be fair and reasonable, and the resultant service charges shall bear a substantial relationship to the cost of providing stormwater management services. Similarly situated properties shall be charged similar rates, service charges, and user fees. Service charge rates shall be coordinated with the use of other rates, charges or fees employed for stormwater management within the city, including, but not limited to, plan review and inspection fees, special fees for services, fees in lieu of regulatory requirements and special assessments. In setting the rates, service charges and user fees for stormwater management services, the Mayor and City Council shall also take into consideration the impact such will have in regulating the use of such services, systems and facilities.
- (B) The cost of stormwater management services may include management and operating expenses.
- (C) To the extent practicable, credits against stormwater service charges and/or other methods of funding stormwater management shall be provided for on-site stormwater control systems and activities operated, maintained and performed to the city's standards by private property owners which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities or to private stormwater management systems and facilities which impact the proper function of public stormwater management systems and facilities.

### Section 310-77 Establishment of Rates

- (A) For the purpose of this article, an SFU shall be equivalent to 3,704 square feet of impervious property.
- (B) The Director of Utilities shall be responsible for determining the impervious area and other required information for each property in the city based on the best available information, including, but not limited to, data supplied by the board of assessors, aerial photography, the property owner, developer or other method as may be required.

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- (C) Except as provided in this article, every contributor owning or occupying a single-family residential property, multifamily residential property, or a nonresidential property other than exempt property, shall pay to the city, at the same time payment is made for other city services, a stormwater fee to be determined and billed as provided in this article. In the event the owner and the occupant of a particular property are not the same, the liability for payment of the stormwater fee attributable to that property shall be joint and several as to the owner and occupant. The stormwater fee shall be a monthly service charge and shall be determined by this article and the SFU rate which is established in this article and from time to time adjusted as provided for in this article.
- (D) The stormwater fees provide in Sections 310-78 through 310-80 of this article shall be applied and computed for each contributor during the customary billing periods.
- (E) The SFU rate to be applied to residential and nonresidential properties beginning in fiscal year 2006 shall be \$2.50/SFU/month.
- (F) Any changes to the stormwater fee shall be accomplished by adoption of an ordinance amending this article.
- (G) For new single-family detached residences, new non single-family detached residential properties, and newly developed nonresidential properties, the stormwater fee attributable to those properties shall commence upon the earlier of the following:
  - (1) The issuance of a permanent water meter.
  - (2) If no water-meter is issued for the development or if development has halted, on the date the Director of Utilities determines in reasonable judgment that the development is substantially complete or has been halted for at least 3 months.
- (H) The rates are established as the initial stormwater service charge rates subject to the exemptions and credits provided in Section 310-81.
- (I) Any owner or occupant of a property aggrieved by the Director of Utilities' calculation of the stormwater fee as provided in this article may appeal such a determination to the Director of Utilities as provided for in Section 310-83 of this article.
- (J) No revenues generated by the stormwater utility shall be used for any purpose other than stormwater expenses.

### Section 310-78 Stormwater Fee for Single-Family Detached Residential Properties

The stormwater fee for a single-family detached residential property shall be the following percentage of the SFU rate:

| Impervious Area of Property (square feet) | Percentage of SFU Rate |
|---|------------------------|
| 1,849 or less                             | 50%                    |
| 1,850 to 6,099                            | 100%                   |
| 6,100 or more                             | 170%                   |

### Section 310-79 Stormwater Fee for Multifamily Residential Properties

The stormwater fee for a non single-family detached residential property shall be the following percentage of the SFU rate multiplied by the number of dwelling units on the property:

| Non Single-family Detached Dwelling Residential Property Classification | Percentage of SFU Rate |
|---|------------------------|
|---|------------------------|

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|  |     |
|--|-----|
| Multifamily, 5 or more dwelling units/building | 40% |
| Multifamily, 4 or less dwelling units/building | 50% |
| Manufactured Homes                             | 50% |

### Section 310-80 Stormwater Fee for Nonresidential Properties

All other developed nonresidential property shall have the SFUs calculated by dividing the total impervious area by the square feet contained in the SFU.

### Section 310-81. Stormwater Fee Exemptions and Credits.

- (A) Except as provided in this Section or otherwise provided by law, no public or private property located in the city shall be exempt from the stormwater service charges or receive a credit or offset against such stormwater service charges. No exception, credit, offset, or other reduction in stormwater service charges shall be granted based on the tax status, economic status, race, religion, age or sex of the owner of the property being served, or based on any other condition unrelated to the stormwater utility's cost of providing stormwater management services, systems and facilities.
- (B) A stormwater service charge credit technical manual, the latest version of the City's *Stormwater Utility Policies and Procedures Manual, Section 2 – User Fee Adjustment and Credits*, approved by Mayor and City Council specifies the design and performance standards of on-site and off-site privately owned and maintained stormwater systems, facilities, assets, services and activities that qualify for application of a credit, and how such credits shall be calculated.
- (C) Exemptions to the stormwater service charges are as follows:
  - (1) Railroad rights-of-way (tracks) shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, and/or other developed land used for railroad purposes shall not be exempt from stormwater service charges.
  - (2) Airport runways and taxiways, but not including airplane parking areas, car parking areas, buildings or other impervious areas or airport property.
  - (3) Public and private roadways, not including driveways
- (D) Other developed land and groups of detached single-family detached dwelling unit or improvements on other developed land which are developed as part of a common development plan that includes within the development , but not on the lots the detached single-family dwelling units or the improvement on other developed land are located on, privately owned, maintained, or operated stormwater control systems, facilities, assets, services or activities that reduce the city stormwater utility's costs of providing stormwater management services, systems, and facilities, may receive a credit based on attaining and continuing compliance with the technical requirements and performance standards contained in the stormwater service charge credit technical manual.
- (E) In order to obtain a credit, the property owner must make application to the Director of Utilities on forms found within the City's *Stormwater Utility Policies and Procedures Manual*.
- (F) When an application for a credit is deemed complete by the Director of Utilities, they shall issues a decision granting the credit in whole or in part, or denying the credit within 90 calendar days thereafter.
- (G) Credits applied for by the property owner, and granted in whole or in part, shall apply from the first day of the calendar month immediately following the date on which the credit was granted.

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- (H) A property owner shall be required every June 30 to document service provision for the preceding calendar year.
- (I) If a credit is terminated, the property owners may appeal such determination pursuant to Section 310-83, or may, if possible, correct the deficiencies which caused termination and reapply for the credit no earlier than 12 months from the date of termination.
- (J) Property owners with NPDES permits, however, must submit the report prescribed in the NPDES permit to the Director of Utilities to continue to receive the credit from the city associated with the NPDES permit.

### Section 310-82 Stormwater Service Charge Billing, Delinquencies, and Collections

Failure to receive a stormwater utility bill is not justification for non-payment. The property owner, as identified from public land records of the City of Valdosta, shall be obligated to pay the appropriate stormwater service charge for that property.

#### (A) Billing.

- (1) Stormwater service charges shall begin to accrue June 1, 2006, and shall be billed in arrears. A bill for stormwater service charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater service charge less credits, the date the payment is due and the date when payment is past due.
- (2) The stormwater service charge may be billed and collected separately, or along with water and sanitary sewer charges, or along with other fees for services, as deemed most effective and efficient by the Mayor and City Council.
- (3) Frequency of the billing of stormwater service charges shall be monthly unless otherwise specified by the Mayor and City Council.
- (4) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land subject to stormwater service charges shall be obligated to pay stormwater service charges and any interest on delinquent stormwater service charge payments.
- (5) If a property is unbilled, or if no bill is sent for a particular tract of developed land, the City of Valdosta Stormwater Utility may backbill for a period of up to one year, but shall not be entitled to any interest for any delinquency during the back billed period.

#### (B) Delinquencies and Collection.

- (1) Unpaid stormwater service charges shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby, including enforcement of any lien resulting from any such judgment. In no instance shall the unpaid stormwater service charge constitute a direct lien against the property.
- (2) A 1% per month late charge shall be assessed against the owner for the unpaid balance of any stormwater service charge that becomes delinquent.

#### (C) Adjustments. The Director of Utilities shall develop and administer the procedures and standards for the adjustment of the stormwater service charge.

- (1) Property owners may seek an adjustment of the stormwater service charge allocated to a property at any time by submitting the request in writing to the Director of Utilities and setting forth in detail the grounds upon which relief is sought.
- (2) Property owners requesting the adjustment may be required, at their own expense, to provide supplemental information to the Director of Utilities, including, but not limited to, survey and customer account data provided and certified by a registered land surveyor or a professional

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engineer. Failure to provide such information within the time limits established by the Director of Utilities, as may be reasonably extended, may result in denial of the adjustment request.

- (3) Once a completed adjustment request and all required information are received by the Director of Utilities, the Director of Utilities shall have 90 calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.
- (4) In considering an adjustment request, the Director of Utilities shall consider whether the calculation of the stormwater service charge for the property is correct.
- (5) The Director of Utilities' decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
- (6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.
- (7) The decision of the Director of Utilities is final unless the property owner appeals the decision in accordance with Section 310-83.

### **Section 310-83 Appeals**

Any property owner, who contends that the provisions of this article have been applied in error to the property of such owner, may appeal the stormwater service charges billed them in accordance with the City's *Stormwater Utility Policies and Procedures Manual*.

**Sections 310-84 through 310-90                      Reserved**

# City of Valdosta Land Development Regulations

## Article 3 Illicit Discharge and Illegal Connections

### Section 310-91 Purpose and Intent

The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City of Valdosta separate storm sewer system to the maximum extent practicable as required by Federal law and to provide flood control. This article establishes methods for controlling the introduction of pollutants into the City of Valdosta separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are to:

- (A) Regulate the contribution of pollutants to the City of Valdosta separate storm sewer system by any person.
- (B) Prohibit illicit discharges and illegal connections to the separate storm sewer system.
- (C) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the City of Valdosta separate storm sewer system.
- (D) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

### Section 310-92 Applicability

The provisions of this article shall apply throughout the incorporated limits of the City of Valdosta.

### Section 310-93 Responsibility for Administration

The Director of Utilities shall administer, implement, and enforce the provisions of this article.

### Section 310-94 Prohibitions

#### (A) Prohibition of Illicit Discharges.

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the City of Valdosta separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.
- (2) No person shall discard any waste material, including but not limited to common household rubbish or garbage of any kind (whether generated or accumulated at a residence, business or other location), upon any public or private property, whether occupied, open or vacant, including but not limited to any street, sidewalk, alley, right-of-way, open area or point of entry to the city separate storm sewer system except for sanitation route collection as authorized by the City of Valdosta. Every person occupying or having charge and control of property on which a prohibited disposal of waste materials occurs shall cause the proper collection and disposal of same. A prohibited disposal of waste material creates a danger to public health, safety, and welfare, and otherwise threatens the environment, surface waters and groundwater; therefore, any owner or occupant of property who fails to remove waste material within a reasonable time may be charged with creating a nuisance upon the property.
- (3) The commencement, conduct, or continuance of any illegal discharge to the city separate storm sewer system is prohibited except as described in subsection (4) of this section.
- (4) The following discharges are exempt from the prohibition provision above:
  - (a) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, swimming pools (if sufficiently treated to produce no detection of Total

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Residual Chlorine when analyzed to a specific detection limit of .05mg per liter), non-commercial washing of vehicles, and any other water source not containing pollutants.

- (b) Discharges or flows from fire fighting and other discharges specified in writing by the Director of Utilities as being necessary to protect public health and safety.
- (c) Any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the Georgia Department of Natural Resources (DNR) and/or the U.S. Environmental Protection Agency (EPA), provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval from the authorizing governmental agency has been granted for any discharge to the City of Valdosta separate storm sewer system.

(B) Prohibition of Illegal Connections. The construction, connection, use, maintenance or continued existence of any illegal connection to the City of Valdosta separate storm sewer system is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person violates this article if the person causes a conveyance of sewage or septic effluent into the City of Valdosta separate storm sewer system or allows such a connection or conveyance to continue.
- (3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or, with the written approval of the City of Valdosta Director of Utilities, into the City sanitary sewer system.
- (4) Any drain or conveyance that has not been included in plans, maps, or otherwise documented and that may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from the Director of Utilities requiring that such locating be completed. Such notice shall specify:
  - (a) A reasonable time period of not more than 10 working days, unless a longer period is authorized by the Director of Utilities, within which the location of the drain or conveyance is to be completed.
  - (b) That the drain or conveyance be identified as storm sewer, sanitary sewer, or other.
  - (c) That the outfall location or point of connection to the storm sewer system, sanitary sewer system, or other discharge point be identified.
- (5) The results of the investigations of the property owner or occupant shall be documented and provided to the Director of Utilities.

### Section 310-95 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Utilities prior to allowing discharges to the City of Valdosta separate storm sewer system.

### Section 310-96 Access and Inspection of Properties and Facilities

- (A) The Director of Utilities shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this article.



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- (B) If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Director of Utilities during normal business hours.
- (C) The owner or operator shall allow the Director of Utilities ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination, and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (D) The Director of Utilities shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the Director of Utilities, to conduct monitoring and/or sampling of flow discharges.
- (E) The Director of Utilities may require the owner or operator to install monitoring equipment and perform monitoring, as necessary, and make the monitoring data available to the Director of Utilities. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated, to the satisfaction of the Director of Utilities, to ensure their accuracy.
- (F) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director of Utilities and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (G) Delays of more than 5 working days in allowing the Director of Utilities access to a facility shall be a violation of this article.

### **Section 310-97 Notification of Accidental Discharges and Spills**

- (A) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation that are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City of Valdosta separate storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.
- (B) Said person shall notify the Director of Utilities in person, by phone, or facsimile of the location, nature, quantity, and time of occurrence of the discharge no later than 24 hours following the discovery of the release. In the event a discharge is caused by or during a catastrophic event, state of emergency, or natural disaster, such notification shall occur within seven (7) days of discovery. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Utilities within 3 working days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence, provided such recurrence is preventable. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill, unless the discharge or spill was caused solely by the acts of a third party not under the control of the discharging entity.
- (C) In the event of a release of hazardous materials as defined by 40 C.F.R. 355 and 40 C.F.R. 302, in an amount greater than or equal to the minimum reportable quantity as defined by 40 U.S.C. § 355.20 of the Environmental Planning and Right to Know Act ("EPCRA"), emergency response agencies and/or other appropriate agencies shall be immediately notified.
- (D) Failure to provide notification of a release as provided above shall be a violation of this article.

# City of Valdosta Land Development Regulations

## Section 310-98 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation (excluding required stream buffers), excessive sediment, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, such that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## Section 310-99 Detention Pond Protection

Every person owning property, or such person's lessee, upon which a detention pond, swale, gully, inlet, outlet and/or pipe, being part of said property, will maintain that part within the property free of trash, debris, excessive vegetation, excessive sediment and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse.

## Section 310-100. Violations and Penalties.

- (A) Violations. In the event the violation of any provision of this article constitutes an immediate danger to public health, safety, or welfare, the Director of Utilities is authorized to, to take any and all measures provided by law to abate the violation and/or restore the property. The Director of Utilities is authorized to seek reimbursement for costs of the abatement as outlined in subsection (E).
- (B) Notice of violation. If the Director of Utilities determines that a violation of this article has occurred, the Director of Utilities may order compliance by issuing a written notice of violation to the person responsible for the violation.
- (1) The notice of violation shall contain:
- (a) The name and address of the alleged violator.
  - (b) The address or other description of the site upon which the violation is occurring, or has occurred.
  - (c) A statement specifying the nature of the violation.
  - (d) A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action.
  - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
  - (f) A statement that the determination of violation may be appealed to the Director of Utilities by filing a written notice of appeal within 30 days of service of notice of violation.
- (2) Such notice may require without limitation:
- (a) The performance of monitoring, analyses, and reporting.
  - (b) The elimination of illicit discharges and illegal connections.
  - (c) That violating discharges, practices, or operations shall cease and desist.
  - (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
  - (e) Payment of costs to cover administrative and abatement costs subject to issuance of a court order.
  - (f) The implementation of pollution prevention practices.
- (C) Appeal of Notice of Violation. Any person receiving a notice of violation may appeal the determination of the Director of Utilities. The notice of appeal must be received within 30 days from

## City of Valdosta Land Development Regulations

the date of the notice of violation. Hearing on the appeal before the Mayor and City Council shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the Mayor and City Council shall be final.

- (D) Enforcement Measures after Appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 10 days of the decision of the Mayor and City Council upholding the decision of the Director of Utilities, then representatives of the City of Valdosta are authorized to take any and all measures provided by law to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Any person violating any of the provisions of this article shall become liable to the City of Valdosta by reason of such violation.

- (E) Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 working days, or such greater period as the Director of Utilities shall deem appropriate, after the Director of Utilities has taken one or more of the actions described above, the Director of Utilities may impose a penalty not to exceed \$1,000 for each day the violation remains un-remedied after service of the notice of violation.
- (F) Criminal Penalties. For intentional and flagrant violations of this article, the Director of Utilities may issue a citation to the alleged violator requiring such person to appear in Magistrate Court of Lowndes County court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 working days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- (G) Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
- (H) Remedies Not Exclusive. The remedies listed in this article are not exclusive of any other remedies available under any applicable Federal, State or local law. The City of Valdosta may seek cumulative remedies. The City of Valdosta may also recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

### **Section 310-101      Compatibility with Other Regulations**

This article is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **Sections 310-102 through 310-109      Reserved**

# City of Valdosta Land Development Regulations

## Article 4 Stream Buffer Protection

### Section 310-110 Purpose and Intent

The purpose and intent of this article is to protect the public health, safety, environment and general welfare; to minimize public and private losses resulting from erosion, siltation, and water pollution; and to maintain stream water quality by provisions designed to:

- (A) Create buffer zones along the streams of City of Valdosta for the protection of water resources.
- (B) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

### Section 310-111 Applicability

This article shall apply to all land development activity on property containing a stream protection area as defined in this Chapter. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law. Any approval pursuant to or exemption from the provisions of this article does not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

### Section 310-112 Land Development Stream Buffer Requirements

- (A) All land development activity, including subdivisions of land and platting activities governed by Chapter 302 of the LDR, shall meet the following buffer and setback requirements unless otherwise exempted in this article:
  - (1) In addition to the 25-foot stream buffer required in Section 306-2(C)(15) that is administered by the Georgia EPD, an additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer. Within this setback area, grading, filling and earthmoving shall be minimized and all impervious cover shall be prohibited.
  - (2) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (B) Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 310-114.
- (C) All construction activities are required to comply with both the state buffers and city-regulated buffers and are required to obtain a variance from each authority where appropriate.

### Section 310-113 Exemptions

- (A) Pre-existing conditions. This article shall not apply to the following pre-existing conditions:
  - (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 this article.
  - (2) Existing development and on-going land development activities including but not limited to existing silviculture, landscaping, gardening and lawn maintenance, except that new development or land development activities on such properties will be subject to all applicable 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 article.
  - (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 article.

## City of Valdosta Land Development Regulations

(B) Exempted activities. This article shall not apply to the following:

- (1) Activities for the purpose of building one or more 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, foot trails leading directly to the river, fishing platforms and overlooks.
  - (e) Unpaved foot trails and paths.
  - (f) Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- (2) Public sewer line easements paralleling the stream, except that all easements (permanent and construction) and land development activities should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in subsection (B)(1), above.
- (3) Permitted land development activities within a right-of-way existing at the time this article takes effect or approved under the terms of this article.
- (4) Within an easement of any utility existing at the time this article takes effect or approved under the terms of this article, land development 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 shall report such work to the City Engineer on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City Engineer to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land development in the buffer that would otherwise be prohibited, then no other land development activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- (7) After the effective date of this article, it shall apply to new subdividing and platting activities.
- (8) Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 310-114 below.

### **Section 310-114      Variances**

(A) Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

Where a parcel was platted prior to the effective date of this Chapter 310, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the City Engineer finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the Zoning Board of Appeals may grant a

## City of Valdosta Land Development Regulations

variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

- (B) The Zoning Board of Appeals shall grant no variance from any provision of this article without first conducting notice and a public hearing on the application for variance and authorizing the granting of the variance in accordance with the procedures of LDR Section 242-7.
- (C) Variances will be allowed only in the following cases:
  - (1) When a property's size, shape, topography or other physical conditions prevents land development unless a buffer variance is granted.
  - (2) When such unusual circumstances exist so that strict adherence to the minimal buffer requirements in this chapter would create an extreme hardship.
  - (3) When relief, if granted, would not cause a substantial detriment to the public good or impair the purposes and intent of this chapter.
- (D) Variances shall not be considered when, following adoption of this article, the owner of any property who seeks relief is found to have contributed to the conditions of a hardship on that property by his/her own actions.
- (E) At a minimum, an application for a variance shall include the following information:
  - (1) A site map that includes locations of all streams, wetlands, floodplain boundaries, and other natural features, as determined by field survey.
  - (2) A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
  - (3) 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 development, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated.
  - (4) Documentation of unusual hardship should the buffer be maintained.
  - (5) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible.
  - (6) A calculation of the total area and length of the proposed intrusion.
  - (7) A stormwater management site plan, if applicable.
  - (8) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
  - (9) Other information required in Section 242-9(D).
- (F) The following factors shall be considered in determining whether to issue a variance:
  - (1) The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
  - (2) The locations of all streams on the property, including along property boundaries.
  - (3) The location and extent of the proposed buffer or setback intrusion.
  - (4) Whether alternative designs are possible which require less intrusion or no intrusion.
  - (5) The long-term and construction water-quality impacts of the proposed variance.
  - (6) Whether issuance of the variance is at least as protective of natural resources and the environment.

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- (G) Using information provided in the variance, the Zoning Board of Appeals shall conduct a technical review of the conditions of the property. The Zoning Board of Appeals may require the person seeking the variance to submit additional documentation in support of his or her request.
- (H) The decision of the Zoning Board of Appeals shall be issued in writing setting out the factual findings and conclusions reached. A copy of the decision of the Zoning Board of Appeals shall be served on the property owner personally or by registered or certified mail sent to the billing address for property tax purposes of the property owner.
- (I) Appeals from final decisions of said variances by the Zoning Board of Appeals shall be as provided for in LDR Section 242-8.

### **Section 310-115      Additional Information Requirements for Development on Buffer Zone Properties**

- (A) Any land disturbance permit applications pursuant to Section 302-44 of this LDR for property requiring buffers and setbacks hereunder must include the following information:
  - (1) A site plan showing:
    - (a) The location of all streams on the property.
    - (b) Limits of required stream buffers and setbacks on the property.
    - (c) Buffer zone topography with contour lines at no greater than 5-ft. contour intervals.
      - i. Delineation of forested and open areas in the buffer zone.
      - ii. Detailed plans of all proposed land disturbance in the buffer and of all proposed impervious cover within the setback.
  - (2) A description of all proposed land disturbance within the buffer and setback.
  - (3) Any other documentation that the City Engineer may reasonably deem necessary for review of the application and to insure that the provisions of this article are addressed in the approval process.
  - (4) All buffer and setback areas must be recorded on the final plat of the property following plan approval.

### **Section 310-116      Inspection**

The City Engineer may cause inspections of the work in the buffer or setback to be made in accordance with the provisions of Section 306-4 of this LDR.

### **Section 310-117      Violations, Penalties, and Enforcement**

- (A) 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 shall not prevent such equitable relief.
- (B) Notice of violation. If the City Engineer determines that a land disturbance permit applicant or other responsible person has failed to comply with the provisions of this article, they shall 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 therefore, the notice of violation shall be served on the property owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - (1) The name and address of the owner or the applicant or the responsible person.

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- (2) The address or other description of the site upon which the violation is occurring, or has occurred.
  - (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 land disturbance 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.
- (C) **Penalties and enforcement.** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City Engineer shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City Engineer may take any one or more of the following actions or impose any one or more of the following penalties.
- (1) *Stop work order.* The City Engineer may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided 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 City Engineer 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 land disturbance permit.* The City Engineer may suspend, revoke or modify the land disturbance permit authorizing the project in accordance with the provisions of Section 302-44(d)(5) of this LDR.
  - (4) *Citations.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the City Engineer shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), the City Engineer may issue a citation to the applicant or other responsible person, requiring such person to appear in the Magistrate Court of Lowndes County answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

### **Section 310-118      Compatibility with Other Buffer Regulations and Requirements**

- (A) 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 shall be considered to take precedence.



## **City of Valdosta Land Development Regulations**

(B) See also Section 324-3 of this LDR.

### **Section 310-119      Responsibility for Damages**

Neither the issuance of a land disturbance permit nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon City of Valdosta, its officers or employees, for injury or damage to persons or property.

### **Sections 310-120 through 310-130      Reserved**

# City of Valdosta Land Development Regulations

## Chapter 320 Flood Damage Prevention

### Section 320-1 Statutory Authorization, Findings of Fact, Purpose and Objectives

- (A) Authorization. Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated (OCGA) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Valdosta, Georgia, does ordain as follows:
- (B) Findings of Fact.
- (1) The flood hazard areas of Valdosta, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
  - (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities.
- (C) Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (1) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.
  - (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion.
  - (3) Control filling, grading, dredging and other development which may increase flood damage or erosion.
  - (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
  - (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- (D) Objectives. The objectives of this ordinance are:
- (1) To protect human life and health.
  - (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.
  - (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
  - (4) To minimize expenditure of public money for costly flood control projects.
  - (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
  - (6) To minimize prolonged business interruptions.
  - (7) To insure that potential homebuyers are notified that property is in a flood area.

# City of Valdosta Land Development Regulations

## Section 320-2 General Provisions

- (A) Lands to Which This Ordinance Applies. This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of Valdosta, Georgia.
- (B) Basis for Area of Special Flood Hazard. The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated September 26, 2008, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 26, 2008 with accompanying maps and other supporting data and any revision thereto, for (\*unincorporated Lowndes County\*) are hereby adopted by reference.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located: Engineering Department, 300 N Lee Street, City Hall Annex Bldg, 2<sup>nd</sup> Floor.

- (C) Establishment of Development Permit. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any Development activities.
- (D) Compliance. No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
- (E) Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (F) Interpretation. In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- (G) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Valdosta or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (H) Penalties for Violation. Failure to comply with the provisions of this ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$300.00 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Valdosta from taking such other lawful actions as is necessary to prevent or remedy any violation.

# City of Valdosta Land Development Regulations

## Section 320-3 Administration

- (A) Designation of Ordinance Administrator. The City of Valdosta – City Engineer is hereby appointed to administer and implement the provisions of this ordinance.
- (B) Permit Procedures. Application for a Development Permit shall be made to the City Engineer on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:
- (1) *Application Stage.*
    - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures.
    - (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.
    - (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Section 320-4(B)(2).
    - (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.
  - (2) *Construction Stage.* For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The City Engineer shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
- (C) Duties and Responsibilities of the Administrator. Duties of the City Engineer shall include, but shall not be limited to:
- (1) Review proposed development to assure that the permit requirements of this ordinance have been satisfied.
  - (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
  - (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

## City of Valdosta Land Development Regulations

- (4) When Base Flood Elevation data or floodway data have not been provided in accordance with Section 320-2(B), then the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 4.
- (5) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Section 320-3(B)(2).
- (6) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Section 320-3(B)(2).
- (7) When flood-proofing is utilized for a structure, the City Engineer shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Section 320-3(B)(1) and Section 320-4(B)(2) or (D)(2).
- (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (9) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (10) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (11) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City Engineer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (12) All records pertaining to the provisions of this ordinance shall be maintained in the office of the City Engineer and shall be open for public inspection.

### Section 320-4 Provisions for Flood Hazard Reduction

- (A) General Standards. In all Areas of Special Flood Hazard the following provisions are required:
- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  - (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
  - (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
  - (4) **Elevated Buildings**. All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
    - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
      - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

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- ii. The bottom of all openings shall be no higher than one foot above grade.
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
  - (b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.
  - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (9) Site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the nonconformity is not furthered, extended or replaced.
- (B) Specific Standards. In all Areas of Special Flood Hazard the following provisions are required:
- (1) New construction and/or substantial improvements.
    - (a) Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Section 320-4(A)(4), "Elevated Buildings."
    - (b) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one (1) foot above the base flood elevation.
  - (2) Non-Residential Construction. New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to two (2) feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Section 320-3(C)(6).

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- (3) Standards for Manufactured Homes and Recreational Vehicles. Where base flood elevation data are available:
- (a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than two feet above the base flood elevation.
  - (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    - i. The lowest floor of the manufactured home is elevated no lower than two feet above the level of the base flood elevation, or
    - ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
  - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (refer to Section 320-4(A)(6) above)
  - (d) All recreational vehicles placed on sites must either:
    - i. Be on the site for fewer than 180 consecutive days.
    - ii. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
    - iii. The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Section 320-4(B)(3)(a) through Section 320-4(B)(3)(c) above.
- (4) Floodway. Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway.

Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
  - (b) Only if Section 320-4(B)(4)(a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.
- (C) Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-Zones). Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

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- (1) When base flood elevation data or floodway data have not been provided in accordance with Section 320-2(B), then the City Engineer shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 320-4. Only if data are not available from these sources, then the following provisions (2) & (3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one (1) foot increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 320-4(A)(4) "Elevated Buildings."
  - (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three (3) feet above the highest adjacent grade at the building site.

The City Engineer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (D) Standards for Areas of Shallow Flooding (AO Zones). Areas of Special Flood Hazard established in Section 320-2(B), may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 320-4(A)(4), "Elevated Buildings." The City Engineer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two (2) feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Section 320-3(B)(1)(c) and Section 320-3(B)(2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

- (E) Standards for Subdivisions.

- (1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.



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- (2) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) For subdivisions and/or developments greater than 50 lots or 5 acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

(F) Standards for Critical Facilities.

- (1) Critical facilities shall not be located in the 100-year floodplain or the 500-year flood plain.
- (2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

### **Section 320-5 Variance Procedures**

- (A) The Mayor and City Council shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (B) The Mayor and City Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the City Engineer in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the Mayor and City Council may appeal such decision to the Superior Court of Lowndes County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated (OCGA).
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Mayor and City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) Conditions for Variances:
  - (1) A variance shall be issued only when there is:
    - (a) A finding of good and sufficient cause.
    - (b) A determination that failure to grant the variance would result in exceptional hardship.

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- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
- (4) The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (l) Upon consideration of the factors listed above and the purposes of this ordinance, the Mayor and City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

**Sections 320-6 through 320-10**

**Reserved**

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## Chapter 324 Environmental Planning Criteria

### Section 324-1 Protection of Groundwater Recharge Areas

- (A) Purpose and Intent. Pursuant to O.C.G.A. 12-2-8 and the Georgia Department of Natural Resources (DNR), Environmental Protection Division's Rules for Environmental Planning Criteria Chapter 391-3-16, this Section establishes regulations to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, applications of chemicals, injections and other development.
- (1) Applicability. Groundwater Recharge Areas are delineated according to the DNR's "Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition)" and the Georgia Department of Natural Resources' "Pollution Susceptibility Map." These groundwater recharge areas are also depicted on the Water Resources Protection Districts Overlay Map, which is hereby incorporated by reference. Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said maps are hereby adopted by reference and made a part of this Section and are available for review in the Planning and Zoning Office.
  - (2) Development Standards. All uses allowed in the underlying zoning districts, except those specifically prohibited in Section 324-1(B) are permitted in Groundwater Recharge Areas subject to the following standards:
    - (a) New sanitary landfills must have synthetic liners and leachate collection systems.
    - (b) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall meet the requirements of U.S. EPA rules for oil pollution prevention, 40 CFR 112.1. Such tanks used for agricultural purposes are exempt, provided they comply with all federal regulations.
    - (c) New agricultural waste impoundment sites must be lined if they are within:
      - i. A high pollution susceptibility area
      - ii. A medium pollution susceptibility area and exceed 15 acres-ft.
      - iii. A low pollution susceptibility area and exceed 50 acre-ft. At a minimum, the liner shall be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U.S. Soil Conservation Service.
    - (d) Subject to minimum lot sizes established in Section 214-1 of this LDR, new homes served by septic tank/drainfield systems must be on lots having the following minimum size limitations, as identified on Table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors as set forth in Section A-F of the DNR Manual:
      - i. 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area.
      - ii. 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area.
      - iii. 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.
    - (e) Subject to minimum lot sizes established in Section 214-1 of this LDR, new manufactured home parks served by septic tank/drainfield systems must have lots or spaces having the following size limitations as identified on Table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (DHR Table MT-2). The

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minimums set forth in Table MT-2 may be increased further based on consideration of other factors as set forth in Section A-F of the DNR Manual:

- i. 150% of the subdivision minimum lot size of DHR Table MT-2, if they are within a high pollution susceptibility area.
  - ii. 125% of the subdivision minimum lot size of DHR Table MT-2, if they are within a medium pollution susceptibility area.
  - iii. 110% of the subdivision minimum lot size of DHR Table MT-2, if they are within a low pollution susceptibility area.
- (f) No construction may proceed on a building or manufactured home to be served by a septic tank unless the Lowndes County Health Department first approves the proposed septic tank installation as meeting the requirements of the DHR manual and paragraphs d. and e. above.
- (g) New facilities that handle hazardous materials, of types and amounts determined by the DNR, shall perform their operations on impermeable surfaces having spill and leak collection systems, as prescribed by the DNR.
- (h) New agricultural waste impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed 15 acre-ft.; or a low pollution susceptibility area and exceed 50 acre-ft. As a minimum, the liner shall be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the Natural Resource and Conservation Service.
- (i) New above-ground chemical or petroleum storage tanks, having a minimum volume of 1,320 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
- (j) Any project involving the spray irrigation of wastewater sludges in areas of high pollution susceptibility must conform with requirements specified in the DNR's "Criteria for Slow Rate Land Treatment."
- (k) Exclusive of mining settling basins, all new wastewater treatment basins must have an impermeable liner in areas having high pollution susceptibility.

(B) Prohibited Uses. The following uses are prohibited:

- (1) The land disposal of hazardous wastes in groundwater recharge areas identified in Section 324-1.
- (2) Permanent stormwater infiltration basins in areas of high pollution susceptibility.

### Section 324-2 Protection of Wetlands

- (A) Purpose and Intent. Pursuant to O.C.G.A. 12-2-8 and the DNR, Environmental Protection Division's Rules for Environmental Planning Criteria Chapter 391-3-16, this Section establishes regulations to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic natural areas and wildlife habitat areas.
- (B) Applicability. All lands within the jurisdiction of the City of Valdosta, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. These wetlands areas are depicted on the Water Resources Protection Districts Overlay Map, which is hereby incorporated by reference.

The Generalized Wetland areas depicted on the Water Resources Protection Districts Overlay Map

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do not necessarily represent the boundaries of jurisdictional wetlands within the City of Valdosta, Georgia and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this Section does not relieve the landowner from federal or state permitting requirements.

- (C) Wetlands Development Permit Requirements. No activity or use, except those identified in Section 324-2(D), shall be allowed in the wetlands without issuance of a local development permit. Local permits will be issued only if the proposed use is in compliance with the requirements of the underlying zoning district and this Section. Furthermore, if the area of proposed development is located within 50 feet of the wetlands boundaries, an U.S. Army Corps of Engineers delineation is required under Section 404 of the Clean Water Act. If wetlands are altered or degraded, mitigation to offset losses may be required as a condition of a Section 404 permit. Local development permits will not be issued until after any necessary Section 404 permits have been secured.
- (D) Permitted Uses. Subject to federal and state requirements, the following uses are permitted by right in wetlands to the extent that they are not prohibited by any other ordinance or law and provided that they do not require structures, grading, filling, draining or dredging; unless a permit pursuant to Section 404 of the Clean Water Act is obtained.
- (1) Forestry practices applied in accordance with BMPs approved by the Georgia Forestry Commission.
  - (2) Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that they would require an individual permit pursuant to Section 404 of the Clean Water Act.
  - (3) Outdoor passive recreation activities; including fishing, bird watching, hiking, boating, horseback riding and canoeing.
  - (4) Natural water quality treatment or purification.
  - (5) Normal agricultural activities; including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to BMPs approved by the Georgia Department of Agriculture.
  - (6) Other uses permitted under Section 404 of the Clean Water Act.
- (E) Prohibited Uses in Wetlands.
- (1) Receiving areas for toxic or hazardous waste or other contaminants.
  - (2) Hazardous or sanitary waste landfills.

### Section 324-3 Protected River Corridor Regulations

- (A) Purpose and Intent. The Withlacoochee River has been designated as a protected river by the State of Georgia. The purpose of this Section is to protect and safeguard the health and welfare of all the citizens of the City of Valdosta and adjacent counties, establish intelligent measures to guide future growth and development in the areas adjacent to the Withlacoochee River and to provide protection to sections of the rivers that are or may be used as a future source of drinking water as defined herein.

Pursuant to O.C.G.A. 12-2-8 and the Georgia Department of Natural Resources, Environmental Protection Division's Rules for Environmental Planning Criteria Chapter 391-3-16, this Section establishes regulations to preserve river corridors as habitats for wildlife, recreation sites and sources of clean drinking water.

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- (1) **Applicability.** The Withlacoochee River Corridor Protection District is hereby designated and shall comprise all land, inclusive of islands, in areas of the Withlacoochee River within the City of Valdosta and being within 100 feet horizontally on both sides of the rivers as measured from the river banks. Also included is the area between the top of the bank and the edge of the river although this strip of land is not included as part of the 100-foot buffer requirement contained in the minimum standards. These areas are further defined and delineated on the Water Resource Protection Districts Overlay Map.

Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. To address this potential, local staff will require that all applicants submit a site plan, prepared on a plat or survey, upon which the applicant has had a qualified design professional designate the river bank both on the plan and on-site. Local planning/inspections staff will verify the river bank on site, and insure its proper delineation on the site plan. The required 100-foot buffer will be clearly delineated on the plat and enforced as part of the local inspections process.

- (B) **Permitted Uses.** Except as noted below, the river corridor shall be maintained as a natural vegetative buffer, and all construction within the buffer shall be prohibited.
- (C) **Single-family Dwellings.** Single-family dwellings shall be permitted subject to the state-mandated riparian buffer and subject further to the following conditions:
  - (1) The dwelling must be in compliance with all applicable land development regulations and applicable building codes.
  - (2) The dwelling must be located on a tract of land containing at least 2 acres. No portion of the 2 acres may include any area that lies within the protected river.
  - (3) Only one such dwelling may be on the 2-acre or larger tract of land.
  - (4) Septic tanks serving such dwellings shall not be located within state-mandated riparian buffer.
  - (5) Septic tank drainfields shall not be located in the state-mandated riparian buffer.
- (D) **Industrial and Commercial Land Uses.** Industrial and commercial land uses existing prior to the establishment of this Section shall be permitted, subject to the following conditions:
  - (1) The industrial and commercial uses of river corridors must not impair the drinking quality of the river water.
  - (2) The industrial and commercial uses of river corridors must meet all state and federal environmental rules and regulations.
- (E) **Road and Utility Crossings.** Road and utility crossings shall be permitted, provided the construction of such road and utility crossings shall meet all requirements of the Georgia Erosion and Sedimentation Act, as amended, and the applicable local ordinances on soil erosion and sedimentation control.
- (F) **Additional Permitted Uses.** The following uses of river corridors are permissible, subject to Valdosta's land development regulations, provided that such uses do not impair the long-term functions of the protected river or the river corridor:
  - (1) Timber production and harvesting, subject to the following conditions:
    - (a) Timber production and harvesting must be consistent with BMPs established by the Georgia Forestry Commission and all other state and federal regulations.
    - (b) Timber production and harvesting must not impair the drinking quality of the river water, as defined by the federal Clean Water Act, as amended.
  - (2) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.

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- (3) Wastewater treatment.
- (4) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation consistent with BMPs established by the Georgia Soil and Water Conservation Commission.

For example, outdoor passive recreational activities such as fishing, bird watching, hiking, boating (including a boat launch ramp), horseback riding and canoeing would be consistent with this criteria; but a hard-surfaced tennis court would not. Parking lots are not consistent with this criterion.

- (5) Natural water quality treatment or purification.
- (6) Agricultural production and management, subject to the following conditions:
  - (a) Agricultural production must be consistent with BMPs established by the Georgia Soil and Water Conservation Commission, regulations established by the Georgia Department of Agriculture and all other state and federal regulations.
  - (b) Agricultural production must not impair the drinking quality of the river water, as defined by the federal Clean Water Act, as amended.
- (7) Other uses permitted by the DNR or under Section 404 of the Clean Water Act.

(G) Restoration of Buffer. The natural vegetative buffer shall be restored within 120 calendar days after any permitted land-disturbing activity within the river corridor.

(H) Exempt Uses.

- (1) Legally established land uses existing in river corridors prior to the establishment of this Section.
- (2) Mining activities, if permitted by the DNR, pursuant to the Georgia Surface and Mining Act of 1968, as amended.
- (3) Utilities, except as discussed above, if such utilities cannot feasibly be located outside the buffer area, provided that:
  - (a) The utilities must be located as far from the river bank as reasonably possible.
  - (b) The utilities must be installed and maintained so as to protect the integrity of the buffer area as well as is reasonably possible.
  - (c) The utilities may not impair the drinking quality of the river water.
  - (d) Specific forestry and agricultural activities except as listed in Section 324-3(f)(6)

(I) Prohibited Uses. The following uses are prohibited within river corridors:

- (1) Handling areas for the receiving and storage of hazardous waste.
- (2) Hazardous waste or solid waste landfills.
- (3) Automobile parking lots.
- (4) Septic tanks and septic tank drain fields except as provided in Section 324-3(c) concerning single-family dwellings.

**Sections 324-4 through 324-10    Reserved**

# City of Valdosta Land Development Regulations

## Chapter 328 Landscape, Buffers and Screening

### Article 1 Buffers and Screening

#### Section 328-1 Transitional Buffers

Transitional buffers shall be required between dissimilar districts or uses in accordance with the provisions of this LDR or as a condition of approval as provided in Section 242-15.

- (A) A transitional buffer shall only be required along side and rear lot lines, unless required as a condition of approval as provided in Section 242-15.
- (B) Transitional buffers required along side lot lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements in Section 332-3, or as authorized by a condition of zoning approval provided in Section 242-15.
- (C) All transitional buffer areas and screening shall be established in accordance with the following requirements:
  - (1) Transitional buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
  - (2) Transitional buffers shall meet the minimum width requirements for dissimilar districts as shown in the "Table of Minimum Transitional Buffer Requirements" unless otherwise authorized.
  - (3) In situations where the required transitional buffer width is partially or completely contained within an existing easement, the screening requirements of this article shall be met outside of the easement area.
  - (4) Transitional buffers shall be natural, undisturbed, and free of encroachments, except as authorized by a condition of zoning, conditional use or variance approval, and shall contain the existing tree cover and vegetation, as well as any supplemental plantings or re-plantings as may be required in Section 328-3.
- (D) Transitional buffer widths may be reduced by 50% or 10 feet (whichever is less) by the addition of a solid fence or wall at least 6 feet in height, and as described in Section 328-4, unless otherwise provided in zoning district standards in Chapters 206 and 210.
- (E) The width of required transitional buffers may be reduced by Administrative Variance, in accordance with Section 242-13, by no more than 50%, as appropriate, if and only if:
  - (1) It is clearly demonstrated that existing topography and/or vegetation within the reduced area achieve the purpose and intent of this section; or
  - (2) It is clearly demonstrated that, for topographic reasons, a fence, wall and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first-story window on any lot in a residential district abutting the use.
- (F) Principal buildings, driveways, parking facilities and/or paved walkways shall be located a minimum of 5 feet from any required buffer.
- (G) When a transitional buffer is required and the buffer is of greater depth than the minimum required setback, the minimum setback shall be increased to include the width of the required transitional buffer.
- (H) All transitional buffers shall be so designated on the site development plan and as-built drawing.



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- (I) The site development plan and as-built drawing shall contain the following note, "Property owner shall be responsible for maintaining the vegetation and non-vegetative screening materials within transitional buffers and outdoor screening required in conformity with Chapter 328 of the LDR and all conditions of rezoning approval applicable to this property."

### **Section 328-2    *Reserved***

### **Section 328-3    Supplemental Plantings in Transitional Buffers**

- (A) Transitional buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this section shall be planted with supplemental plantings so as to provide a year-round effective visual screen. At a minimum Transitional Buffers must provide for the minimum planting requirements shown in the "Table of Minimum Planting Requirements for Transitional Buffers" unless otherwise authorized by the City Arborist and/or Engineering Department designee.
- (B) Supplemental plantings and re-plantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall meet the appropriate minimum size requirements listed in Section 328-24. All shrubs planted shall be a large growing species and shall be a minimum of 18" in height at time of planting.
- (C) All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

### **Section 328-4    Non-vegetative Screening**

- (A) Non-vegetative materials utilized to satisfy the screening requirements of this article, in addition to the use of existing vegetation and/or supplemental plantings may consist of walls, fences, earthen berms, or a combination thereof.
- (B) If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.
- (C) Walls and fences serving as non-vegetative buffer screens shall conform to the standards set forth for front yard fences and walls as described in Section 214-6. At least one-third of the cumulative length of any fences or walls utilized for screening must be planted with plant materials that will reach a minimum of 6 feet within 3 years after installation. These shall be equally distributed along entire cumulative length of fencing.
  - (1) Walls. Walls shall be of masonry construction and a minimum height of 6 feet and maximum of 8 feet, as described in Section 214-6 and it shall not obstruct access to or function of required easements.
  - (2) Fences. Fences shall be a minimum of 6 feet and maximum of 8 feet in height and constructed of standard wood or masonry fencing materials, as described in Section 214-6, which will provide at least 90% visual blockage. The fence shall not obstruct access to or function of required easements.
  - (3) Berms. Earthen berms shall have a minimum height of 4 feet and shall be constructed at a maximum slope of 3 feet of run per one foot of rise. A minimum of one small tree and 5 shrubs per 35 linear feet shall be planted along the berm to maximize opacity.

### **Section 328-5    Outdoor Screening**

- (A) In any chapter of this LDR where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or visually opaque, continuous evergreen hedge, unless otherwise specified.

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- (B) Screening shall be as follows: For hedges, evergreen plants shall have a minimum installation height of 36", spaced 3 feet on center and be expected to reach a minimum height of 4 feet within 3 years.
- (C) Outdoor storage with a linear dimension of 15 feet or greater, any dumpster type refuse container with a linear dimension of 5 feet or greater, and outdoor servicing activities which are not screened by a building or other structure as provided in Section 218-13 shall be screened from view from street rights-of-way for the entire length of the structure or storage area, except for necessary access. Screening shall consist of either a wall or fence of solid appearance, or a visually opaque, continuous evergreen hedge at least 6 feet in height.
- (D) Above-ground substations, transformers, large valves, banks of utility meters and other similar utility service areas that are located within 100 feet of street rights-of-way shall be screened from view from public rights-of-way. Screening shall consist of either a wall or fence of solid appearance, or a visually opaque, continuous evergreen hedge. No screening shall be installed which would impair the safe operation, maintenance or function of the utility service equipment.

### **Section 328-6 Disturbance or Encroachments**

- (A) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a transitional buffer unless approved by the City Arborist / Engineering Department designee. Access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the transitional buffer if placed as near to perpendicular as practical.
- (B) Supplemental plantings or re-plantings of vegetation or authorized non-vegetative screening devices may encroach into a transitional buffer provided there is minimal disturbance of existing vegetation.
- (C) Land disturbance is authorized in areas of a transitional buffer that are void of significant vegetation provided that the final grade and re-plantings of vegetation meet the screening requirements contained herein.
- (D) Diseased, hazardous, dying or dead trees may be removed from a buffer provided minimal disturbance occurs. Vegetation removed from a transitional buffer shall be replaced where necessary to meet the screening requirements in Section 328-1.

### **Section 328-7 Protection During Land Disturbing Activities**

- (A) During authorized land disturbing activities, the existing vegetation within required transitional buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.
- (B) The method of demarcation and protection utilized shall be in accordance with tree protection fencing as described in Section 328-20.

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**Table of Minimum Transitional Buffer Requirements**

| New Development | Existing Development |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
|-----------------|----------------------|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|                 | E-R                  | R-E | R-25 | R-15 | R-10 | R-6 | R-M | R-P | O-P | C-N | C-C | C-H | C-D | C-A | M-1 | M-2 |
| E-R             |                      | 15  | 15   | 15   | 15   | 15  | 10  | 10  |     |     |     |     |     |     |     |     |
| R-E             | 10                   |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| R-25            | 10                   |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| R-15            | 10                   |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| R-10            | 10                   | 10  | 10   |      |      |     |     |     |     |     |     |     |     |     |     |     |
| R-6             | 10                   | 10  | 10   | 10   |      |     |     |     |     |     |     |     |     |     |     |     |
| R-M             | 10                   | 20  | 20   | 20   | 20   | 20  |     | 10  |     |     |     |     |     |     |     |     |
| R-P             | 10                   | 20  | 20   | 20   | 10   | 10  | 10  |     |     |     |     |     |     |     |     |     |
| O-P             | 10                   | 20  | 20   | 20   | 20   | 20  | 15  | 10  |     |     |     |     |     |     |     |     |
| C-N             | 10                   | 20  | 20   | 20   | 20   |     |     |     |     |     |     |     |     |     |     |     |
| C-C             | 20                   | 20  | 20   | 20   | 20   | 20  | 20  | 20  |     |     |     |     |     |     |     |     |
| C-H             | 30                   | 30  | 30   | 30   | 30   | 30  | 20  | 20  |     |     |     |     |     |     |     |     |
| C-D             |                      |     |      |      |      |     |     |     |     |     |     |     |     |     |     |     |
| C-A             | 50                   | 50  | 50   | 50   | 50   | 50  | 50  | 50  | 50  | 50  | 50  | 50  | 50  |     | 50  | 50  |
| M-1             | 40                   | 40  | 40   | 40   | 40   | 40  | 20  | 20  | 20  | 10  | 10  | 10  | 10  |     |     |     |
| M-2             | 50                   | 50  | 50   | 50   | 50   | 50  | 40  | 40  | 30  | 20  | 20  | 10  | 10  |     | 10  |     |

Notes: Width of buffers is in feet. Transitional buffer widths may be reduced by 50% or 10 feet, whichever is less, by the addition of an opaque, solid (wood or masonry) fence or wall at least 6 feet in height, as provided in Sections 328-4(1) and 328-1(c).

**Table of Minimum Planting Requirements for Transitional Buffers**

| Planting Requirement                      | Buffer Width                               |  |  |   |   |
|---|--|--|--|---|---|
|   | 10' – 15'                                  | 20'  | 30'  | 40'   | 50'   |
| <b># of Trees per 100' linear feet*</b>   | <u>Total of 5:</u><br>4 small and 1 canopy | <u>Total of 6:</u><br>5 small and 1 canopy | <u>Total of 8:</u><br>6 small and 2 canopy | <u>Total of 10:</u><br>8 small and 2 canopy | <u>Total of 12:</u><br>9 small and 3 canopy |
| <b># of Shrubs per 100' linear feet**</b> | 25   | 30   | 36   | 44  | 53  |

\*\* All trees shall be of an evergreen species and shall meet minimum size requirements noted in Section 328-24.

\*\* All shrubs shall be of an evergreen species and shall be a minimum height of 18" at time of planting

## Section 328-8 through 328-10 *Reserved*

# City of Valdosta Land Development Regulations

## Article 2 Tree Protection and Replacement and Landscaping

### Section 328-11 Purpose and Intent

- (A) Purpose and Intent. It is the intent of this article to provide standards for the preservation and replacement of trees and vegetation as part of the land development and building construction process within the city. The city finds that the existence of adequate tree cover in the city directly affects the public health, safety and welfare of its citizens. The purpose and intent of the Mayor and City Council in enacting this article are as follows:
- (1) To protect the health, safety and general welfare of the citizens of the City of Valdosta, and to implement the policies and objectives of the comprehensive plan through the enactment of a comprehensive ordinance governing tree and vegetation preservation and replacement in the city.
  - (2) To require the preservation and replacement of trees and vegetation in certain areas within the City in order to ensure the continued health of its citizens through improved air and water quality.
  - (3) To provide developers and others active in the city with the appropriate guidance to better ensure proper tree preservation and replacement in the course of the land development process in the City.
  - (4) To preserve property values in the City by maintaining a safe, aesthetically pleasing environment.
  - (5) To reduce flooding of rivers and streams in the City by planting trees and other vegetation so as to aid in slowing the rate of stormwater runoff.
  - (6) To reduce soil erosion in the City by planting trees and other vegetation so as to aid in prevention of soil loss through stormwater runoff and flooding.
  - (7) To reduce noise and glare on adjacent properties from properties that have been extensively developed.
  - (8) To conserve energy by cooling surrounding air temperatures through the existence of adequate shade trees.
  - (9) Provide improved atmospheric quality by reducing airborne particulates and carbon monoxide and by increasing oxygen through adequate tree cover.

### Section 328-12 Administration

The City Arborist and/or Engineering Department designee shall be responsible for the administration and enforcement of the provisions of this article, and for making professional judgments regarding any arboricultural principles or practices related to the implementation of this article.

### Section 328-13 Applicability

The requirements of this article shall apply to the following activities and properties:

- (A) Redeveloped or substantially improved property. All property except that zoned single-family residential which is redeveloped or substantially improved to the extent that the cost thereof, excluding landscaping, exceeds 25% of the ad valorem tax value as determined by the current digest shall comply with this article, as follows:
- (1) Improvements or renovations at a cost which equals 25% of the ad valorem tax value as determined by the current digest shall comply with the landscape standards and requirements of this chapter at the rate of 25% of the total requirements.

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- (2) Improvements or renovations at a cost between 25% to 49% of the ad valorem tax value as determined by the current digest shall comply with the landscape standards and requirements of this chapter at the same ratio or percentage age as the cost of improvements relates to the total ad valorem tax value (i.e. 45% improvements of the tax digest value requires 45% compliance with the landscape standards and requirements herein).
  - (3) Improvements or renovations at a cost that equals 50% of the ad valorem tax value as established by the current tax digest or greater shall require full compliance with the landscape standards and requirements of this chapter.
  - (4) A second improvement or renovation within 12 calendar months or a previous improvement or renovation exceeds 25% of the ad valorem tax value as determined by the current digest shall require full compliance with the landscape requirements and standards of this article.
- (B) Structures that are reconstructed or rebuilt as a result of fire or natural disaster or structures which are improving their interior only shall not be required to comply with the provisions of this article, however if the existing footprint of the exterior of the structure is being altered (i.e. additions), the landscape shall be in compliance with Section 328-13(A) above if such improvements exceed 25% of the ad valorem tax value of the property.
- (C) Property hereafter annexed into the corporate limits of the City of Valdosta is subject to the following conditions:
- (1) Parcels being developed with the intent of annexation and/or receiving city services shall comply with the provisions of this ordinance.
  - (2) Annexed property developed or improved prior to the adoption of this LDR will comply with the terms and provision of the article in effect at the time of the passage of this LDR.
  - (3) Annexed property developed or improved after the adoption of this LDR shall comply with the provisions of this article.
- (D) When development is commenced and trees are removed and cleared, but no actual construction has begun within 6 months of the date of issuance of the initial permit, the owner and/or developer shall landscape the street yard within 30 days after the 6-month mark in accordance with the approved plans.
- (E) Any expansion of existing vehicular use area shall require compliance with the landscape standards of this article.
- (F) The provisions of this chapter shall not result in noncompliance with zoning or parking regulations or noncompliance with the Americans with Disabilities Act or other Federal law or the Land Development Regulations of the City of Valdosta.
- (G) The professional staff of the City shall, however, have authority to adjust requirements and standards of this chapter where the parcel is not large enough to allow full application of the tree protection, replacement, and landscape requirements of this chapter.

### Section 328-14 Exemptions

The following activities and parcels are specifically exempted from this article:

- (A) Current developed and existing properties zoned single-family residential except where trees defined as city canopy trees are affected.

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- (B) The current developed and existing property zoned M-1 or M-2, except that these properties shall adhere to street yard and vehicular use area landscape requirements, shall maintain the minimum greenspace requirements and preservation of specimen and canopy trees should be considered.
- (C) Any parcel of land within the Downtown Commercial (C-D) zoning district.
- (D) Structures that are reconstructed or rebuilt as a result of fire or natural disaster. See Section 328-13(B).
- (E) Structures which are improving their interior only. See Section 328-13(B).
- (F) Tree removal by individual single-family detached homeowners.
- (G) Agriculture as defined in Chapter 106.
- (H) Removing trees from nurseries and botanical gardens, which are being grown for retail or wholesale.
- (I) Growing orchards of trees in active commercial operation.
- (J) Removal of diseased, damaged or infested trees upon receiving written confirmation from the City Arborist.
- (K) Timber harvesting pursuant to the provisions of O.C.G.A. 12-6-24(e) except that timber harvesting shall be governed by the applicable provisions of this chapter. Tree cutting, clearing, or clearing and grubbing projects, which result in the sale of timber, shall conform to state law regarding payment of taxes. The appropriate documentation, along with the required payment, must be submitted to the Lowndes County Tax Assessor's Office within the time frame prescribed by state law. See Section 328-28.
- (L) In the event any tree is damaged by a wind storm or any other act of God, or shall be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and require immediate removal without delay, the same shall be removed without obtaining a permit as herein required.
- (M) During any period of emergency, such as tornado, hurricane, flood, or any other act of nature, the requirements of this chapter may be waived by Mayor and Council or their designee.
- (N) The pruning or trimming of trees for beautification purposes or for removal of dead or diseased limbs shall be exempt. Also, the pruning or trimming of trees, as part of normal maintenance, or public utilities maintaining lines and easements within the City shall be exempt from the provisions of this article; however, all public utilities holding easements within the City shall give notice at least 3 days in advance when pruning or trimming of easements and rights-of-ways is done. All tree trimming and pruning performed by public utilities, public agencies and their subcontractors on trees growing on private or public rights-of-way shall be done prudently so as to maintain the natural shape and beauty of all plants, according to the American National Standards Institute (ANSI) A300.

### Section 328-15 Landscape Permits

No person, firm, organization, corporation, or entity shall directly or indirectly commence landscaping on any development or any construction project without first submitting a tree protection and replacement plan as provided herein and receiving a landscape permit. The landscape permit shall be part of any land disturbance and/or building permit. See Sections 302-44 or 302-46.

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- (A) All applications for a land disturbance permit or a building permit pursuant to Chapter 302, Article 5, shall require submission and approval of a tree protection and replacement plan.
- (B) All tree protection and replacement plans and related documentation shall be reviewed by the City Arborist for conformance to the provisions of this article and either approved, returned for revisions, or denied within ten (10) working days after receipt. If the permit is denied, the City Arborist shall specify to the applicant, in writing the reason for denial. Should any applicant be dissatisfied with the denial of said permit or request an interpretation of this article, an appeal should be filed within 30 days with the Zoning Board of Appeals.
- (C) Signature by the City Arborist shall constitute an approval of the required tree protection and replacement plan and conformance to the provisions of this article.
- (D) The City Engineer shall not issue a land disturbance permit and the Director shall not issue a building permit unless compliance with this Chapter 328 is demonstrated: All applications for a land disturbance permit or building permit shall provide a tree protection and replacement plan and other documentation as applicable and required in this section to the City Arborist.

### Section 328-16 Tree Removal Permits

Before commencing development or substantial improvements, no person, firm, organization or corporation or other entity (i.e. landowner, developer, general contractor or subcontractor, etc.), shall directly or indirectly remove or destroy any tree without first obtaining a permit for same.

- (A) Permits shall be obtained by making written application to the City Arborist. The application shall be submitted with a site drawing prepared to scale showing the complete tree inventory and proposed landscaping plan as well as existing and proposed finished elevations, overhead power lines, proposed building footprints, vehicular use areas, and if applicable, showing all trees to be saved and all trees to be removed. The proposed plan must be submitted to and approved by the City Arborist before the issuance of a tree removal permit. For the removal of specimen trees, see Section 328-21(D).
- (B) This section does not apply to the activities of public utilities, including those in furtherance of the provision of electricity such as the construction and maintenance of substations and power transmission lines; however, notification to the City Arborist of planned tree removal by such public utilities shall occur at least 3 days prior to any tree removal.
- (C) The tree inventory drawn to scale shall accurately locate and identify all specimen trees and all other trees with a diameter at breast height (DBH) of 6" or more. Groups of trees less than 6" DBH and not specimen or canopy trees shall be delineated as tree mass. The inventory shall indicate and designate which trees are to be removed and/or retained. (Note that existing trees 4" DBH or greater may be used to meet minimum landscape requirements as defined under this article.)
- (D) Upon receipt of the application and accompanying documents, the City Arborist shall review the same and either approve or reject said application within 10 working days of its receipt. Should any applicant be dissatisfied with the denial of said permit or request an interpretation of this article, an appeal may be filed in accordance with Section 328-35.
- (E) A copy of the tree removal permit must be displayed on site with all other construction permits, in a weather-tight container, during all phases of construction.

### Section 328-17 Tree Protection and Replacement Plan Requirements

- (A) When required by this Article, tree protection and replacement plans shall be prepared in accordance with Section 302-63.
- (B) Any changes in tree or vegetation location or the quantity or category of plant material that would result in the reduction from an approved tree protection and replacement plan, shall be submitted in written form to the Engineering Department for approval by the Department. Substitution of plant

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species is allowed, provided the substitution is from the same category of the approved plant material list (See Appendix A).

### Section 328-18 Tree Protection and Replacement Plan Review Standards

This section establishes standards by which tree protection and replacement plans and field conditions are to be evaluated to determine compliance with the provisions of this article.

- (A) Tree protection and replacement plans shall be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort should be made to maximize the environmental benefit of the plant material.
- (B) Preservation of existing trees shall be given special consideration. The city desires to preserve existing trees whenever possible in developments. Preserved trees shall count towards the minimum landscape requirements. To be deemed a preserved tree and to comply with the minimum landscape requirements, any existing tree must be at least 4" DBH and be included among the approved species listed in Appendix A.
- (C) Trees and other planting material selected for planting must be from the approved species lists (See Appendix A), free from trunk or root injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. Any deviation from the approved species list shall require prior authorization from the City Arborist.
- (D) All trees and plants must conform to the American Standard for Nursery Stock, latest edition, published by the American Hort. Trees and plant material that does not conform may not be approved. A copy of the publication is available for review at the office of the City Arborist.
- (E) Valdosta is known as "The Azalea City"; the use of azaleas where appropriate is encouraged.
- (F) Landscaping shall be designed to consider the long-term survivability of plant material. Minimum spacing for all required plant material shall be one half of mature width.
- (G) Required comments and standards for transplanting shall be in keeping with those established in the American National Standards Institute (ANSI) publication, "For Tree Care Operations – Tree, Shrub, and Other Woody Plant Management Standard Practices (Planting and Transplanting)" ANSI A300 (Part 6) or similar publication. Reference the latest edition of the "American Standard for Nursery Stock" published by American Hort for plant material quality specifications.

### Section 328-19 Landscaping and Tree Replacement Standards

To ensure the attainment of the objectives of this article, the design and installation of required landscaping and replacement of trees shall be consistent with the following standards unless it can be demonstrated to the satisfaction of the City Arborist and/or Engineering Department designee that alternative design, replacement and installation plans will meet the spirit and intent of this article.

- (A) General Requirements.
  - (1) Line of Sight. All landscaping shall be in compliance with the City's minimum line of site standards and sight distance triangles for streets, intersections, and driveways as required by Chapter 332, Article 1. No landscaping plant materials shall obstruct or impede the traffic flow on any public right of way or pedestrian walkways.
  - (2) Plant Protection. All planting in areas which are adjacent to vehicular use area or outdoor storage areas shall be protected from vehicular encroachment by construction of curbing or other appropriate barriers.



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- (3) Erosion Control. Surface water on all planting areas shall be stabilized to prevent erosion by the use of live ground cover, mulches, shrubs, permeable pedestrian paver blocks, or any combination thereof.
- (4) Overhead Utility Lines. The location of all overhead utilities shall be considered during the placement of required trees in accordance with the following standards:
  - (a) Small species at maturity not to exceed height of utility line shall be used when located within 20 feet of the lowest point of the overhead utility lines, following approval of the appropriate utility company. (See Appendix A for characterization of tree sizes by species).
  - (b) Trees specified in Appendix A – Section 3 may be used within 20 to 30 feet of overhead utility lines.
  - (c) Medium to large canopy species may be used when located more than 30 feet from the nearest overhead utility lines(s). (See Appendix A – Section 3).
- (5) Fire Equipment. A minimum 5-foot radius shall be maintained around all fire protection equipment, including fire hydrants, and shall contain no plant materials or structural elements other than ground cover plants.
- (6) Minimum Root Zones. In order to provide sufficient growing area for planted trees within tree islands, the minimum root zone of 170 square feet is required for all trees.
- (7) Size of Planting Beds. The length of all planting beds shall not exceed two and one-half times their width.
- (8) Minimum Planting Area per Tree. Trees shall have no less than 150 square feet of planting area surrounding their bases. These areas shall be maintained in either vegetative landscape material or other pervious cover.
- (9) Planting Sites. Planting sites must have at least 6" of clearance of good top soil, including 6" around and below the root ball of all trees. During planting the City Arborist may require that unsuitable soil be removed and replaced with top soil.
- (10) Root Barriers. Prior to the installation of trees, a determination shall be made as to whether root barriers are necessary to prevent roots from uplifting or cracking sidewalks.

### (B) Tree Planting Guidelines.

- (1) Always pick a tree up by the container or root ball, never by the trunk.
- (2) Remove all tree wrap, burlap, wire baskets, ties or other binding devices from the tree before planting.
- (3) The hole shall be a minimum of two (2) times the width of the root ball with sloped sides.
- (4) The depth of the hole should be no deeper than the height between the bottom of the root ball and the trunk flare.
- (5) Backfill soil must be watered and all air pockets removed and filled with clean dirt.
- (6) Stake the tree only if necessary.
- (7) All requirements of the planting comments and planting detail will be followed.

## Section 328-20 Tree Protection Standards

- (A) Tree protection fences are necessary to eliminate activities detrimental to trees including but not limited to:
  - (1) Soil compaction in the critical root zone from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials.

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- (2) Root disturbance due to cuts, fills or trenching.
  - (3) Wounds to exposed roots, trunks or limbs.
  - (4) Other activities such as chemical storage, cement truck cleaning, fire, etc.
- (B) Location and Types of Tree Protection Fencing. Tree protection fences are to be installed as shown on the tree protection and replacement plan and shall be located at the critical root zone of all exceptional trees to be preserved. Once tree protection areas are established and approved, any changes to such areas are subject to review and approval by the City Arborist. Prior to commencement of tree removal and/or site disturbance, a request to the City Arborist for a Vegetation Protection Inspection shall be made per Section 328-33(C)(2).
- (C) Materials.
- (1) Active tree protection shall be in all work zone areas. Active tree protection shall consist of chain link, orange laminated plastic, wooden post and/or rail fencing.
  - (2) Passive tree protection shall be used in the areas adjacent to, but not part of the work zone. Passive protection shall consist of heavy grade plastic flagging, a minimum of 4" wide with dark lettering on bright background reading "Tree Protection Area – Do Not Enter."
- (D) Sequence of Installation and Removal. All tree protection fencing shall be installed prior to the commencement of any land disturbing activity. The City Arborist shall inspect the installation of protection control devices before a land disturbance permit is issued. It shall be the joint and several responsibility of the property owner, developer, contractor, and builder, as applicable, to ensure that all tree protection fencing remains in place during all phases of development.
- (E) Other Specifications.
- (1) Clearing. Where the clearing of trees has been approved, trees shall be removed in a manner that does not adversely impact the trees to be preserved. No trees shall be felled into tree protection areas and no roots shall be disturbed inside the tree protection areas.
  - (2) Erosion and Sedimentation Control. All erosion and sedimentation control measures shall be installed uphill so that sediment will not reach any tree protection fencing.
  - (3) Signage. All tree protection areas shall be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in area during construction. These signs are intended to inform subcontractors of the tree protection process.
  - (4) Tunneling. All boring under the tree protection zone shall be a minimum of 36" deep on center and shall begin before the critical root zone and end beyond the critical root zone or drip line, whichever is greater.
  - (5) Trenching. All trenching shall meet the following specifications:
    - (a) All crushed or torn roots shall be cleaved back to good wood and a sharp clean cut made to promote re-growth.
    - (b) All work in the area and foot traffic should be on the farthest side of the trench away from trees.
    - (c) All exposed root ends shall be kept moist.
    - (d) If trenching causes the death of a tree to be preserved, the tree shall be replaced prior to occupancy according to the standards of this ordinance.
  - (6) Pruning. The following tree pruning is recommended and is in accordance with the American National Standards Institute (ANSI) A300 (Part 1) Tree Care Operations (Pruning) for trees, shrubs, and other woody plant maintenance.

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- (a) All pruning shall start beyond the branch collar of the tree.
- (b) Pruning shall be done so as to remove branch weight as much as possible before final cut to prevent tearing of bark and cambium.
- (c) In all pruning, the branch collar, part of the trunk, shall remain intact and uninjured.
- (7) Safety. All tree care operations shall comply with the American National Standards Institute (ANSI) Z133 Safety Requirements for arboricultural operations, which includes pruning, trimming, repairing, maintaining, removing trees and cutting brush.

### Section 328-21 Treatment of Specimen and Canopy Trees

- (A) Preservation of Specimen and Canopy Trees. Preservation of specimen and canopy trees shall be given special consideration in the preparation of site development plans. It is the desire of the city to preserve all existing trees wherever possible in development. Preserved specimen and canopy trees may be used in minimum landscape or buffer requirements in accordance with values found in Appendix A – Sections 1 and 2. Any preserved specimen tree greater than 34" DBH shall receive a 5 to 1 credit. All replacement trees shall be planted in accordance with size standards set forth in this ordinance. Appendix A – Sections 1 and 2 for replacement value.
- (B) Identification of Specimen and Canopy Trees
  - (1) Canopy trees are large trees or groups of trees that have a distinct presence in the landscape. For the purpose of this article, all large trees and medium trees identified as canopy trees are listed in Appendix A – Sections 2 and 3.
  - (2) Specimen trees are those trees which warrant special consideration and encouragement for preservation. Specimen trees may be designated for preservation because of rarity, aesthetic value, historical value, botanical importance, and importance to overall community planning or size. The size or condition of trees will be evaluated by the City Arborist to determine if they qualify as specimen trees based upon the following criteria.
    - (a) Size Criteria.
      - i. All canopy trees: 16" DBH or larger
      - ii. Longleaf and Spruce Pine: 10" DBH or larger
      - iii. Live Oak and Magnolia grandiflora: 14" DBH or larger
      - iv. Small species: 6" DBH or larger
    - (b) Condition Criteria. All trees must be relatively sound and have a solid trunk. No major insect or pathological problems. Trees which face imminent death within two (2) years based upon the judgment of the City Arborist may be disqualified as specimen trees.
- (C) Removal Permit
  - (1) Permits for removal of specimen or canopy trees shall be obtained by making written application on the form prescribed by Mayor and Council to the City Arborist. See Section 328-21.
  - (2) Where application is made for removal of a canopy or specimen tree, a plan or written documentation indicating the reason for the removal must be submitted with the application and approved by the City Arborist.
- (D) Removal and Replacement Standards.
  - (1) Where application is made for removal of a canopy or specimen tree, the replacement value of specimen trees will be in accordance with the species values stated in Appendix A – Sections 1 and 2.

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- (2) Replacement trees shall be planted on site, if the site can accommodate trees above the required minimum specifications. In the event replacement trees cannot be planted on site, the canopy and specimen trees will be valued and funds placed in the Tree Bank (See Section 328-30).
- (3) Where payment to the Tree Bank is required under paragraph (2) above, the developer may plant trees larger than the minimum requirement and shall be entitled to a Tree Bank credit of \$50.00 per inch above the minimum inch requirements.
- (4) Removal of specimen trees from property currently not being developed also has replacement requirements. Replacement canopy trees shall have a minimum 2.5" basal caliper, and small trees shall have a minimum basal caliper of 2". All removed trees that cannot be replanted on site shall be valued in accordance with the species values stated in Appendix A – Sections 1 and 2. Example: A Live Oak has a value of 3. Removal of this tree would require planting three (3), 2.5" basal caliper trees. See Section 328-21(D)(5) below.
- (5) Specimen trees must be replaced by the same species or a species having the potential for comparable size, quality, and longevity.
- (6) No specimen tree or canopy tree which overhangs any public right of way shall be removed without first obtaining a tree removal permit.
- (7) Trees planted to meet the minimum landscape requirements may have a larger caliper than the minimum requirements. Each inch of additional caliper above the minimum requirements may be used toward the requirements of specimen and/or canopy trees.

### Section 328-22 Required Greenspace Areas

- (A) All properties subject to the provisions of Section 328-13 shall be developed with a minimum of 15% of the total area developed as greenspace, meeting the development standards of Section 328-22(D).
- (B) The street yard, side yard, rear yard, wetlands, surface water retention and/or detention areas and parking islands may be used to satisfy the greenspace requirements, provided these areas meet the landscape requirements.
- (C) Required greenspace areas must be landscaped no later than at the time 50% of the designated lots in the subdivision have been sold.
- (D) Greenspace Development Standards.
  - (1) The minimum area to be designated greenspace is 150 square feet and the minimum width of any area shall be 9 feet for interior vehicular use area islands only. For rear and side yards, minimum size requirements shall be 100 square feet with a minimum width of 3 feet. Greenspace must be landscaped at a minimum of one (1) tree per 600 square feet.
  - (2) Trees required to be planted in the greenspace must meet minimum size requirements.

### Section 328-23 Requirements for Residential Subdivisions

- (A) All residential subdivisions are required to have a landscaped street yard at the primary street entrance to the development. If there is more than one entrance, the developer shall designate the primary entrance. The street yard shall be landscaped the entire length of the lot line fronting on a public street at a minimum width of 10 feet. The street entrance must be landscaped with a minimum of 3 trees and 20 shrubs per 75 linear feet. A combination of grass, mulch, or ground cover for bare areas shall be required. The width of the street entrance is measured from the right of way to the nearest impervious area. Existing trees that exceed 4" DBH can be used to meet

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minimum plant requirements. Specimen trees provide a credit based upon values stated in Appendix A – Sections 1 and 2 toward the landscape requirement.

- (B) All residential subdivision developments must comply with any applicable transitional buffer requirements found in Article 1 of this Chapter.
- (C) The specimen tree provisions of this ordinance shall apply to residential subdivisions for the street yard only.
- (D) No final inspection shall be performed for any residential structure until the minimum landscape requirements have been met.
- (E) In all residential subdivision developments of 50 or more lots or phases of developments of 50 or more lots with a minimum lot size of 10,000 square feet or less, the developer shall designate on the plat thereof one (1) lot as greenspace or open space to be landscaped in accordance with the greenspace development standards hereinafter stated.
- (F) Upon obtaining the written consent from the City Arborist, the residential subdivision developer may, before or at the time 50% of the total number of lots have been sold, substitute a different lot within the subdivision as the designated greenspace lot, provided the substituted lot sacrifices the minimum square footage and landscape requirements set forth in this section. Upon substitution of the greenspace, a revised plat shall be prepared and recorded, along with any other documents necessary to effect such change at the expense of the developer.

### Section 328-24 Landscape Requirements

#### (A) Tree Shrub and Ground Cover Selection and Minimum Size Requirements.

- (1) All medium and large trees must be at least 2.5" basal caliper, at least 8 feet in height, and standard single trunk specimen. If container grown trees are used, they must be a minimum of 25-gallon size. If field-grown trees are used, sufficient root mass must be preserved to guarantee survival of trees.
- (2) All small trees planted must be at least 2" basal caliper, at least 6 feet in height, standard single trunk specimen, and a minimum 15-gallon container for container trees at the time of planting.
- (3) Shrubs included in interior planting areas with a spreading growth habit must be a minimum of 12" in height at the time of installation. Shrub species that have an upright growth habit must be at least 18" tall at the time of installation. At least 60% of the shrubs must be 3-gallon containers or larger. Shrubs shall be locally adapted species and shall be spaced according to growth habit. Not more than 30% of the shrubs shall be deciduous species.
- (4) Ground cover other than grass shall be placed 18" on center.
- (5) Ornamental grasses shall be a minimum of 12" tall at planting.
- (6) If the required number of trees cannot be planted on site, the caliper inch may be increased per tree to reduce the number of trees, but still achieve the same number of required caliper inches.

#### (B) Interior Vehicular Use Area Minimum Landscape Requirements. Landscaped area shall be provided within parking areas (but not within vehicle storage, maneuvering, or display areas) as follows:

- (1) One (1) tree; 5 shrubs, and a combination of ground cover, grass or mulch to cover barren areas for every 2,100 square feet of vehicular use areas or greater fraction thereof. All trees and shrub plantings may be spaced in any pattern so long as no parking space is located more

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than 50 feet from the base of any tree. The street yard or exterior canopy trees may be included when calculating the 50-foot requirement for location of canopy trees.

- (2) A variance from the 50 foot spacing requirement for loading dock areas or heavy truck traffic areas and/or car display areas may be granted upon approval by the City Arborist and/or Engineering Department designee.
- (3) Landscape areas shall be located in such a manner as to divide and break up the parking area. A planting area located wholly within a generally rectangular area that is (a) devoted to parking and (b) between a building and a lot line or between two (2) buildings, will generally serve this purpose.
- (4) All landscape areas shall contain a minimum of 150 square feet.
- (5) Adequate irrigation to the landscape areas shall be provided. The method of irrigation shall be indicated on the on tree protection and replacement plan.
- (6) Light posts and underground utilities may be located in landscape islands.
- (7) Combination drainage swale/planting strips for parking lots are encouraged provided that:
  - (a) Adequate drainage is provided for the trees; and
  - (b) Bottomland hardwood species are used.
- (8) A minimum of 60% of all trees planted in the interior vehicular use areas shall be canopy trees. Canopy trees are identified in Appendix A –Section 2 and shall consist of all large trees and designated medium trees. All trees shall have a minimum planting area as described in Section 328-19. If canopy trees cannot be planted due to overhead utility lines or if the site cannot accommodate additional canopy trees due to existing canopy trees (i.e. current growth form), small trees shall be planted to equal the same number of required caliper inches.
- (9) If the required number of trees cannot be planted on site, the caliper inch may be increased per tree to reduce the number of trees, but still achieve the required number of caliper inches.

### (C) Perimeter Area Minimum Landscape Requirements.

- (1) Street Yards. A landscaped street yard shall be required adjacent to all street rights-of-way.
  - (a) For property having more than one street front, a primary street yard shall be designated by the developer.
  - (b) The primary street yard shall be landscaped to the full requirements of this article. The remaining street yard(s) shall meet the primary street yard landscape planting requirements at 75%.
  - (c) The width of all street yards is measured from the right-of-way line to the edge of the nearest impervious area.
  - (d) A minimum of 3 trees and 20 shrubs and a combination of grass, mulch or other ground cover to cover barren area shall be required every 75 linear feet or primary street yard. All other street yards shall be planted with a minimum of 2 trees, 20 shrubs and a combination of grass, mulch or other ground cover to cover barren area for every 75 linear feet. For property having less than 75 feet of street yard, a minimum of 3 trees and 20 shrubs shall be required.
  - (e) For all parcels developed greater than 1.1 acres and for outparcels, the primary street yard shall have a minimum width of 10 feet. All other street yards shall have a minimum width of 6 feet.
  - (f) For parcels equal to or less than 1.1 acres, all street yards shall have a minimum width of 6 feet.

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- (g) Parcels greater than 1.1 acres and outparcels a minimum of 60% of all trees planted shall be large canopy trees whose growth form will provide shade.
  - (h) For parcels equal to or less than 1.1 acres (excluding outparcels), the total site shall contain 60% large canopy trees, but the percentage may be reduced for the street yard provided it does not reduce the required number of large canopy trees on site.
  - (i) All outparcels shall have the same minimum width on the street yard as the main parcels.
  - (j) All walkways constructed of impervious material shall be no less than 4 feet from the trunk of any existing tree. The minimum distance shall be increased to 8 feet if the existing tree is a specimen tree.
  - (k) If the required number of trees cannot be planted on site, the caliper inch may be increased per tree to reduce the number of trees, but still achieve the same number of required caliper inches.
- (2) Side and Rear Yards.
- (a) All parcels greater than 1.1 acres and all outparcels, the side and rear yard areas shall have a minimum width of 5 feet. Width is measured from lot line to the nearest impervious area. A minimum of one (1) tree and a combination of ground cover shall be required in every 50 linear feet or greater fraction thereof on side and rear yards. Grouping trees together in clumps is preferred but not required. Side or rear yard areas may be used to meet the 15% greenspace requirements or buffer, as long as compliance with the minimum side or rear yard landscape standards are met.
  - (b) For parcels 1.1 acres or less, the side and rear yards shall have a minimum width of 3 feet. A minimum of one (1) tree every 50 feet or greater fraction thereof is required. The width is measured from the right-of-way line to the nearest impervious area. Grouping trees together in clumps is preferred but not required.
  - (c) For property zoned so as to provide for zero lot lines, the side yard minimum is not required for the area of the building only. Zero lot lines shall not change the side yard calculations for plant material requirements. Developments with zero lot lines shall also comply with the requirement that 15% of the total area be greenspace.
  - (d) A minimum of 60% of all trees planted in side and rear yard areas shall be canopy trees. Canopy trees are identified in Appendix A – Section 2 and consist of all large trees and designated medium trees. All trees have a minimum planting area described in the Landscaping and Tree Replacement Standards – See Section 328-19.
  - (e) Outparcels shall have the same minimum width on the street yard as the main parcels.
  - (f) If the required number of trees cannot be planted on site, the caliper inches may be increased per tree to reduce the number of trees, but still achieve the same number of required caliper inches.

### Section 328-25 Surface Water Retention and Drainage Basins

Surface water retention and detention basins designed to handle surface water runoff and overflow are recommended to be constructed so as to appear natural in appearance. In the case of a retention pond, landscaping must be provided at or immediately above the high water mark consistent with the interior vehicular area use standards. Trees specified to be planted below the high watermark of a retention pond shall be suitable for wet conditions. Trees should be located so as to integrate into the surrounding landscape. Where surface water retention and detention basins are to be considered as part of the 15% greenspace requirements, all trees must be planted at a density of one (1) tree per 600 square feet, except in residential developments. Tree placements shall be outlined in the landscaping plan as required in Section 310-13(C)(9).

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### Section 328-26 Tree Topping

No tree topping or roundovering shall be allowed on new and existing developments, city rights-of-way, city lands, or non-residential properties.

### Section 328-27 Remedial Care of Trees and Tree Save Areas

Trees in tree save areas that have been adversely impacted, as determined by the City Arborist, by the construction process may be subject to remedial care. Remedial care may include but is not limited to: pruning, soil aeration, fertilization, or supplemental watering.

### Section 328-28 Timber Harvesting

- (A) All timber harvesting operations on areas larger than one (1) acre shall be required to obtain a land disturbance permit from the City Engineer.
- (B) The following practices are required of all timber harvesting operations:
  - (1) All access onto public roads shall have culverts and stone pads as prescribed in Manual of Standards and Specifications for Control of Soil and Erosion and Sediment.
  - (2) Stream sides and access roads shall be seeded upon completion of harvesting operations as prescribed in the Manual of Standards and Specifications for Control of Soil Erosion and Sediment.
  - (3) It is recommended that tall timber harvesting operations follow the Recommended BMPs for Forestry in Georgia (available from state forestry commission).
- (C) Timber harvesting operations supervised by the soil conservation service, state forestry commission, or in conjunction with an approved sedimentation and erosion control plan are exempt from paragraphs (B)(2) and (3) of this Section.
- (D) Any person violating any provision of this section shall be punished pursuant to Chapter 110 and other applicable provisions of the LDR.

### Section 328-29 Tree Bank

There is hereby established by the City of Valdosta a separate fund to be known and designated as the Tree Bank Fund. Funds herein provided shall be accumulated in said fund and used for the planting and installation of trees on public property, parks, and other approved property within the City. All projects for planting shall be approved by the Valdosta Tree Commission.

### Section 328-30 Alternative Compliance

- (A) Where the minimum requirements of this Article cannot be fully met because the site cannot support the required density of trees, the applicant shall make a contribution to the City of Valdosta Tree Bank Fund (See Section 328-29). Contributions to the tree replacement fund shall be paid in full prior to the issuance of any required permit. Such contributions shall be used for the sole purposes of planting and maintaining trees on public property.
- (B) The amount of the contribution shall be based upon the number, size and type of trees that cannot be planted at the site. The City Arborist shall estimate the cost to the City for the materials and labor associated with the trees. The amount of the contribution shall be 100% of the estimated costs for the materials and labor of planting such trees.
- (C) The City Arborist may waive the provisions of this section if he determines that:
  - (1) The unmet density is less than 10% of the density requirement for the site; and



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- (2) The developer otherwise substantially complies with the provisions of this article.

### Section 328-31 Maintenance Period

- (A) New tree plantings or existing protected trees used to meet the density requirements of this article shall be maintained for 5 years after the date of final inspection. The owner of the property shall be responsible for continuing maintenance.
- (B) During the 5-year maintenance period, the City Arborist and/or Engineering Department designee shall have the right to conduct yearly inspections to ensure continuing compliance with the Tree Protection and Replacement Plan and to confirm the health and viability of all required trees and plant material.
- (C) If the City Arborist finds that trees planted or protected to meet the required site density are missing, dead or near death, the City Arborist shall so notify the property owner and the property shall replace those trees with trees of similar size within 30 days of notification.

### Section 328-32 Performance Bonds

New tree plantings used to meet the requirements of this article for commercial or residential developments may be postponed for up to 3 months provided that a performance bond is obtained. The basis for delay must be that either planting stock availability is low or weather conditions are not appropriate for planting new trees. Performance bonds for landscaping shall be submitted to the department and shall meet the following standards:

- (A) The performance bond must meet the requirements of Section 302-30.
- (B) Performance bonds shall be submitted to the department with appropriate documentation and justification of low plant stock availability and/or adverse weather conditions.

### Section 328-33 Inspections

- (A) The City Arborist and/or Engineering Department designee may periodically inspect the project during the course thereof and shall make a final inspection following the completion of work. Applicants shall cooperate with the City Arborist and/or Engineering Department designee in making such inspections. The City Arborist and/or Engineering Department designee shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for the purpose of entering at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activities.
- (B) No person shall refuse entry or access to any authorized City of Valdosta employee who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (C) The following inspections shall be conducted in conjunction with all development activities regulated under this Article.
  - (1) Initial Inspections. An inspection by the City Arborist and/or Engineering Department designee shall be conducted prior to approval of any permit application.
  - (2) Vegetation Protection Inspection. An inspection by the City Arborist and/or Engineering Department designee shall be conducted to ensure proper installation of tree and vegetation protection devices before tree removal and/or site disturbance. See Section 328-20.

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- (3) **Periodic Inspection.** An inspection by the City Arborist and/or Engineering Department designee shall be conducted to ensure compliance is continued throughout the project.
- (4) **Final Inspection, Notice of Completion and Certificate of Occupancy.** This inspection shall occur when all development activities permitted for the site have been completed. No certificate of occupancy shall be issued, nor any building or premises occupied, unless and until final inspection reveals that all work has been installed in accordance with the approved permit and tree protection or removal activity has been carried out according to the approved permit and plan.
- (5) **Inspection of Performance Bond and Temporary Certificate of Occupancy.** In the event that there is a delay in complying with the approved permits and plans by final inspection, a temporary certificate of occupancy may be issued where a performance bond has been approved, provided that such bonded uncompleted improvements are satisfactorily installed within a reasonable length of time as specified by the City Arborist, not to exceed 3 months. After improvements are completed and approved, a permanent certificate of occupancy will be issued after a final inspection by the Engineering Department.

### Section 328-34 Notice of Violations and Stop-work Orders

- (A) **Suspension, Revocation, and Modification.** Any City issued permit may be suspended, revoked or modified by the Department upon finding that the holder is in violation of the terms of the permit or any portion of this article.
- (B) **Notification of Violations.** Where it is determined that a violation of this chapter has occurred, the City Arborist and/or Engineering Department designee shall give written notice of the violation to the occupant, applicant, and or the owner shown on the most recent tax roll of the City. Said written notice shall include, but not be limited to:
  - (1) A description of the location of the property involved, either by street address or by legal description.
  - (2) A statement indicating the nature of the violations.
  - (3) A statement showing the time within which all necessary remedial action must be accompanied which time may not be less than 10 days nor more than 30 days from the date of said written notice.
  - (4) The name of the person(s) upon whom the notice of violation is served.
  - (5) A statement advising that upon failure to comply with the requirements of the notice the City Arborist and/or City Marshal shall take such enforcement procedures as may be required under this notice.
  - (6) Written notice required above shall be served upon the person violating this ordinance and the person owning this land by either personal delivery or Certified mail.
- (C) **Stop Work Orders; Warranting Circumstances.** The Director and/or designee upon the recommendation and advice of the City Arborist can request issuance of a Stop Work Order in any of the following circumstances:
  - (1) When development is being implemented without approved permits.
  - (2) When ongoing non-complying work is not immediately and permanently stopped upon receipt of a written or oral Notice of Violation.
  - (3) Upon failure to post all required and approved permits under this article.

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- (D) Failure to Comply After Notice of Violation or Stop Work Order. Where work or development continues after issuance of a stop work order, the Director and/or designee may initiate any appropriate act or legal action authorized by law.
- (E) Notice of Compliance. Upon satisfactory completion of corrective action required by a notice of violation or stop work order, the Director and/or designee shall issue a notice of compliance and allow the work to continue.

### Section 328-35 Appeals

Any person aggrieved by a final decision of the City Arborist or any other administrative official made pursuant to the provisions of this article may appeal that determination to the Zoning Board of Appeals in accordance with the procedures set forth in LDR Section 242-8. Appeals from final decisions of the Zoning Board of Appeals shall be as provided in LDR Section 242-12.

### Section 328-36 Violations and Penalties

Any person, firm, corporation or agent who shall violate any of the aforementioned provisions contained in Chapter 328 of the LDR shall be tried in the Municipal Court of the City of Valdosta and if found guilty, shall be punished as follows:

|   |  |
|---|--|
| First Offense within the past 12 months:            | \$ 250.00                                |
| Second Offense within the past 12 months:           | \$ 500.00 and/or up to 30 days in jail   |
| Third or Subsequent Offenses in the past 12 months: | \$ 1,000.00 and/or up to 90 days in jail |

Violations include, but are not limited to:

- (A) It shall be unlawful for any person or entity to remove or destroy a tree without first obtaining a permit where applicable. The removal or destruction of each tree shall constitute a separate offense under this article.
- (B) It shall be unlawful for any person or entity to commence construction or development without first obtaining a land disturbance permit, and/or tree removal permit, where applicable. Each day said development or construction continues without obtaining a permit shall constitute a separate offense.
- (C) It shall be unlawful for any person or entity to fail to protect and preserve trees designated for preservation during development. Each day said failure to protect said designated trees continues shall constitute a separate offense.
- (D) It shall be unlawful for any person or entity to fail to replace any dead plants or trees as stated in the written notice to replace said plants or trees. Each day that said party fails to replace said dead plants or trees after said notice shall constitute a separate offense.

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## Chapter 332 Infrastructure and Site Improvements

### Article 1 Streets and Sidewalks

#### Section 332-1 Street Classification and Right-of-Way Requirements

(A) Street Classification.

- (1) Streets are classified into a street hierarchy system based on road function and traffic volumes. Streets are classified into the following categories as shown on the City of Valdosta Street Classification Map:
  - (a) Interstate principal arterials.
  - (b) Principal arterials.
  - (c) Minor arterials.
  - (d) Collector streets.
  - (e) Local streets.
- (2) The application for approval of a preliminary plat, site development plan, or building permit that will require the Applicant to construct new public streets or make improvements to existing public streets shall determine the design of the street based on projected traffic volumes and use the right-of-way and lane widths as noted in the "Table of Minimum Right-of-Way and Lane Widths." The final determination regarding the classification of any existing or proposed street shall be made by the City Engineer.

(B) Right-of-Way and Lane Widths.

- (1) Minimum widths for new streets shall be as shown in "Table of Minimum Right-of-Way and Lane Widths." See City of Valdosta Standards and Specifications for detailed dimensions. Total width of streets includes lane width plus curb and gutter (back to back of curb). Local streets will use an 18" or 24" curb and gutter. Other road/street classifications (GDOT) will use a 30" curb and gutter. If an existing street is used for lot access, the Developer may conform to the existing street width and curb and gutter.
- (2) Minimum widths of right-of-way and lanes shall be as shown in the Table of Right-of-Way and Lane Widths.

**Table of Minimum Right-Of-Way and Lane Widths**

| Street Category         | Lanes | Minimum R-O-W  | Lane Width*                          |
|-------------------------|-------|----------------|--------------------------------------|
| Principal Arterial      |       |                |                                      |
| 20-foot median          | 4     | 120 feet       | 12 feet                              |
| Undivided               | 5     | 100 feet       | 12 feet                              |
| Minor Arterial          | 4     | 100 feet       | 12 feet                              |
| Collector Street        | 3     | 80 feet        | 12 feet Standard;<br>11 feet Minimum |
| Local Street            |       |                |                                      |
| Residential             | 2     | 50 feet        | 11 feet *                            |
| Commercial              | 2     | 60 feet        | 12 feet Standard ; 11 feet Minimum   |
| Industrial              | 2     | 60 feet        | 14 feet Minimum                      |
| Cul-de-sac              |       |                |                                      |
| Commercial / Industrial |       | 65 feet radius | 50 feet radius                       |
| Residential             |       | 50 feet radius | 40 feet radius                       |

Notes:

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*\*Lane widths include only pavement width. Example: 2 lanes @ 11 feet with 2 feet C&G would be 26 feet back to back of curb.*

*10-foot lanes are allowed for some streets in the Traditional Neighborhood Development District, See Section 206-11.*

*Lane widths on collector streets and other local (non-subdivision) streets will be based on design speed and traffic volumes.*

*Street categories based on the current Georgia Department of Transportation (GDOT) Functional Classification System for the City of Valdosta.*

*Typical section details are shown in the Standards and Specifications.*

## (C) Right-of-Way Dedication.

- (1) The minimum width of right-of-way shall be dedicated based upon the street classification, as provided in this section and approved by the City Engineer.
- (2) On any existing street abutting a proposed development that fronts only one side of the street, one-half of the required width of right-of-way shall be dedicated, at no cost to the City of Valdosta, as measured from the centerline of the roadway along the entire property frontage. Right-of-way widths for existing streets shall be based on the current classification as determined by the City Engineer.
- (3) Additional right-of-way may be required at intersections or other locations fronting the property where turning lanes, storage lanes, medians, re-alignments or other traffic safety improvements are required.
- (4) If a new street or thoroughfare is proposed by the City of Valdosta or the State of Georgia to adjoin or traverse the property, the proposed road shall be accommodated into the development plans of the property in accordance with the LDR. These right-of-way requirements shall govern except where there exist clearly defined plans of the Georgia Department of Transportation (GDOT) or the City of Valdosta that require additional right-of-way. In that case, the greater right-of-way requirements shall govern.

## (D) Clear Zone Requirements. All new roads/streets should utilize the concepts, designs, and philosophies in the Federal Highway Administration (FHWA) Roadside Design Guide, where practical and feasible to use the latest state-of-the-practice in roadside safety. New roads/streets should also use context-sensitive design concepts in the applications of clear zone. Context-sensitive design concepts are also on the GDOT web site ([www.dot.state.ga.us](http://www.dot.state.ga.us)). The application of clear zone concepts on existing roads/streets needs to be used where the greatest safety benefit can be realized. Crash reports, site investigations, and maintenance records offer starting points for identifying these locations.

## (E) Guardrails. Georgia Department of Transportation approved guardrails are required on proposed roads that have insufficient clear zones or vehicular recovery zones. Guardrails may be required in areas with steep topography or stream crossings to provide vehicular and pedestrian safety benefits. Where guardrails are provided sidewalks shall be provided on the outside of the guardrail.

## (F) Standard Design and Construction Details. Installation of streets, curbs, sidewalks and related right of way improvements shall be consistent with the City of Valdosta Standards and Specifications.

## (G) Public Right-of-way Maintenance. It shall be the responsibility of landowners to maintain the portion of public right-of-way which is adjacent to their property, between the right-of-way line (their property line) and the street curb or edge of pavement. Grassed areas shall be kept mowed and

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maintained in accordance with the same standards required for private property maintenance prescribed by the City of Valdosta Code of Ordinances.

## Section 332-2 Access Management

- (A) Applicability. Land subdivision and development that takes its primary access from a state or federal highway or a thoroughfare classified as a collector, principal arterial or minor arterial in the latest GDOT Functional Classification System for the City of Valdosta shall comply with these standards. These standards shall apply unless a more restrictive standard is required by the GDOT.
- (B) Entrances of new streets or driveways that directly connect with a state or federal highway shall be reviewed by GDOT.
- (C) Joint and Cross Access.
  - (1) Adjacent commercial or office properties on collector, principal arterial or minor arterials shall provide a cross access drive and pedestrian access to allow circulation between sites.
  - (2) Joint driveways and cross access easements shall be established for multi-parcel commercial, office or industrial development, wherever feasible, along collector, principal arterial or minor arterial corridors. The building site shall incorporate the following:
    - (a) Continuous service drives or cross access corridor connecting adjacent parcels along the thoroughfare.
    - (b) Design speed of 15 mph and a two-way travel aisle width of 24 feet to accommodate automobiles, service vehicles and loading vehicles.
    - (c) Driveway aprons, stub-outs and other design features to allow abutting properties to be connected and provide cross access via a service drive.
  - (3) The City Engineer may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
    - (a) Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
    - (b) The site plan incorporates a unified access and circulation system for vehicles and pedestrians in accordance with this section.
- (D) Minimum Driveway Setbacks from Street Intersections.
  - (1) Driveway connections shall not be permitted within the functional area of the intersection, of two public streets. The functional area includes the longitudinal limits of auxiliary or turning lanes.
  - (2) Minimum Standards. No driveway access shall be allowed within 150 feet of the centerline of an intersecting minor arterial or principal arterial street, or within 100 feet of any collector street. The City Engineer may reduce these required distances where they prove impractical due to lot frontages of less than 150 feet.
- (E) Minimum Access Requirements.
  - (1) All developments shall have one or more driveways or entrances to a public right-of-way.
  - (2) Unless otherwise specified by applicable zoning or overlay district standards, the number of such access points shall be as shown in "Table of Minimum Number of Access Points."

# City of Valdosta Land Development Regulations

**Table of Minimum Number of Access Points**

| Type of Development                                      | Minimum Number of Driveway Access Points | Minimum Type of Primary Access   |
|--|--|----------------------------------|
| Residential, less than 25 units                          | 1  | Local Street or Collector Street |
| Residential, 25 - 200 units                              | 2  | Local Street or Collector Street |
| Residential, more than 200 units                         | 3  | One Collector                    |
| Non-Residential, less than 50 required parking spaces    | 1  | Local Street or Collector        |
| Non-Residential, 50-300 required parking spaces          | 2  | One Collector                    |
| Non-Residential, 301 – 1,000 required parking spaces     | 3  | One Minor Arterial               |
| Non-Residential, more than 1,000 required parking spaces | 4 or more                                | Two Minor Arterials              |

(F) Separation of Access Points.

- (1) Residential Subdivisions located along existing arterial streets shall be required to provide reverse frontage lots or parallel frontage roads where feasible.
- (2) Along state or federal highways, no more than one point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof, although requirements of the GDOT shall apply whenever more restrictive.
- (3) Along arterial or collector roads other than state or federal highways, no more than two points of vehicular access from a property to each abutting public street shall be permitted for each 300 feet of lot frontage, or fraction thereof; provided, however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The City Engineer shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow. To make this determination the City Engineer may require a traffic impact study to be performed by the owner.
- (4) No point of access shall be allowed within 35 feet of the right-of-way line of any street intersection for single-family and two-family residential lots and within 50 feet for multi-family and non-residential properties.
- (5) Corner lot access shall be located as far from the intersection as reasonably possible to reduce turning movement conflicts and to promote proper traffic circulation.
- (6) Unless otherwise specified by applicable zoning district or overlay district standards, the separation of access points on any street shall be determined by the established speed limit of the street, with the following minimum spacing requirements as provided in "Table of Minimum Driveway Spacing."

# City of Valdosta Land Development Regulations

**Table of Minimum Driveway Spacing\***

| Speed Limit | Minimum Driveway Spacing |
|-------------|--------------------------|
| 25          | 125 feet                 |
| 30          | 125 feet                 |
| 35          | 150 feet                 |
| 40          | 185 feet                 |
| 45          | 230 feet                 |
| 50          | 275 feet                 |
| 55          | 350 feet                 |
| 60          | 450 feet                 |
| 65          | 550 feet                 |

\* The City Engineer may reduce the minimum spacing when the required distance is impractical due to lot frontages of less than 125 feet.

- (7) The distance between access points shall be measured from the centerline of the proposed driveway to the centerline of the nearest adjacent driveway or street.
- (8) Driveways shall be located so that the radius return is a minimum of 4 feet from a property line that intersects the right-of-way line.
- (9) The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided.

(G) Emergency Access. All public streets, private and residential drives shall be designed and maintained so as to provide safe and convenient access for emergency vehicles. New developments with restricted access, such as gated subdivisions shall be subject to review and approval by the Director. See Section 302-11(C).

## **Section 332-3 Driveway Design Standards**

- (A) Permits Required. No driveway shall be constructed abutting a City-maintained road or street until all applicable driveway permits have been approved and issued by the City Engineer. For driveways that abut a state or federal highway, all applicable permits shall be obtained from the GDOT prior to construction.
- (B) General Requirements. See also Section 332-2
  - (1) Joint access driveways are permitted in order to achieve minimum driveway spacing requirements.
  - (2) Unless otherwise specified by the applicable zoning and/or overlay district standards, no property may have a curb cut in excess of 40 feet in width, excluding the minimum required radius, without approval of the City Engineer.
  - (3) If a non-residential driveway design is one-way in or one-way out, then the driveway shall be a minimum width of 14 feet and shall have appropriate signage designating the driveway as a one-way connection.
  - (4) For two-way, non-residential access, each travel lane shall have a minimum width of 11 feet. When more than two lanes are proposed, a specific driveway design must be approved by the City Engineer.
  - (5) Driveways that enter an arterial or collector street at traffic signals must have at least two outbound lanes of at least 11 feet in width and one inbound lane with a maximum width of 12 feet.



## City of Valdosta Land Development Regulations

- (6) Except for single-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Design Standards.
- (7) Driveways shall intersect roads or streets with no more than a 10 degree skew from a 90-degree angle.
- (8) Driveway aprons shall slope from the right-of-way to the edge of pavement or gutter flow line. For all non-single-family driveways and entrances, a storm sewer inlet or grade break shall be provided at the right-of-way line to prevent discharge of stormwater onto the public right-of-way.
- (9) Driveways shall comply with the minimum requirements of the City of Valdosta Standard Design and Construction Details, based on projected use and classification.
- (10) Driveways serving single-family detached or attached residences may be no less than 10 feet wide and no more than 20 feet wide at the right-of-way line and shall provide a radius to the back of the curb of no less than 5 feet. All other driveway curb cuts on public streets shall conform to the standards shown on the driveway details contained in the City of Valdosta Standard Design and Construction Details.
- (11) All driveways and driveway curb cuts on state highways shall conform to GDOT Standards.

### (C) Driveway Construction Standards.

- (1) Sidewalks and curbs adjacent to driveways shall meet requirements of the Americans with Disabilities Act.
- (2) Portions of driveways within the public rights-of-way shall be 6" thick, 3000 psi fiber-reinforced concrete.
- (3) Driveways shall be no closer than 3 feet, at the closest point, to an at-grade utility structure, including, but not limited to, curb inlets, drainage structures, streetlights, telephone and electrical poles, boxes and transformers, manholes, handholes and water meters.
- (4) Driveways shall be no closer than 5 feet from a street tree or fire hydrant.
- (5) Water and sewer lines shall be located outside of driveways, except for generally perpendicular crossings.
- (6) Commercial driveways shall provide a 20-foot minimum radius at intersection with a public street. For property used for industrial purposes, the minimum radius shall be 50 feet.

### (D) Auxiliary Lanes.

- (1) Along any arterial or collector street, a deceleration lane, acceleration lane, larger turning radius, traffic islands or other devices or designs may be required by the City Engineer to avoid specific traffic hazards that, otherwise, would be created by the proposed driveway location.
- (2) Deceleration lanes may be required by the City of Valdosta at each access point on streets classified as arterials or collectors when the posted speed limit is 35 mph or higher and otherwise where considered necessary by the City Engineer based on traffic volumes. Minimum deceleration lengths are specified in the "Table of Deceleration Lane Requirements." The City Engineer may vary length requirements based upon a consideration of available sight distance and traffic volumes.

# City of Valdosta Land Development Regulations

**Table of Deceleration Lane Requirements**

| Operating Speed | Min. Length of Lane |
|-----------------|---------------------|
| 35 mph          | 100' + 50' taper    |
| 40 mph          | 150' + 50' taper    |
| 45 mph          | 175' + 100' taper   |
| 55 mph          | 250' + 100' taper   |
| 60 mph          | 300' + 100' taper   |
| 65 mph          | 350' + 100' taper   |

- (3) When a new deceleration lane required by this Section is proposed to begin or end within 50 feet of an existing deceleration lane, driveway or street intersection, then the new deceleration lane shall be extended as needed to provide a safe, continuous connection with adjacent or nearby deceleration lanes, driveways and intersections.

- (E) Sight Distance. All roads, streets, and driveways shall provide adequate sight distance as shown in the Table of Intersection Sight Distance Requirements. See also City of Valdosta Standard Design and Construction Details.

**Table of Intersection Sight Distance Requirements**

| Design Speed | Sight Distance, Feet |               |     |               |     |
|--------------|----------------------|---------------|-----|---------------|-----|
|              | 2 lanes              | 3 and 4 lanes |     | 5 and 6 lanes |     |
|              | SDL=SDR              | SDL           | SDR | SDL           | SDR |
| 25 mph       | 280                  | 290           | 315 | 335           | 350 |
| 30 mph       | 335                  | 350           | 375 | 400           | 420 |
| 35 mph       | 390                  | 410           | 440 | 465           | 490 |
| 40 mph       | 445                  | 470           | 500 | 530           | 560 |
| 45 mph       | 500                  | 530           | 560 | 595           | 630 |
| 50 mph       | 555                  | 590           | 625 | 660           | 700 |
| 55 mph       | 610                  | 650           | 685 | 730           | 770 |
| 60 mph       | 665                  | 705           | 750 | 795           | 840 |
| 65 mph       | 720                  | 765           | 810 | 860           | 910 |

SDR means Sight Distance required for vehicle approaching from right side of driveway.

SDL means Sight Distance required for vehicle approaching from left side of driveway.

## Section 332-4 Requirements for New Streets

- (A) All new streets proposed to be constructed in a subdivision or other development shall be designed and constructed to the minimum standards contained in this Article, in accordance with the classification of streets.
- (B) If a new street or thoroughfare is proposed by the City of Valdosta or the State of Georgia to traverse the property, the proposed street shall be designed and constructed in accordance with the street classification as shown in the latest GDOT Functional Classification System for the City of Valdosta and contained in this Article or as shown on plans proposed by the City or State of Georgia. The specific vertical and horizontal alignment of the proposed street shall be as established or approved by the City of Valdosta and/or the State of Georgia, as applicable.

# City of Valdosta Land Development Regulations

## (C) Standard Streets.

- (1) If a substandard street (dirt or gravel road or inadequate width of pavement or right-of-way) provides a means of access to a major subdivision or non-residential development, the street shall be upgraded to the street classification standard required by the GDOT Functional Classification System for the City of Valdosta and in accordance with this Article. These improvements shall extend from the entrance of the development to the nearest standard paved street of an equivalent or higher classification, along the route of primary access.
- (2) All right-of-way required for these off-site improvements shall be acquired at the expense of the Property Owner. Additional requirements may be mandated by the City as outlined in Section 332-4(B).

## (D) Improvements along State Highways. For any development that abuts a state or federal highway, improvements to the roadway and the location and design of any street or driveway providing access from the state highway shall comply with the standards and requirements of the GDOT and this Article. A permit for the proposed access or improvements shall be required to have been approved by the GDOT and incorporated into the construction drawings for the project prior to issuance of a development permit by the City Engineer.

## (E) Permanent Dead-end Streets. See Section 302-11.

- (1) New streets shall connect at both ends to existing streets unless the City Engineer determines that unique parcel configuration or terrain make a fully connected street pattern infeasible or unsafe.
- (2) When necessary, streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 500 feet in length, unless otherwise specified by the standards of any applicable zoning or overlay district or as otherwise approved by the City Engineer.
- (3) The length of a cul-de-sac street shall be measured from the center of the cul-de-sac to the center of the intersection with another street.
- (4) Cul-de-sacs shall conform to design requirements of the City of Valdosta Standard Design and Construction Details.

## (F) Temporary Dead-end Streets.

- (1) A temporary dead-end street shall be provided to the boundary of a subdivision to provide access to abutting property for planned continuity of future circulation, improved access for public safety vehicles or for the extension of public water or other utilities to neighboring properties. Such dead-end streets shall be designed to meet the requirements of this Article and to allow their reasonable extension and shall be located so as to be reasonably incorporated into a street design for the neighboring property. A temporary vehicular turnaround shall be provided as shown in the City of Valdosta Standard Design and Construction Details.
- (2) Existing dead-end streets on abutting property shall be extended into a proposed subdivision and incorporated into the street design of the development when in the opinion of the City Engineer connection is necessary to ensure safe traffic circulation and/or emergency access.
- (3) The provisions of paragraphs (1) and (2) of this subsection may be modified by the City Engineer in cases of serious topographical hardship or unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of a cul-de-sac or other permanent turnaround on the dead-end street or the removal of the dead-end street back to its nearest intersection.

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- (4) Where a dead-end street (other than a cul-de-sac) serves four or more lots in a multi-phase subdivision and such street is to be extended later, the Developer shall be required to provide a temporary vehicular turnaround complying with Section 332-1(B), and Sections 332-7(E) and (F). This requirement may be waived if extension of the dead-end street is approved and under construction prior to its inclusion in a final plat.
- (G) Access Roads. Where a development borders on or contains a railroad right-of-way, major utility easement, limited access highway right-of-way or a principal arterial; a public street may be required to be constructed and dedicated within the development approximately parallel to and on each side of such right-of-way. Locations of such service roads shall be aligned with similar service roads on adjacent properties.
- (H) Construction access drives are required for vehicles with gross weight of 10,000 lbs. or more.
- (1) On multi-phase developments, the Property Owner shall be required to dedicate, install, maintain and remove temporary construction access drives for the ingress and egress of construction vehicles, personnel and equipment.
  - (2) Temporary construction access drives shall be shown on the concept plan and preliminary plat and shall access an existing City street where possible. Construction access drives shall be permitted through the City Engineer, and shall comply with sight distance requirements in Section 332-3(E).
  - (3) Temporary construction access drives shall be utilized as the sole means of ingress and egress during the construction of subsequent phases of the development, to prevent the flow of construction and heavy vehicular traffic on newly constructed streets completed under earlier phases.
  - (4) If the City Engineer determines that a temporary construction access drive cannot be provided, due to site-specific restrictions, then the Property Owner shall provide a maintenance bond for those portions of the newly constructed roadway utilized for construction access. The maintenance bond shall provide surety for roadway repairs and resurfacing. The required bond amount shall be the current amount established by the Mayor and City Council. The maintenance bond shall be provided to the City prior to the start of construction, and shall not expire for a period of 18 months following the completion of all construction activities.
- (I) Half Streets. Both the construction of new half streets and the extension of access to existing half streets shall be prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.
- (J) Reserve Strips. No subdivision or street in a development shall be designed so as to deny access to abutting properties.
- (K) Alleys. (See Section 106-1 for definition.) Alleys are to be constructed to the following standards:
- (1) Minimum width of easement: 20 feet.
  - (2) Minimum 14-foot wide paved travel lane. (20 feet for commercial use.)
  - (3) 24" rolled curb and gutter.
  - (4) Minimum 4-foot building setback from the edge of the pavement. No obstructions are permitted in this clear zone.
  - (5) Utility easements as required by the City Engineer.
  - (6) Maximum length, 1,200 feet with a minimum of two points of access/egress to a local street or higher classification. No dead-end alleys may be longer than 200 feet.

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- (7) Maximum grade of 8%.
- (8) Paving and base must be constructed to standards of public streets.
- (9) Alleys shall be signed, "Fire Lanes – No Parking."
- (10) Alleys are to be maintained by property owners or homeowners associations.

(L) Street Jogs.

- (1) Local streets shall either directly align or have offsets of a minimum of 150 feet, as measured between the centerlines.
- (2) Where it is not feasible to align new streets or entrances with an existing street intersecting nearby on the opposite side of a collector or arterial street, then the new street intersection shall be no less than 250 feet from the intersection of the existing street, as measured between centerlines of the two opposing streets.

(M) Traffic-Calming Measures. Street layout and configuration should include a series of relatively short interconnected roadways in lieu of longer straight roads, to discourage excessive speeds. Traffic-calming measures shall be incorporated where required by the City Engineer. See Section 332-10 of this Article.

(N) Maintenance of Private Ways. Property owners or the property owners association shall continuously maintain private streets, alleys, driveways, and other travel ways in a safe and passable condition.

## Section 332-5 Street Intersections

(A) Angle of Intersections. Intersections of two public streets shall form an angle that is between 85 and 95 degrees, unless otherwise approved by the City Engineer.

(B) Intersection Approaches.

- (1) The approaching street at any intersection shall be designed and constructed to provide both the minimum horizontal and vertical approach distances, as defined in this section and indicated in the table below.
- (2) Minimum horizontal approach distance is defined as the minimum distance required along the centerline of an approaching street, perpendicular or no less than 85 degrees to the intersected street, as measured from the edge of pavement of the intersected street to the point of horizontal curvature on the approaching street.
- (3) Minimum vertical approach distance is defined as the minimum distance required along the centerline of the approaching street, at a grade less than or equal to the recommended grade indicated in the "Table of Intersection Approach Distances," as measured from the edge of pavement of the intersected street to a point on the profile of the approaching street where grades exceed recommended values.

**Table of Intersection Approach Distances**

| Approaching Street Classification | Minimum Horizontal Approach Distance <sup>1</sup> | Minimum Vertical Approach Distance <sup>1</sup> | Recommended Approach Grade <sup>2</sup> |
|-----------------------------------|---|---|---|
| Principal Arterial                | 300 feet  | 200 feet  | 2.0%                                    |
| Minor Arterial                    | 200 feet  | 150 feet  | 2.0%                                    |
| Collector Street                  | 150 feet  | 100 feet  | 2.5%                                    |
| Local Street                      | 75 feet   | 50 feet   | 4.0%                                    |

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1. Distance of the approach is measured from edge of pavement of the intersected street to the point of curvature in the approaching street.
2. Recommended approach grades shall be considered as the maximum allowable grades, unless otherwise approved by the City Engineer. No grade shall be less than 1.5 %.

- (C) Crown Taper. The typical crowned street cross section shall be tapered over a distance of not less than 50 feet on the approaching street at all intersections, in order to connect flush with the line and grade of the edge of pavement on the intersected street. The cross section taper shall be designed and constructed so as to provide for the adequate drainage of surface water from all portions of the travel surface and gutter.
- (D) Intersection Radii. Intersection radii for roadways measured at back of curb and for the right-of-way lines shall be as shown in the "Table of Intersection Radii." For intersecting streets of different classification, the larger radii shall be provided. Larger radii may be required for streets intersecting at angles less than 90 degrees. In all cases, adequate right-of-way shall be provided to maintain a minimum of 12 feet from back of curb to right of way line. Miters are acceptable.

**Table of Intersection Radii**

|                             | Radius at Intersection |
|-----------------------------|------------------------|
| Principal Arterial          | 30 feet                |
| Minor Arterial              | 30 feet                |
| Collector Street            | 25 feet                |
| Local Street–Rural or Urban | 25 feet                |
| Commercial/Industrial       | 35 feet                |

- (E) Islands. Islands in street intersections shall conform to the design requirements of the City of Valdosta Standard Design and Construction Details. In no case shall anything in an intersection island extend more than 3 feet above the street grade within the right-of-way; except traffic regulatory devices, street trees and other infrastructure erected or approved by the City of Valdosta. No island shall be approved that contains less than 100 square feet. Irrigation or other private systems shall not be installed within public right-of-way. No island may be constructed without a maintenance agreement approved by the City of Valdosta.
- (F) Intersection Corner Sight Distance.
- (1) Intersections shall be designed with adequate corner sight distance for each approaching street. Where necessary, back slopes shall be flattened and horizontal or vertical curves lengthened to provide the minimum required sight distance.
  - (2) The minimum corner sight distance from the approaching street shall be calculated using latest edition of AASHTO "Policy on Geometric Design of Highways and Streets."
- (G) Obstructing Visibility at Intersections. On all corner lots located at a street intersection, a clear sight zone shall be maintained at all times. The design and location of new intersections shall meet the standards of Section 332-3(E).
- (H) Turning Lanes at Intersections. Center left-turn and/or right-turn lanes shall be provided on all new internal project streets, and on all existing City streets, where traffic volumes and turning movements warrant the installation. At the request of the City Engineer, the Applicant shall prepare and submit a detailed traffic impact study (see Chapter 302), outlining projected traffic volumes,

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turning movements and auxiliary lanes required. The methodology and conclusions presented in the traffic impact study are subject to the review and approval of the City Engineer.

- (1) **Center Turn Lane Storage.** A minimum storage length of 150 feet shall be provided for center left turn lanes on any arterial streets. A minimum storage length of 100 feet shall be provided on all collector streets. Additional storage capacity shall be provided as required, based on projected peak traffic volumes and turning movements.
- (2) **Taper Length.** The taper length shall be in accordance with AASHTO design standards, based on the lane widths and design speed of the subject street.
- (3) The design, right-of-way acquisition, drainage system improvements, roadway widening, asphalt construction, traffic control, traffic striping, signage and all other improvements required or incidental to the installation of auxiliary turn lanes required to support any proposed development shall be completed by the Developer or Applicant, at no cost to the City of Valdosta.
- (4) Under the following conditions, left storage lanes shall be added to two-lane collectors or arterials with speed limits of 30 MPH or more, at un-signalized locations where left turning vehicles will leave the arterial or collector street and enter major driveways or development entrances. See the "Table of Left Storage Lane Requirements."

**Table of Left Storage Lane Requirements**

| If average peak hour left turn volume is : | And collector/arterial traffic is: (vehicles per lane in peak hour): | Left turn storage lane   |
|--|--|--|
| Over 25                                    | All volumes  | Required   |
| 16-25                                      | 51-100   | Required   |
| 13-15                                      | 101-200  | Required   |
| 1-12                                       | Over 200   | May be required  |
| Any volume                                 | Any volume   | May be required by City Engineer if sight distance (in feet) in either direction is less than 10 times the posted speed limit. |

*Source: Institute for Traffic Engineers, Traffic Engineering Handbook.*

*Note: Traffic volume shall include all additional vehicles from proposed development.*

- (5) The length of left turn storage lanes and tapers shall be as prescribed in the Table 4-9, "Minimum Design Elements of Left Turn Lanes", GDOT "Regulations for Driveway and Encroachment Control", latest edition.

## **Section 332-6 Geometric Street Design Standards**

- (A) All streets and roadways shall be designed in accordance with the AASHTO Standards, as provided in "A Policy on Geometric Design of Highways and Streets," latest edition and any amendments thereto. All applicable signage, markings or other traffic control measures shall be designed in accordance with the Manual of Uniform Traffic Devices (MUTCD), latest edition and any amendments thereto.
- (B) Horizontal Curvature and Super-elevation. All new streets shall adhere to the standards governing horizontal curvature and super-elevation in "Table of Horizontal Curvature and Super-elevations," unless otherwise specified by AASHTO Standards:

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## Table of Horizontal Curvature and Super-Elevations

| Street Category    | Design Speed | Minimum Radius | Maximum Super-elevation |
|--------------------|--------------|----------------|-------------------------|
| Principal Arterial | 55 mph       | 1,190 feet     | 0.04                    |
| Minor Arterial     | 45 mph       | 711 feet       | 0.04                    |
| Collector Street   | 30 mph       | 250 feet       | 0.04                    |

*Note: Super-elevation not required for local streets.*

*Source: AASHTO: Geometric Design of Highways and Streets, 2004.*

- (C) **Tangents.** Between reverse horizontal curves there shall not be less than the minimum centerline radii and tangents specified by current AASHTO Standards. Compound radii are prohibited.
- (D) **Vertical Alignment.**
- (1) All changes in street profile grades having an algebraic difference greater than that shown the latest edition of the GDOT Design Manual shall be connected to a parabolic curve having a minimum length in feet (L), which is equal to the algebraic difference between the grades in percent (A) multiplied by the design constant (K) assigned to the street according to its classification and design speed (i.e.  $L = KA$ ).
  - (2) (K) values shown in the Table of Constant (K) Values for Vertical Alignments shall be utilized in all cases, and in no case shall the constant K value be less than the minimum permitted.

## Table of Constant (K) Values for Vertical Alignments

| Street Category    | Design Speed | Crest Vertical Curves (K Value) | Sag Vertical Curves (K Value) |
|--------------------|--------------|---------------------------------|-------------------------------|
| Principal Arterial | 55 mph       | 114                             | 115                           |
| Minor Arterial     | 45 mph       | 61                              | 79                            |
| Collector Street   | 30 mph       | 19                              | 37                            |
| Local Street       | 25 mph       | 12                              | 26                            |

*Source: AASHTO: Geometric Design of Highways and Streets, 2004.*

- (E) **Street Centerline Grades.**
- (1) Street grades exceeding 10% for a minor collector and 12% for local streets are prohibited, unless otherwise approved by the City Engineer. The City Engineer may grant limited exceptions on maximum grades, based on conclusive evidence that shows a lesser grade is impractical due to topographic or site specific limitations.
  - (2) The minimum centerline grade for any street shall not be less than .5%, without exception, due to drainage concerns. A desirable minimum centerline grade of 1% shall be provided where possible.
  - (3) The maximum centerline grade across any cul-de-sac turnaround shall be 5%.
- (F) **Crown Slope.** Unless super-elevated, all streets, except alleys, shall be designed and constructed with a crown slope of  $\frac{1}{4}$ " per foot, to provide for the adequate drainage of surface water from the street centerline to the gutter or edge of pavement.
- (G) **Super-elevation.** The design of arterial and major collector roadways may require the super-elevation of the travel surface on horizontal curves in accordance with AASHTO Standards. The design and horizontal alignment of minor collectors and local streets serving residential areas



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should avoid the use of super-elevation where possible. In all instances, the maximum super-elevation rates shall be in accordance with paragraph (b) above. Under no circumstance is a curved street of any classification to be reverse super-elevated.

## (H) Pavement Design.

- (1) Pavement sections shall be constructed in accordance with the standards in the “Table of Standard Pavement Sections.”

**Table of Standard Pavement Sections**

| Street Type <sup>1,2</sup>    | 9.5 mm Superpave |         | Superpave <sup>3</sup> |      |      | GAB <sup>3</sup> |
|-------------------------------|------------------|---------|------------------------|------|------|------------------|
|                               | Type I           | Type II | 12.5 mm                | 19mm | 25mm |                  |
| Residential Streets           |                  |         |                        |      |      |                  |
| < 250 VPD                     | 1 ½"             |         | 2"                     |      |      | 8"               |
| 250-1,000 VPD                 | 1 ½"             |         | 2 ¼"                   |      |      | 8"               |
| 1,001-5,000 VPD               |                  | 1½"     | 2½"                    |      |      | 8"               |
| Commercial/Industrial Streets |                  |         |                        |      |      |                  |
| < 250 VPD                     |                  |         | 1½"                    | 3"   | 4"   | 10"              |
| 251-1,000 VPD                 |                  |         | 1½"                    | 3"   | 3"   | 10"              |
| 1,001-5,000 VPD               |                  |         | 2½"                    | 3"   | 4"   | 12"              |

*Notes:*

1. Only streets that serve strictly residential uses (<1% trucks) shall use the sections listed above as residential. All other developments shall use the commercial/industrial sections.
2. All streets designated as “arterial” shall have a pavement design submitted that meet the requirements below.
3. Graded Aggregate Base (GAB). Aggregate shall be crushed granite.

- (2) The Developer may submit for review and approval an alternative pavement design, prepared at the Developer’s cost. This submittal shall meet the following requirements:
  - (a) Design prepared by a Professional Engineer licensed in Georgia.
  - (b) Soils testing results prepared by a Professional Engineer licensed in Georgia.
  - (c) Design shall be completed using the GDOT’s “Asphalt Pavement Design Procedures,” latest edition.
  - (d) Design shall be based on 15-year pavement life.
  - (e) Traffic shall be calculated using the Trip Generation Manual, by the Institute of Transportation Engineers, latest edition.
  - (f) Traffic projections shall be made for any streets that serve areas outside of the proposed development.
  - (g) Traffic counts, including truck traffic, shall be made as required on existing streets.
  - (h) The City of Valdosta will require written certification that material used in sub-base conforms to the soils test results used in the design.
  - (i) Cores of pavement and base will be made as necessary to verify actual thickness of each pavement layer (surface, base, and sub-base). Test results shall be certified by a 3<sup>rd</sup> party contractor at the expense of the Developer. Copies of the test reports will be made available to the City Engineer. The minimum number of cores of surface, binder,

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base, and sub-base is one core per 100 feet of each street (or one core with streets less than 100 feet in length).

## Section 332-7 Street Construction Standards and Specifications

Unless otherwise specifically set forth in this LDR, all of the materials, methods of construction, and workmanship used in street construction shall conform to GDOT's "Standard Specifications for the Construction of Transportation Systems," latest edition and any amendments thereto.

- (A) Pre-construction Meeting. A mandatory pre-construction meeting is required for all development, construction and land disturbing activities, unless this requirement is specifically waived by the City Engineer. The Applicant or Developer shall contact the City Engineer to schedule the pre-construction meeting. The City Engineer will ensure the attendance of all necessary staff. The Applicant or Developer must, at a minimum, have the following project personnel attend the pre-construction meeting:
- (1) On-site Project Representative on behalf of the Owner or Developer.
  - (2) General and/or Grading Contractor.
  - (3) Sub-contractors performing drainage system installation, base course construction and asphalt paving.
  - (4) Other specialty contractors performing a significant portion of the work.
  - (5) Design professional responsible for project design.
- (B) Clearing and Grubbing. Before grading is started, the entire right-of-way area shall be first cleared and grubbed of all trees, stumps, roots, brush, debris and other objectionable materials. Specific trees that are intended for preservation shall be indicated on the design plans and subject to the review and approval of the City Arborist. All clearing limits shall be marked and tree protection fence installed prior to the pre-construction meeting. All erosion control measures shall be installed as required by the approved plans and in accordance with Chapter 306 of this LDR, Soil Erosion and Sedimentation Control and the City of Valdosta Standard Specifications for Construction as applicable.
- (C) Rough Grading.
- (1) Grading activities shall be performed in accordance with the lines and grades shown on the approved construction plans. Grading plans shall include a plan view of the proposed roadway, showing existing and proposed contour lines at an interval of no more than 2 feet, as well as a profile of the street centerline and all applicable curve and design data. Grading plans shall outline those areas required to remain undisturbed (i.e., tree protection areas, buffers, etc.) and shall indicate protective fencing or staking to be placed surrounding such areas.
  - (2) Cut or fill slopes shall not exceed three horizontal units to one vertical unit, unless otherwise approved by the City Engineer based on site-specific topographic and geotechnical conditions. Flatter slopes shall be provided, where possible, to better accommodate utility installation and maintenance activities.
  - (3) Erosion and Sediment Control Best Management Practices (BMPs) in accordance with the GA Stormwater Management Manual, shall be installed in accordance with the approved construction plans, prior to or concurrent with all land disturbing activities. Alternate or additional BMPs may be required by the City Engineer, if it is deemed that current measures do not provide adequate protection.
  - (4) Suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess or unsuitable materials, including organics, soft clay, etc.,

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shall be removed from within the right-of-way and for a distance not less than 1 foot on each side of the street surface for each vertical foot of unsuitable material at the right-of-way line.

- (5) Fill material shall be placed in uniform horizontal layers or "lifts," not to exceed a compacted thickness of more than 6". Moisture content shall be adjusted as necessary to compact material to 98% of maximum dry density. The top 12" of sub-grade material under any roadway, drive or parking area shall be compacted to 98% of standard proctor density.

### (D) Final Grading and Sub-grade Preparation.

- (1) After rough grading, storm sewer and utility installation is complete and the back-fill in all such ditches is thoroughly compacted, the sub-grade shall be brought to the lines, grades, and typical roadway section shown on the plans.
- (2) All utility crossings shall be installed prior to sub-grade approval. If utility installation cannot be completed at this time, the Developer shall coordinate the installation of casings or conduits to accommodate subsequent utility installation without disturbance to the sub-grade. Utility trenches cut in the sub-grade shall be backfilled and compacted as specified herein. The City Engineer may require additional compaction tests at utility crossings to verify compaction.
- (3) Prior to sub grade inspection and approval, the registered land surveyor shall certify in writing to the City Engineer that the lines and grades of the proposed street or streets are within 6" of design grades. This letter shall be submitted prior to sub grade inspection by City personnel.
- (4) Sub-grade Testing and Inspection: Sub-grade compaction shall be tested by the Developer's geotechnical engineer, prior to construction of the graded aggregate base course. The City shall perform visual inspections of actual live axle loads, commonly referred to as a "roll test." The Developer shall submit a compaction report to the City Engineer prior to the "roll test." The Developer shall schedule all roll tests with the City Engineer no less than 24 hours in advance. The Developer also shall provide an adequate testing vehicle, minimum 18-ton hauling capacity, fully loaded. Compaction testing shall be performed every 300 linear feet or at the discretion of the inspector. All areas or sections of the sub-grade that do not pass visual live load compaction testing, at the discretion of the City Engineer, shall be corrected. Once the Developer makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.
- (5) Provisions shall be made to provide adequate drainage of the street surface during the course of construction, including temporary 4" drain lines in all concrete gutters.

### (E) Graded Aggregate Base Course Construction.

- (1) The base course shall consist of graded aggregate, of a minimum thickness as required based on the street classification. Minimum base course thickness is provided in Section 332-6(h). The base course shall be constructed in accordance with the lines, grades and typical cross sections shown on the approved construction plans. All aggregate materials shall be secured from GDOT- approved sources and shall comply with the "Standard Specifications for the Construction of Transportation Systems," latest edition.
- (2) All base course material shall be spread uniformly with a mixture spreader, or other approved means, to the proper depth to obtain the required thickness. The maximum thickness of base course material to be placed in one course shall be 6 in. compacted. If the design thickness of the base course is more than 6 in., it shall be constructed in two or more courses of approximate equal thickness. With sufficient and suitable equipment, the City Engineer may allow base material to be placed in lifts up to 8 in.
- (3) The moisture content of the aggregate material shall be uniformly distributed and shall be adequate to allow compaction to a minimum of 100% of the maximum dry density based on the Modified Proctor Method. Immediately following the spreading of the graded aggregate,

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all material shall be compacted to the full width by rolling with a smooth-wheel, vibratory roller weighing 7 to 10 tons. Rolling shall progress gradually from the edge to the center, parallel with the centerline of the street and lapping uniformly each preceding track by one-half the width of such track. Rolling shall continue until the entire surface is smooth, closely knit, free from cracks, conforming to the prescribed line, grade and cross section, within the limits specified.

- (4) Any irregularities, areas of segregation or depressions that develop under such rolling shall be corrected by loosening the material at these locations and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course, may be required to achieve adequate compaction. Shaping and rolling shall be performed alternately, as required to prepare a uniform compacted base.
- (5) Along curbs, headers, walls and at all locations not accessible to the roller, the base course material shall be compacted thoroughly with mechanical tampers or approved hand tampers.
- (6) No base material shall be deposited or shaped when the sub-grade is frozen, thawing, or during other unfavorable weather conditions.

### (F) Graded Aggregate Base Course Testing and Inspection.

- (1) *Cross Section.* The cross section and crown slope shall be verified at intervals or locations determined by the City Engineer. The Developer shall provide a string line and dedicated personnel to pull the line and allow verification measurements to be made by the City Engineer. Those areas or portions of the roadway, which do not comply with the design cross section or crown slope, shall be corrected and verified by City personnel prior to base course approval.
- (2) *Roll Test.* Base course compaction shall be tested and the thickness confirmed by the Developer's geotechnical engineer prior to the application of bituminous asphalt paving. The Developer shall submit a compaction and depth report to the City Engineer prior to the "roll test. The Developer shall schedule all roll tests with the City Engineer no less than 24 hours in advance. Roll testing shall be accomplished by visual inspections of actual live axle loads. The Developer also shall provide an adequate testing vehicle, minimum 18-ton hauling capacity, fully loaded. Compaction testing shall be performed every 300 linear feet or at the discretion of the inspector. All areas or sections of the base course that do not pass visual live load compaction testing, at the discretion of the City Engineer, shall be corrected. Once the Developer makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.
- (3) *Prime Coat.* At the completion of base course construction, testing and approval by the City Engineer; the base course shall be primed and sealed with 0.25 gallon of R.C. 70 per square yard. This requirement may be waived by the City Inspector, if the placement of asphalt paving is anticipated within the following 3 to 5 days and prior to any significant rainfall event.
- (4) *Additional Inspections Due to Weather Conditions.* If a significant weather or rainfall event occurs following the approval of base construction but prior to asphalt paving, the City Engineer may require additional roll testing to re-verify the structural integrity of the road base. The Developer shall be subject to comply with such additional inspections, at the discretion of the City Engineer.

### (G) Bituminous Asphalt Paving.

- (1) Bituminous asphalt production, handling, transportation and placement shall meet or exceed the requirements of the GDOT's "Standard Specifications Construction of Transportation Systems," latest edition and any amendments thereto. Asphalt pavements shall be of the superpave mix design, as specified herein; and the use of conventional mix designs will not be permitted, unless otherwise approved by the City Engineer.

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## (2) Equipment.

- (a) *Mechanical Pavers.* Mechanical pavers used for the placement of hot-mix asphalt shall be capable of spreading and finishing all courses to the indicated widths and depths, true to line, grade and cross section, and shall be capable of striking a smooth finish, uniform in density and texture. Mechanical pavers shall be equipped with extendable screeds, capable of spreading at the width of each travel lane in one pass.
- (b) *Compaction Equipment.* The compaction equipment must be in good mechanical condition and capable of compacting the mixture to the required density. The number, type, size, operation, and condition of the compaction equipment shall be subject to the approval of the City Engineer. At a minimum, a smooth drum vibratory roller (minimum 8 tons) and a separate pneumatic-tired roller shall be provided. An additional finish roller or larger equipment may be required by the City Engineer, based on visual observations of surface texture or density tests.

## (H) Paving Operations.

- (1) The City Inspector will require that a copy of the detailed asphalt mix design be submitted prior to asphalt paving. Only asphalt produced by a GDOT-approved plant may be utilized. Plant production, transportation and paving operations shall be so coordinated that a uniform continuity of operation is maintained. If the spreading operations are interrupted for 1 hour or more, a transverse joint shall be constructed. Asphalt shall be delivered to the job site at a temperature that is within  $\pm 20^{\circ}\text{F}$  ( $\pm 11^{\circ}\text{C}$ ) of the temperature of the job mix formula. The City Engineer may reject any asphalt load that does not meet temperature requirements, contains segregated material or does not comply with mix design requirements.
- (2) *Weather Limitations.* The mixing and placement of bituminous asphalt pavement shall not be performed when the existing surface is wet or frozen. For all courses, the air temperature for placement of the mix shall be in accordance with the "Table of Air Temperature for Placing Asphalt Pavement."

**Table of Air Temperature for Placing Asphalt Pavement**

| Lift Thickness<br>(Inches) | Minimum Temperature<br>(°F) |
|----------------------------|-----------------------------|
| 1 or Less                  | 55                          |
| 1.1 to 2.0                 | 45                          |
| 2.1 to 3.0                 | 40                          |
| 3.1 to 4.0                 | 35                          |
| 4.1 to 8.0                 | 32 <sup>a</sup>             |

*Note "a": Temperature must be rising and base material may not be frozen.*

- (3) Bituminous Tack Coat. Tack shall be applied prior to the placement and compaction of all subsequent courses of asphalt pavement, in accordance with GDOT Standards. On curbed streets, the edge of the gutter shall be tacked to provide a water-resistant seal at the joint. Special care shall be taken to avoid the application of bituminous tack to portions of the curb and gutter that are to be visible following construction.
- (4) Wearing course must be placed at the earliest of the following times:
  - (a) Upon completion (final inspection) of principal structures on 80% of the buildable lots in the subdivision.
  - (b) 2 years after recording of the final plat for the subdivision.
  - (c) At an earlier time by the mutual consent of the Developer and the City Engineer.
- (5) Prior to installation of the surface pavement course and bituminous tack coat, the City Engineer shall inspect existing asphalt pavement for damage from traffic and construction

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activities. Any areas found shall be repaired to the City Engineer's satisfaction prior to final paving.

- (I) Concrete Streets. Concrete streets are not allowed.
- (J) Typical Sections. All streets and roadways shall be constructed to the typical sections specified in the City of Valdosta Standard Design and Construction Details, based on street classification category. Copies of test results are to be made available to the City Engineer as needed for verification of standards and specifications.

## Section 332-8 Curbs and Gutters

- (A) Except in the E-R zoning district, all new streets or street widening sections shall be provided with curb and gutter, except as noted below. All gutters shall drain positively with no areas of ponding.
- (B) Only in rare circumstances shall streets without curb and gutter be allowed with the approval of the City Engineer. Such cases may involve future street widening projects or unique circumstances that prevent the installation of new curb and gutter. Otherwise, all new streets shall have curb and gutter.
- (C) All concrete curb and gutter shall be GDOT Standard 9032B, Type 2 (except in subdivisions, where the curb and gutter shall be 24" wide, while all other dimensions remain). Roll-back or Hollywood curbing shall be prohibited, except for alleys.
- (D) Curbing shall conform to the following standards:
  - (1) Concrete shall be Class "A," as defined by the GDOT, and have a minimum strength of 3,000 PSI at 28 days.
  - (2) One-half inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points. Contraction joints also shall be provided at 10-foot intervals along the curb line and shall not be less than ten feet. Curb shall be sawed through at a minimum of every 60 feet.
  - (3) When the development ties into existing curbing, the curb and gutter shall transition to and match the existing width and profile at the connection point.
  - (4) Terminations or curb tapers shall be provided at the end of any gutter. The curb height shall be tapered from 6" to 0" over a distance of 4 feet.
- (E) Curb and gutter shall be set true to the line and grade of the street, horizontally and vertically field staked and finished to the section shown on the plans. Line and grade shall be established by the Developer's engineer or surveyor. Offset staking shall be provided at 50-foot intervals.
- (F) Curbing not installed in accordance with the requirements of this section or the Standard Details shall be removed and replaced at the Developer's expense. The City Engineer may require and the Developer shall provide core samples to verify concrete thickness.
- (G) Disturbed areas along all curbing shall be back-filled, compacted, stabilized and grassed.
- (H) Developer is required to take concrete test cylinders (3 each) every 100 cubic yards or one day's pour.

## Section 332-9 Sidewalks and Bikeway Requirements

- (A) For new development along a local street frontage, sidewalks shall be installed along the northern right-of-way of east-west streets and along the eastern right-of-way of north-south streets, or as

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otherwise determined by the City Engineer. For new development along an arterial or collector street frontage, sidewalks shall be installed along such street frontage regardless of which side of the street the development is located.

- (B) For new development, sidewalks shall be installed on existing street frontage in a manner that is consistent with the existing sidewalks, and as approved by the City Engineer.
- (C) Sidewalks shall be located as shown on the City of Valdosta Standard Design and Construction Details. All new sidewalks shall match and provide a smooth transition to any existing sidewalk.
- (D) Sidewalks shall be installed on an individual lot basis at the time of building construction. The City shall inspect the location and construction of the sidewalk. All sidewalks shall be completed upon completion (final inspection) of principal structures on 80% of the buildable lots in the subdivision of within 18 months after recording of the final plat for the subdivision or at an earlier time by the mutual consent of the Developer and the City Engineer.
- (E) Unless otherwise specified by applicable zoning or overlay district requirements, a strip of grass or other approved landscape material at least 2 feet in width shall separate all sidewalks from adjacent curbs on public streets. See City of Valdosta Standard Design and Construction Details.
- (F) Unless otherwise specified by applicable zoning or overlay district requirements, sidewalks shall be concrete and a minimum of 5 feet wide and 4" thick. Concrete shall be Class "A," as defined by the GDOT, and have the strength of 3,000 PSI at 28 days. Disturbed areas along sidewalks shall be backfilled, compacted, stabilized and grassed. The City Engineer may require and the Developer shall provide core samples to verify core thickness. The Developer shall submit a compaction report to the City Engineer prior to the inspection.
- (G) Additional sidewalks, wider sidewalks, and/or pedestrian easements may be required in subdivisions or developments when deemed essential by the City Engineer to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (H) Bicycle lanes, where deemed necessary and appropriate by the City Engineer, shall be a minimum of 4 feet in width and placed between the outside lane of a roadway and the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with appropriate markings, as required by MUTCD Standards. Bikeways and bicycle lanes must be pre-approved by the City Engineer and meet the requirements of AASHTO "Guide for the Development of Bicycle Facilities," latest edition.
- (I) Maintenance. It shall be the responsibility of landowners to maintain their sidewalks and pedestrian walkways, including those on adjoining rights-of-way, free of weeds and overgrown vegetation and in a clean and sanitary condition.

## Section 332-10 Traffic Calming Devices

(A) Traffic calming devices and associated signage may be required by the City Engineer during the design and construction of streets in residential zones of the city where either the design speed or the posted speed limit is 35 miles per hour or less. Examples of situations what may be appropriate for the installation of traffic calming devices include, but are not limited to the following:

- (1) Existing streets where more than 85% of the vehicles exceed posted speed limits.
- (2) New streets with a straight length exceeding 1,200 feet without a stop-controlled intersection.
- (3) New streets longer than 800 feet where lot widths are less than 60 feet or
- (4) Local residential streets that directly connect two arterials or major collectors.

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- (B) Traffic calming devices for all local streets shall be placed, designed and installed in accordance with the design and placement standards approved by the City Engineer.
- (C) Traffic calming devices and placement standards shall meet the following minimum criteria:
  - (1) The proposed traffic calming device must be recognized as such by the transportation industry, i.e., it must be recognized by the Institute of Transportation Engineers, American Association State Highway Transportation Officials, the Federal Highway Administration, the American Traffic Safety Services Association or other nationally recognized transportation industry organization or guiding authority.
  - (2) The City Engineer may impose additional design, location or construction criteria prior to approving such a device.
  - (3) The proposed traffic-calming device may include approved plantings, water quality or other environmental enhancements or beautification elements.
  - (4) Traffic calming may be accomplished via alternative geometric designs of the streets. Such designs are subject to review and approval by the City Engineer.
  - (5) Traffic-calming devices shall not create unusual or costly maintenance, create a safety hazard, or restrict movement of emergency vehicles.
- (D) Entrance islands, cul-de-sac islands, tree save islands or other decorative islands are subject to review and approval by the City Engineer.
- (E) All plant materials included in islands shall be installed at the expense of the Developer and shall be maintained by the property owner or property owners association. An approved maintenance agreement shall be included on the final plat recorded for the subdivision. See Section 302-66.

### Section 332-11 Traffic Control Devices

- (A) Manual on Uniform Traffic Control Devices Compliance. All traffic signals, signage, striping and pavement markings shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), latest edition and any amendments thereto. Traffic control signs shall comply in shape, color, size, reflectivity, height, materials and placement.
- (B) Traffic Signage.
  - (1) After final plat approval, the Developer shall procure and install all necessary traffic signs, traffic signals, and pavement markings as called for in the final plat. The City of Valdosta will inspect the installation to insure that work is done in accordance with the final plat and the MUTCD.
  - (2) Any signs that are damaged following initial installation, due to additional work at the site, shall be replaced at the Developer's expense.
  - (3) The use of decorative signposts may be approved at the discretion of the City Engineer, if covenants are provided that require decorative sign post replacement to be funded by the property owner or an established property owners association. If decorative signposts in any development are damaged or worn, the City will provide a standard U-channel sign post as replacement.
- (C) Pavement Markings.
  - (1) Local streets are exempt from traffic striping requirements, except for stop bars at stop signs and markings at traffic calming devices. All other street classifications shall require both centerline and edge line striping in accordance with this Article.



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- (2) All centerline or edge line striping shall be performed in compliance with current GDOT standards. On any street classified as a Collector, Principal Arterial or Minor Arterial, all traffic striping shall be thermoplastic in accordance with current GDOT standards.
- (3) All pavement markings shall be reviewed and approved by the City Engineer. All pavement markings shall be thermoplastic and shall be installed in accordance with current GDOT standards and MUTCD requirements.
- (4) On any newly paved or resurfaced streets on public rights-of-way, thermoplastic stop bars are required on all approach lanes in accordance with MUTCD Standards.
- (5) Raised pavement markers or similar devices shall be required on Collector and Arterial streets, and on any other street installed by Developers where safety conditions warrant such devices as determined by the City Engineer.

(D) Traffic Signals.

- (1) Prior to the installation of a traffic signal, the installation of a single-lane roundabout may be considered in design of new streets following the submittal and review of a traffic study prepared by a Professional Engineer, registered in the State of Georgia.
- (2) Traffic signal installation must be approved by the City of Valdosta and the GDOT, if on a State route. The Developer shall submit a traffic impact study prepared by a Professional Engineer, registered in the State of Georgia, detailing existing and projected traffic volumes, movements, capacity and required improvements. The City Engineer may require that a traffic impact study be provided for any development where increased traffic volumes may significantly impact the existing capacity, traffic flow or safety on any existing City street.

(E) Traffic Safety Improvements. It shall be the Developer's sole responsibility to fund, design, construct and/or install any all traffic safety improvements and traffic control devices required to provide safe ingress and egress to any development.

**Section 332-12 through Section 332-20      *Reserved***

# City of Valdosta Land Development Regulations

## Chapter 332      Infrastructure and Site Improvements

### Article 2          Drainage Systems

#### Section 332-21   Stormwater Drainage

The Developer shall provide adequate stormwater drainage in accordance with Chapter 310 of this LDR, the requirements contained in this Article, the latest edition of the Georgia Stormwater Management Manual, and the City of Valdosta Specifications for Construction. Storm drainage shall be piped unless the City Engineer waives the requirement due to hardship based on sound engineering practices and environmental conditions. The City Engineer may require that open ditches shall be paved. The Developer shall also provide drainage of springs or other groundwater drainage subject to the approval of the City Engineer.

#### Section 332-22   Drainage System Requirements

- (A) Drainage Improvements Required. Drainage systems may include, but are not limited to, culverts, storm sewer piping, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, and ditches, shall be provided for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-way. Drainage systems that are designed to carry runoff from more than one parcel, existing or proposed, and developments that carry runoff from streets or other public areas or right-of-way, shall meet the requirements of these regulations.
- (B) Standard Specifications. Unless otherwise specifically set forth herein, all of the materials, methods of construction and workmanship for the work covered in reference to drainage system construction shall conform to the most recent Standard Specifications of the GDOT "Standard Specifications, Construction of Transportation Systems," latest edition, and any amendments thereto, and the latest edition of the Georgia Stormwater Management Manual. For roads constructed with public funds, either wholly or in part, or for roads classified as Principal Arterials, Minor Arterials, or Collector Streets, materials that meet the GDOT design standards shall be used, unless an alternative is specifically approved by the City Engineer.
- (C) All drainage structures shall be constructed in accordance with the GDOT's and the City of Valdosta's current standard details, and the latest edition of the Georgia Stormwater Management Manual.
- (D) Design Criteria – General.
  - (1) All drainage system design calculations shall be certified by a Registered Professional Engineer, licensed in the State of Georgia.
  - (2) The methods utilized in calculating stormwater runoff and peak flows from any drainage basin or basins shall be appropriately selected based on the relative size of each basin and best engineering practice for recommended hydrologic methods and basin size limitations. These methods shall be consistent with the Georgia Storm Water Management Manual
  - (3) All portions of a drainage system, which drain areas falling within a specific category above, shall be analyzed using the same methodology.
  - (4) Runoff coefficients used for the Rational Method and runoff curve numbers used for the SCS Method shall be consistent with those shown in the "Georgia Storm Water Management Manual," latest edition.
  - (5) Culverts carrying live streams shall extend to where the crown of the pipe intersects the roadway slope. Pipes that do not carry live streams shall extend at least 50 feet beyond the front building setback lines; however, the City Engineer may require such pipes to extend farther, where necessary to provide an adequately protected building site on the property.

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The length requirement, however, shall be subject to requirements for maintaining stream buffers in accordance with Georgia law or City regulations.

- (6) No drainage system piping shall be installed beneath or within the load bearing soil strata supporting any building or structure.

## (E) Design Criteria – Cross Drain Culverts (Streams or Major Drainage Channels)

- (1) Cross drain culverts or pipe systems designed to convey water from one side of a public right-of-way to the other shall be designed to pass the fully developed peak flow associated with a 100-year storm, with at least 1.5 feet of freeboard between the 100-year ponding elevation and the centerline of the road, without raising the 100-year flood elevation on upstream properties.
- (2) The 100-year ponding limits at and upstream of the culvert shall be shown on the development plans and on the final plat (if applicable).
- (3) The minimum allowable culvert diameter shall be 15". Culvert design shall include a thorough analysis of both inlet and outlet control conditions.

## (F) Design Criteria - Longitudinal Storm Sewer Piping

- (1) The preliminary design (initial pipe sizing and profile design) of longitudinal pipe collection systems shall be based upon conveyance of the peak flows associated with a fully developed 25-year storm with the hydraulic grade line (HGL) being 1 foot or more below the top of each structure, gutter line or proposed final ground surface elevation, whichever is lowest. All longitudinal piping within a Federal Emergency Management Agency (FEMA)-identified floodplain shall be sized to adequately convey the 100-year frequency storm event.
- (2) The minimum allowable pipe diameter shall be 15".
- (3) Storm sewer inlets or catch basins shall be provided and spaced so that the gutter spread for a 10-year design flow shall not exceed the following, as measured from the face of the curb:
  - (a) 4 feet or less based on the requirements of the GDOT Drainage Manual, if the street is classified as a Principal Arterial or Minor Arterial.
  - (b) 6 feet, if the street is classified as a Collector Street.
  - (c) 14 feet at any given section, but in no case greater than 6 feet on one side of the street, if the street is classified as a Local Street.
- (4) Gutter spread calculations shall be included in the hydrology study and on the Development Plans.
- (5) Complete pipe sizing, flow, velocity and hydraulic grade line computations shall be provided for all portions of a piped collection system. Hydraulic grade lines shall be shown on the storm drainage profiles contained with the Development Plans for the 25 and 100-year storms. A Storm Drainage Pipe Chart shall be provided with the construction drawings showing pipe identification, upstream structure label, pipe material, pipe size, pipe slope, basin area per inlet, inlet flow (CFS), upstream and downstream inverts, 25-year HGL, length,  $Q_{design}$ ,  $Q_{max}$ , HGL at each end and velocity at the discharge point.
- (6) Where open drainage channels are proposed, flow, typical sections, velocity and specifications for non-erodible linings shall be provided. Calculations are to be based on the 25-year storm event.

## (G) Energy Dissipation - Piped Systems and Culverts.

- (1) Energy dissipation devices, such as splash pads, rip-rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped collection system. Outlet protection shall be

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in accordance with the "Manual for Erosion and Sediment Control in Georgia," latest edition and Georgia Stormwater Management Manual.

- (2) Energy dissipation devices shall be located entirely within the project site, no closer than 20 feet from any property line unless otherwise approved by the City Engineer, and shall not encroach upon any required buffer.
- (3) When uniform, graded stone rip-rap is used for energy dissipation, ultraviolet resistant filter fabric (200-pound test) shall be used between the stone layers.

(H) Pipe Material Specifications. Pipe materials shall be provided in accordance with the Selection Guidelines for Storm Sewer Piping, based on application, traffic and flow conditions (See Standard Design and Construction Details).

- (1) Corrugated steel pipe and pipe arches are prohibited.
- (2) Reinforced concrete pipe joints shall be not less than 8 feet in length, unless approved by the City Engineer for the installation of very large diameter pipe. All joints shall be bell and spigot-type, using an O-ring gasket conforming to ASTM C-443. Pipe shall be manufactured in accordance with AASHTO M-170 and/or ASTM C-76. Class of pipe and wall thickness shall be in accordance with GDOT 1030-D.
- (3) Corrugated aluminum alloy pipe shall be prohibited.
- (4) Structural plate drainage structures shall be prohibited.
- (5) Corrugated High-density Polyethylene Pipe – Smooth Lined Type "S".
  - (a) This specification is applicable to nominal sizes 18" in diameter or larger. Requirements for test methods, dimensions and markings of pipe sizes 18 through 36" in diameter are those found in AASHTO Designation M-294. HDPE pipe manufacturers shall be approved by the GDOT. HDPE pipe larger than 36" in diameter shall be subject to approval by the City of Valdosta.
  - (b) Pipes and fittings shall be made of polyethylene compounds that meet or exceed the requirements of Type III, Category 4 or 5, Grade P33 or P34, Class C per ASTM D-1248, with the applicable requirements defined in ASTM D-1248. Corrugated fittings may be either molded or fabricated by the manufacturer. Fittings supplied by manufacturers other than the supplier of the pipe shall not be permitted without prior approval from the City of Valdosta.
  - (c) Joints shall be made with split couplings, corrugated to engage the pipe corrugations, and shall engage a minimum of four corrugations, two on each side of the pipe joint. Where required by the City of Valdosta, a neoprene gasket shall be utilized with the coupling to provide a soil-tight joint. Gaskets shall conform to ASTM F-477.
  - (d) Installation shall be in accordance with ASTM Recommended Practice D-2321 or as specified by the City of Valdosta. Certification from the manufacturer that the product was manufactured, tested and supplied in accordance with this specification shall be furnished to the City of Valdosta upon request.

(I) Pipe Installation Standards. Reinforced concrete pipe shall be bedded and backfilled in the same manner. Corrugated high-density polyethylene pipe shall be bedded and backfilled in accordance with the GDOT Standard Specifications. In addition, prior to approval of a final plat, the City may require the submittal of certification from a mandrel testing agency indicating that any HDPE pipe installed does not exceed 5.0% deflection.

- (1) *Pipe Bedding.* All piping and structures shall be placed on stable earth, fine granular foundation, or rock backfill, the characteristics of which would be expected to provide long-term stability and allow for the pipe to be laid accurately. In all live stream pipe installations, in areas of low-bearing solid or non-uniform foundations, in areas where rock is encountered

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at the foundation level or in other locations where conditions warrant, a minimum of 6" of crushed stone bedding is required, (maximum size of stone shall be ¾-inch). Geo-textiles or geo-grids also may be required by the City Engineer in unstable materials.

- (2) *Backfilling.* Backfill on all pipe installations shall be constructed using rock backfill material, as specified in GDOT Standards 812.01 and 812.02, respectively. These materials shall be placed in layers of not more than 6" loose. Compaction of these materials shall be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:
  - (a) Backfill within all street rights-of-way shall be compacted to 98% maximum
  - (b) Backfill in all other areas shall be compacted to 95% maximum density, tested using the AASHTO Method T-99.
- (3) *Construction Loads and Minimum Cover.* The minimum cover for any pipe or culvert shall be 2 feet if within a right-of-way, or per the manufacturer's specifications if outside a right-of-way. Minimum cover shall be measured from the top of sub-grade elevations, to ensure adequate pipe protection from construction loads.
- (4) *Inspection of Pipe Installation.* All pipe shall be installed in a straight approach in strict accordance with the lines and grades shown in the approved construction drawings. The City Engineer shall provide periodic inspections of all drainage system installation, to insure compliance with these regulations. No cross drain piping or piping under the proposed paved surface shall be completely backfilled prior to the inspection of all pipe joints, bedding, initial backfill and compaction up to the pipe center line. A final inspection and approval of all pipe installation shall be required at the completion of construction activities, and prior to final plat approval.

(J) End Finish. Headwalls or other end treatments are required on all culverts and at the outlet of all piped collection systems.

- (1) Headwalls shall be pre-cast concrete or poured-in-place, with adequate steel reinforcement and concrete footings. Headwalls shall be required at any pipe inlet where erosion protection and slope stabilization is required.
- (2) Flared end sections shall be concrete only, in accordance with GDOT Standard 1120.
- (3) Safety end sections shall be concrete in accordance with GDOT standard 1122.

(K) Junction Boxes and Catch Basin.

- (1) *General Requirements.* A junction box, catch basin or other approved drainage structure shall be provided at all points where a change in the horizontal or vertical alignment of any pipe segment occurs, or at intervals not to exceed 300 feet. The change in directional flow in any junction box or catch basin shall not be greater than 90 degrees.
- (2) Junction boxes, catch basins, inlets and all other accessible drainage structures shall be constructed of brick or pre-cast, reinforced concrete minimum 4 feet square or larger. Structures shall be properly sized (diameter) and pre-cored (inlets and outlets) based on the dimensions(s) of piping to be connected. All pre-cast drainage structures with a finished depth greater than 4 feet shall be provided with accessible polypropylene composite steps spaced at not more than 12" vertically on center. All pre-cast drainage structures shall include a metal ring and cover, to provide access for maintenance personnel. Junction boxes shall require a Standard 310 (traffic rated) ring and cover, which shall either be cast in or grouted to the cone section.
- (3) Catch basins shall be constructed in accordance with GDOT Standards 1033D (Single Wing) or 1034D (Double Wing). All catch basins located along the radius of any cul-de-sac shall be constructed in accordance with GDOT Standard 1034D. The throat and top of each catch

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basin shall be cast-in-place, and the edge of the top facing the travel lane shall include chamfered edges to prevent possible tire damage. The vertical opening of any catch basin, measured at the gutter line, shall not be less than 5-1/2" or greater than 8". Each catch basin top shall include a metal ring and cover (Standard 1033) to provide access for maintenance personnel.

- (4) **Curb Inlets.** The use of hood and grate curb inlets, in accordance with GDOT Standard 1019, may be used along curb radii less than 25 feet, but shall not be used in any cul-de-sac turnaround or at the low point of any sag vertical curve draining more than 300 linear feet of road surface.
- (5) **Finish.** Drainage structures shall be set at the proper location and installed plumb. The tops of all drainage structures shall match final grade. The pipe end at the connection to any drainage structure shall not extend more than 6 in. past the interior wall of the structure, when measured at the centerline of the pipe. All pipe end connections shall be adequately sealed with a non-shrink grout. Both sides of pipe shall be grouted (inside and outside) for erosion and sediment control and to ensure complete seal of structure. All sediment and debris shall be removed from each structure prior to final inspection and approval. All drainage structures that are damaged during construction activities shall be repaired and or replaced, at the discretion of the City Engineer.
- (L) **Special Structures.** The use of special structures such as natural bottom arches and box culverts, are subject to the review and approval of the City Engineer. Special structures may be permitted in accordance with the latest "Georgia Department of Transportation, Standard Specifications, Construction of Transportation Systems," latest edition. Additional fees for review and inspection may be charged to the Developer. In addition, a separate maintenance bond may be required for the approved special structure.
- (M) **Drainage Ditches and Swales.**
  - (1) Ditches, swales or channels shall be designed and constructed to convey at least the fully developed 25-year storm, with freeboard equal to 20% of the design flow depth, or 1 foot, whichever is greater. All channels that lie within a FEMA-indicated floodplain shall be designed to adequately convey the 100-year frequency storm event.
  - (2) Transition channels shall be provided at the inlet and outlet ends of all culverts and pipe systems, unless otherwise provided herein.
  - (3) The maximum flow rate and velocity at the project site's downstream property line shall not exceed the pre-developed flow rate and velocity.
  - (4) In cases of potential erosion due to irregular channel alignment, extreme velocities or excessive slopes, a paved ditch or concrete valley gutter may be required. However, if, in the opinion of the City Engineer, the expected long-term maintenance of an open or surface drainage system could prove impractical; a closed or piped drainage system design may be required.
  - (5) The cross-sectional shape of channels shall be as found in the Standard Design and Construction Details. "V"-shaped cross sections are not permitted in grassed channels.
  - (6) If the channel will be affected by backwater from culverts, bridges, other structures or floodplains; backwater curves shall be shown in profiles of the channel.
  - (7) **Construction Standards.** Ditches and channels shall be constructed to the line, grade and cross section specified on the approved plans and shall be free of gullies or other irregularities. Protective cover in grassed channels shall be installed as soon as practical, to prevent possible erosion. All ditches or channels constructed in fill material shall be lined with appropriately sized coarse aggregate or other approved materials, based on design velocities.

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## (N) Easement Requirements.

- (1) Easements, where required shall meet the requirements of Section 302-10(B) of this LDR.
- (2) Drainage easements for improved ditches, pipe construction and detention facilities shall be cleared, opened and stabilized at the time of development to control surface water run-off. Easements may not have a cross slope greater than 4:1 (horizontal: vertical).
- (3) Run-off slope and side slopes are to be specified by the Developer's engineer, according to good engineering practice. Drainage easements shall be provided according to the minimum requirements found in the "Table of Easements for Storm Drain Pipes and Systems" and shall conform to City standards.

**Table of Easements for Storm Drain Pipes and Systems**

| Diameter Of Pipe   | Minimum Easement Width          |
|--|---------------------------------|
| 18" to 36"   | 20 feet                         |
| 42" to 72"   | 25 feet                         |
| Over 72"   | 30 feet                         |
| Multiple Pipes   | Standard width plus 10 feet     |
| Improved Ditches/Natural Watercourses  | 20 feet + width at top of ditch |
| * Additional width may be required by the City Engineer for deep installations |                                 |

- (4) Where a subdivision is traversed by a stream or other state waters, a stream buffer is required in conformity with Chapter 324 of this LDR.
- (5) Where a subdivision is traversed by a drainage way or channel other than state waters there shall be dedicated an access and maintenance easement measuring not less than 20 feet in width or at least 10 feet on each side of the top of bank, whichever is greater.

## **Section 332-23 Bridges and Concrete Box Culverts**

- (A) The design and construction of bridges and concrete box culverts shall comply with all applicable standards of the GDOT and AASHTO.
- (B) The review and inspection of bridge and concrete box culvert design and construction are subject to additional fees, as may be set from time to time by the Mayor and City Council. Said fees shall cover the costs of an independent structural review and supplemental inspections, performed on behalf of the City at the discretion of the City Engineer, by an independent Registered Professional Engineer.
- (C) At the completion of bridge and/or concrete box culvert construction, the Designer and Engineer of Record shall provide written certification that the structure was constructed in accordance with the approved plans, all applicable standards of the GDOT and that the bridge or concrete box culvert is complete, structurally sound and safe to accommodate traffic.

## **Section 332-24 Walls**

- (A) No wall or fence (other than approved noise abatement walls or walls used as a required buffer between two dissimilar zoning districts) shall be more than 8 feet in height. If an approved retaining

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wall is to be located adjacent to a public street, the wall should not obstruct sight distance for motorists as determined by the City Engineer. See also Section 214-6 of this LDR.

- (B) When permanent grades are proposed with a resulting slope steeper than 1 foot vertical for every 3 feet of horizontal displacement (3:1), an appropriate retaining structure shall be designed by a Registered Professional Engineer to be constructed of reinforced concrete or other masonry materials designed by a Registered Professional Engineer in compliance with applicable regulations of the U. S. Occupational Safety and Health Administration. An engineered design may be substituted for the reinforced concrete design, at the discretion of the City Engineer. All structural components of the wall shall meet the minimum building codes for the proposed use.
- (C) When the necessity for an earth retaining structure is required for a vertical displacement of 30 in. or less, appropriate landscaping timbers, or an equivalent approved by the City Engineer, may be employed if no permanent structure is supported by the soil retained by the retaining wall.
- (D) Wall design will consider foundation drainage and select backfill material for the proposed conditions.
- (E) Walls shall be located in such a fashion as to not encroach upon existing or proposed drainage easements or drainage courses or floodplains to encumber the natural flow of surface runoff of stormwater except when designed and approved in a Stormwater Management Plan pursuant to Chapter 310 of this LDR. Walls shall be located at a distance from such water courses to allow for anticipated future maintenance of the easement to prevent a safety hazard to maintenance workers or to jeopardize the structural integrity of the wall.
- (F) Walls that are not attached to the permitted structure and require a foundation shall be permitted as a free-standing structure and shall be inspected, as prescribed by the permitting procedure. Walls will be inspected for conformance with the approved design. Any deviation from the approved design will require the Engineer of Record to submit a certification of the non-conforming structure along with supporting calculations to indicate that the construction is consistent with the initial design parameters. In the event the Inspector has not been provided ample opportunity to inspect the structure, the Developer must provide a certification of the construction by the Engineer of Record and geotechnical reports for concrete testing for strength and reinforcing steel specifications. Failure to comply with the requirements of this section will require that the remaining work cease and/or removal of non-conformance until the adequacy of structural integrity is demonstrated to the satisfaction of the City Engineer.
- (G) Retaining walls that are proposed for the purpose of stormwater retention must be designed in such a way that the walls are capable of a hydrostatic load, as measured from the top of the foundation footing to the highest elevation along the top of the wall. The hydrological design must allow for a free board dimension of 1 foot and an emergency overflow capacity equal to the allowable peak discharge for the 100-year storm event. The routing calculations should not take into account the existence of the emergency overflow. Place the overflow device above the projected 100-year flood elevation within the detention area.
- (H) Any construction that may impact or be within the right-of-way of an existing or proposed water or sanitary sewer easement must be approved by the utility providing service.

**Section 332-25 through 332-30    *Reserved***



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## Chapter 332 Infrastructure and Site Improvements

### Article 3 Public Utilities Installation

#### Section 332-31 Water Supply and Sanitary Sewage

- (A) Applicability. This section shall apply to all current and potential users of the City of Valdosta Water and Sewer System including users outside the City who, by contract or agreement with the City, utilize the services of the City of Valdosta Water and Sewer System. Except as otherwise provided herein, the City Engineer shall administer, implement and enforce the provisions of the section.
- (B) Objectives
- (1) Provide a clear and concise description of the City of Valdosta Water and Sewer System standards for water and sanitary sewer system design and construction.
  - (2) Provide guidance to developers and their engineers to facilitate compliance with said standards.
  - (3) Furnish standards, which will create development of a quality water and sanitary sewer infrastructure.
- (C) Service Requirements
- (1) At the conceptual stage of a project, the owner/developer will submit a request to the City Engineer of the availability of water and sewer capacity for the project. The request should include, but not be limited to, the location of the project, the size of the development, and the type of service.
  - (2) The owner/developer shall identify the immediate needs for services as well as ultimate needs based on information made available from the City Engineer and other city agencies/departments/divisions.
  - (3) City Engineer shall evaluate the impact of the requested service upon the water distribution system and the sewer system and shall make a determination regarding the availability of services.
  - (4) For all new developments, Fire Flow tests are required, in accordance with Section 332-31(E)(2) below. The developer should have the results of the test prior to starting the construction plans.
- (D) General Design Criteria
- (1) *Line Extension Requirements*
    - (a) If it is required to extend a water main for a development, the developer must extend it the full length of the property's improved frontage. The size of the extension will be at least the size of the existing main and may be larger as directed by the City of Valdosta Water and Sewer System Master Plan or fire protection requirements.
    - (b) Developers are required to extend sanitary sewer service to their proposed development if the development can be connected to existing sewer by gravity flow and no further construction of planned sewers by the City of Valdosta downstream of the proposed development is anticipated. The diameter of the extension will be at least 8" or larger as directed by the City Engineer. In the latter case, the City of Valdosta will pay for upsizing.
    - (c) Sanitary sewer must be extended through a proposed development as necessary to serve future development upstream of the development boundary.

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- (d) If an existing water main or sanitary sewer line must be extended to serve a particular development, the developer would be required to pay all initial costs for the extension. Under some circumstances, the developer may be eligible to recover portions of the costs from future developers in the area in accordance with any city adopted sewer extension policies in effect at the time.
  - (e) Construction of dry sewer and septic tanks may be required under some circumstances if construction of planned sewers by the City of Valdosta downstream of the proposed development is anticipated.
- (2) *Street Cuts*
  - (a) All major street crossings should be bored and cased per City of Valdosta Engineering and Georgia DOT.
  - (b) If a bore cannot be made, the City of Valdosta Engineering or Georgia DOT must permit the street cut.
- (3) *Standard Design and Construction Details.* Installation of water mains and related water appurtenances, sanitary sewer lines, and related sewer appurtenances shall be in accordance with applicable City of Valdosta Standard Design and Construction Details in Appendix H.
- (4) *Cased Bores*
  - (a) For water line installations, manufactured casing spacers will be used to maintain proper line and grade of the carrier pipe. Spacer spacing shall not exceed 10 feet on center. Spacers shall be equal to Model 4810 stainless steel Casing Chocks as manufactured by Power Seal or equal.
  - (b) For installations involving gravity sewer lines, manufactured casing spacers will be used to maintain proper line and grade of the carrier pipe. Spacer spacing will not exceed 10 feet on center. Spacers will be equal to Model 4810 stainless steel Casing Chocks as manufactured by Power Seal or equal.
- (5) *Easements.* Provision of all easements needed for project development is the responsibility of the applicant. Easements not on the property being developed (off-site easements) should be reviewed by the City Engineer prior to execution by the underlying property owner. The easement instrument should be drawn between the underlying property owner and the applicant, and should provide for transfer of the permanent easement from the applicant to the City of Valdosta only upon acceptance of the installation by the City of Valdosta. The easement instrument should make it clear that the City of Valdosta is not responsible for completion of any work elements included as conditions to the easement (stipulations or otherwise).
- (6) *Quit Claims.* In the event that the City of Valdosta holds a valid easement (either utilized or not utilized) that might interfere with development of a project, the City of Valdosta is willing to consider abandoning its rights with regard to the easement if the easement is currently unused and not reasonably expected to be used, or if the piping in the easement is satisfactorily relocated and easements for the new alignment provided. Quit claims must be approved by the Mayor and City Council. If needed, the quit claim process should be initiated as early as possible in a project as several months are normally required to complete the required research, review, and execution.
- (7) *Requirements for Sewer Capacity Study.* In the event that the City Engineer determines that the wastewater generated by a proposed development may result in surcharge or overflow of the sewer system, the City Engineer may require that a sewer capacity study be provided by the developer. The scope of the study will be determined by the City Engineer on the basis of the specific situation, but may include flow monitoring, internal inspection, survey of grades, calculation of capacities, projection of future flows, or to other elements. As a result of this

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study, the developer may be required to upsize downstream facilities, enter into an agreement to participate in the cost of upsizing downstream facilities, or contribute to the cost of future improvements.

## (E) Water

- (1) Applicability. To provide adequate water flow and pressure to the citizens of the City of Valdosta for domestic usage and fire protection as outlined in the City of Valdosta Water and Sewer System Master Plan.
- (2) Design Criteria and Standards
  - (a) Fire Flow Test
    - i. A Fire Flow Test must be conducted on the existing water line, for any new development, prior to submitting design drawings for approvals, to determine the adequacy of water supply for the project. Utilization of a Fire Flow Test by more than one project is prohibited.
    - ii. The test shall consist of a fire hydrant flow test and a 6-hour pressure test.
    - iii. Test information furnished by the developer's engineer or sprinkler system design consultant shall be furnished to the City Engineer, shall be certified, and shall consist of:
      1. Static pressure and GPM Flow
      2. Residual Pressure and GPM flow
      3. Projected flow in GPMs @ 20 p.s.i.
      4. Actual Pressure flow in GPM
  - (b) Site Map Including Fire Hydrant Locations
    - i. Fire flow test results must be included in the water plans prior to approval of the plan by the Water System. The City Engineer may require a 24-hour pressure chart recording. Fire flow test must not be more than six (6) months old at the time of first submittal to the City Engineer.
    - ii. Water supply must meet fire flow and domestic requirements for service area. If adequate supplies are not available, construction will be contingent upon approval of a design study and plan submitted by the owner.
  - (c) Fire Flow Requirements Minimum flow in gallons per minute at 20 p.s.i. by the duration in minutes by type of development is required to be as follows:
    - i. In C-H, M-1, and M-2 zoning districts: 1,000 GPM for 30 minutes
    - ii. In all other zoning districts: 750 GPM for 30 minutes
  - (d) Spacing of Fire Hydrants
    - i. In the C-H, M-1, and M-2 zoning districts and for any facility which handles or uses flammable or hazardous materials, hydrants shall be installed within 300 feet to the mid-point of the structure and equally spaced thereafter, not to exceed 500 feet between hydrants and the extreme rear of the building. The distance shall be measured along the line traveled by the fire truck. When automatic sprinklers are installed according to N.F.P.A. requirements, the spacing of hydrants may be increased from 300 feet to 500 feet.
    - ii. In the R-M, R-P, MXD, O-P, C-N, C-C, C-D, and C-A zoning districts, fire hydrants shall be installed so that the distance from fire hydrants to the driveway entrance nearest the front of the building shall not exceed 250 feet, with a total distance not to

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exceed 500 feet to the extreme back of the building by way of driveways. If automatic sprinklers are installed according to N.F.P.A. regulations, the spacing of hydrants may be increased to 350 feet to the driveway entrance nearest the front of the building, provided the total distance does not exceed 700 feet to the extreme back of the building by way of driveways.

- iii. In the E-R, R-E, R-25, R-15, R-10, R-6, R-I, CSD and TND zoning districts developments shall have a maximum fire hydrant distance of 500 feet from the hydrant to the most distant building served by that hydrant.
- (e) Location of Fire Hydrants
- i. Fire Hydrants on City Streets: Fire hydrants on existing City streets shall be located between the edge of the right-of-way and the water lines.
  - ii. Fire Hydrants on New Streets: Fire hydrants on new streets shall be located between the edge of the right-of-way and the water lines along the property line.
- (f) Painting of Fire Hydrants. All hydrants shall be painted silver as needed. Reflective tape a minimum of 1" wide shall be placed around the entire circumference of the bonnet with the ends overlapping a minimum of 1". White reflective tape shall be used on all public fire hydrants. Orange reflective tape shall be used on all fire hydrants that are not owned and/or maintained by City of Valdosta Water and Sewer System. Painted tape or worn tape shall be replaced.
- (g) Fire Main Size
- i. Water mains serving single-family residential development shall be a minimum of 6",
  - ii. Water mains serving all other types of development shall be a minimum of 8".
- (h) Location of Water Mains and Appurtenances
- i. Existing City Streets: On existing city streets, water lines shall be located 2 feet from the edge of pavement with a minimum cover of 48".
  - ii. Water Lines on New Streets: Water lines in new streets shall be located 5 feet from the back of the curb with a minimum depth of 48".
  - iii. Service for All New Developments: Dual water feed required for developments greater than 40 residential units, with more than 1,500 linear feet of water line, where adequate flows otherwise unavailable, or where special circumstances dictate same in the opinion of the City Engineer.
  - iv. Service Laterals: Service laterals shall be located as per City of Valdosta Standard Design and Construction Details, Appendix E, with a minimum depth of 42" within the right-of-way and shallowing to a depth of 18" at the water meter location.
  - v. Water Meters: Water meters shall be located at the edge of the street right-of-way or utility easement per City of Valdosta Standard Design and Construction Details, Appendix E, and permanently marked in the curb with a brass/aluminum marker with an embossed one-inch "W." Orbital forged aluminum concrete marker RC1/RC02 or equal.
  - vi. Water Valves: Water valves at intersections shall be located as per City of Valdosta Standard Design and Construction Details, Appendix E. Valve location shall be permanently marked in the curb with a brass/aluminum marker with an embossed one inch "V". Orbital forged aluminum concrete marker RC1/RC02 or equal.
  - vii. Dead-end Lines: A gate valve and a minimum of two restrained joints of pipe, mechanical joint cap or plug rodded to a concrete thrust collar shall be provided at the end of all lines where extension is proposed or anticipated for phased developments.

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- viii. Connections to Existing Water Mains: Wet-tap assembly connections shall be allowed for size on size connections to existing water mains with 48-hour minimum notice to the City of Valdosta Engineering Department.

## (F) Water Inspection

- (1) Hydrostatic pressure and leakage tests shall be performed on all water mains. The contractor shall furnish oil-filled gauges, pressure pumps, and other equipment needed to test the line. The pressure gauge used for testing shall be laboratory calibrated suitable for the test pressure required.
- (2) The pressure required for the field hydrostatic pressure test shall be 150 psi or the pressure class of the pipe, whichever is greater. The contractor shall provide temporary plugs and blocking necessary to maintain the required test pressure. Corporation cocks at least  $\frac{3}{4}$  inches in diameter, pipe riser, and angle globe valves may be required at each pipe dead-end and high point in order to bleed air from the line. Duration of the pressure test shall be at least 6 hours. The cost of these items shall be included as a part of the testing.
- (3) A record of successful pressure testing results will be provided by the contractor to the City Engineer at the time of the observing the leakage testing.
- (4) The leakage test shall be a separate test at the maximum operating pressure as determined by the owner following the pressure test and shall be of not less than 2 hours duration. All exposed pipes, fittings, valves, and joints will be carefully examined during the tests and all leaks evident at the surface shall be repaired and retested as necessary until test requirements are complied with. Defective materials, pipes, valves, and accessories shall be removed and replaced. The amount of leakage allowed shall not be greater than one gallon per inch of diameter pipe per one hundred foot in a twenty-four hour period.
- (5) Chlorination: All newly installed lines greater than ten feet in length shall be chlorinated per AWWA standards.

## (G) Sewer

- (1) Applicability. To furnish sanitary sewer service to all new developments within the City of Valdosta in accordance with the City of Valdosta Water and Wastewater System Master Plan.
- (2) Design Criteria and Standards
  - (a) System Design
    - i. Sewer system should be designed for the estimated tributary population. Tributary population is considered to be all areas upstream of the discharge point of the system being designed. Sewers will be designed to the uppermost property line of the development being served.
    - ii. New sewer systems shall be designed to accommodate peaked sewage flow plus anticipated maximum infiltration/inflow levels under open channel flow conditions. The pipe diameter and slope shall be selected to obtain the greatest practical velocities to minimize settling problems.
  - (b) Design Standards
    - i. No sanitary sewer collector less than 8" in diameter may be installed. Service laterals in the public right-of-way or sewer easement shall be at least 6" in diameter and shall terminate with a cleanout assembly. Service lateral locations shall be permanently marked in the curb with a brass/aluminum marker with an embossed 1" "S", Orbital forged aluminum concrete marker RC1/RC02 or equal, and installed by the developer according to the approved Detail entitled "Sewer Service Lateral" in City of Valdosta Standard Design and Construction Details, Appendix E. Manhole

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spacing should not exceed 400 LF. Variance to exceed these lengths shall be documented and submitted for review by the City Engineer.

- ii. Sanitary sewer easements shall be a minimum of 20 feet wide.
- iii. No permanent structures shall be constructed within 10 feet of the edge of a permanent easement on front and rear setbacks or within 2 feet on side setbacks.
- iv. Depth of sanitary sewer lines should not exceed 18 feet and a maximum of 25 feet off-ROW. Variance to exceed these “depths” shall be documented and submitted for review by the City Engineer.
- v. Manholes below the 100 year flood elevations will have bolt-down, water-tight rings and covers pre-cast into the manhole cone.
- vi. All man-hole adjusting rings used on manholes in the streets will be metal.
- vii. All utility manholes on right-of-way will be flush with the ground elevation.
- viii. Manhole joints shall be sealed with an approved sealant to prevent infiltration and inflow.
- ix. Drop connections of proper design are required at all manholes where the drop is greater than 2½ feet.
- x. All manholes shall be stabilized with a minimum of 6” of crushed stone under the base, if required.
- xi. Minimum angle between influent and effluent sanitary sewer lines at a manhole shall be 90°.
- xii. The maximum allowable slope for a sanitary sewer line shall be 20%. All sewers greater than 15% in slope shall be DIP with appropriate restraints. The minimum allowable slope for a sanitary sewer line (8” diameter) is 0.4%; however, greater slopes are preferable. Sanitary sewer systems should be designed to maximize carrying capacity by making the smallest slope utilized in the system is as large as possible.
- xiii. Ductile iron pipe shall be required under the following circumstances:
  1. When a sanitary sewer line has a cover of less than 3 feet.
  2. When a sanitary sewer line crosses a storm sewer line with less than 2 feet of clearance.
  3. When a sanitary sewer line passes laterally within one foot of a storm sewer line.
  4. When a sanitary sewer line is to have in excess of 10 feet of fill.
  5. When a sanitary sewer line is less than 6 feet under a street.
  6. When a sanitary sewer line crosses a creek.
  7. All drop connections in manholes unless otherwise approved by the City Engineer.
  8. When a sanitary sewer line is located such that there is a possibility of a setback encroachment from a future structure.
- xiv. When practical, when DIP is required, it should be used the entire length between manholes to avoid transition couplings. However, rigid PVC transition couplings may be used using HARCO, Specified Fittings, Inc., or equal adaptors.
- xv. Both vertical and horizontal alignments shall be reviewed with the City Engineer prior to finalization.

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xvi. All oil and grease, water, and solids separators (grease traps) required in this provision shall have a capacity and design in compliance with the following equations:

1. Restaurants:  $(S) \times (20) \times HR / (12) \times (LF) = \text{Capacity in Gallons}$

S = Number of seats in dining area

HR = Number of hours open

LF = Loading Factor – 1.25 Interstate Highways

Other Freeways

Recreational Areas, Shopping Centers

0.80 Main Highways

1.00 Otherwise

2. Hospitals, nursing homes, other type commercial kitchens with varied seating capacity:

$(M) \times (5) \times (LF) = \text{Capacity in Gallons}$

M = Meals per day

LF = Loading Factor – 1.0 with dishwasher / .05 without dishwasher

a. Except that no grease trap shall be smaller than 750 gallons, no single separator shall be larger than 3,000 gallons. Where requirements exceed 3,000 gallons, multiple units shall be used. In cases of certain fast food restaurants or establishments with a potential to discharge large quantities of grease and oil, capacity requirements greater than 20 gallons per seat may be required. Pre-packaged or manufactured grease traps may be approved by the control authority with proper engineering and application review.

b. For restaurants, other eating establishments, or commercial food preparation establishments: All grease interceptors shall be exterior (except as noted below) and shall be sized in accordance with City of Valdosta Standard Design and Construction Details, Appendix . Active Interior Recovery devices may be allowed with City Engineer approval for existing buildings (where installation of an exterior trap is impractical) or in conjunction with “tenant finish” permits (excepting the downstream tenant in a multiuse building) when sizing requirements are established and certified by a plumbing engineer and with the owner’s acknowledgement that an upgrade to an exterior trap may be required if the units fails to comply with the maximum grease discharge limit of 150 milligrams per liter, or if the owner’s establishment causes a sewer manhole overflow (or “spill”).

3. Shopping Centers, Mixed Use Developments:

a. For developments where restaurants or food service establishments are expected but specific users or franchises are not yet identified, exterior traps are to be pre-installed and sized for each user at 1,000 gallons for the first 46 seats and 500 additional gallons for each additional 23 seats (or portion thereof). All exterior grease traps will comply with the City of Valdosta Standard Design and Construction Details, Appendix E.

b. Thoroughly tamped, compacted, granular bedding material is required for all gravity sanitary sewer pipe installations. This bedding shall be a minimum of six (6) inches below the pipe and extend up to the mid-point (springline) of

# City of Valdosta Land Development Regulations

the pipe for the full trench width. The remainder of the pipe shall be covered with compacted select material to at least one foot above the pipe.

## (c) Sewer Inspection

- i. The contractor shall air test all gravity sewer lines following completion of construction and pipe cleaning. PVC pipe must also pass a 5% deflection test. Contractor shall furnish all necessary equipment and materials for testing.
- ii. Infiltration Tests: Use only when groundwater is two feet above the top of the pipe.
  1. Install suitable weirs in manholes selected by the Engineer to determine the leakage of ground water into the sewer. The maximum length of line for each infiltration test shall be 1,000 feet. Measure leakage only when all visible leaks have been repaired and the ground water is two feet above the top of the pipe. If leakage in any section of the sewer line exceeds 100 gdp/inch diameter/mile, locate and repair leaks. Repair methods must be approved by the Engineer. After repairs are completed, re-test for leakage.
  2. Furnish, install, and remove the necessary weirs, plugs, and bulkheads required to perform the leakage tests. Where continuous monitoring of flow level is required, the Owner will provide and operate monitoring equipment.
- iii. Exfiltration Tests: Choose one of the following when groundwater is not two feet above the top of the pipe.
  1. Hydrostatic Test
    - a. Test pipe between manholes with a minimum of 10 feet hydrostatic pressure, measured at the center of the pipe at the upstream manhole.
    - b. The ends of the pipe in the test section shall be closed with suitable watertight bulkheads. Inserted into the top of each bulkhead shall be a 2" pipe nipple with an elbow. At the upper end of the test section, a 12" riser pipe shall be connected to the 2" nipple. The test section of pipe shall be filled through the pipe connection in the lower bulkhead which shall be fitted with a valve, until all air is exhausted and until water overflows the riser pipe at the upper end. Water may be introduced into the pipe 24 hours prior to the test period to allow complete saturation. House service lines, if installed, shall also be fitted with suitable bulkheads having provisions for release of air while the test section is being filled with water.
    - c. During the test period, which shall extend over a period of two hours, water shall be introduced into the riser pipe from measured containers at such intervals as are necessary to maintain the water level at the top of the riser pipe. The total volume of water added during the test period shall not exceed that specified for infiltration.
  2. Low-Pressure Air Test
    - a. Prior to air testing, the section of sewer between manholes shall be thoroughly cleaned and wetted. Immediately after cleaning or while the pipe is water soaked, the sewer shall be tested with low-pressure air. At the Contractor's option, sewers may be tested in lengths between manholes or in short sections (25 feet or less) using inflatable balls pulled through the line from manhole to manhole. Air shall be slowly supplied to the plugged sewer section until internal air pressure reaches approximately 4.0 psi. After this pressure is reached and the pressure allowed to stabilize (approximately two to five minutes), the pressure may be reduced to 3.5 psi before starting the



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test. If a 1.0 psi drop does not occur within the test time, then the line has passed the test. If the pressure drops more than 1.0 psi during the test time, the line is presumed to have failed the test, and the Contractor will be required to locate the failure, make necessary repairs, and retest the line. Minimum test time for various pipe sizes, in accordance with ASTM C 828 is as follows:

| <b>Normal Pipe Size, inches</b> | <b>T (Time Min/100 feet)</b> |
|---------------------------------|------------------------------|
| 8                               | 1.2                          |
| 12                              | 1.8                          |
| 15 & 16                         | 2.1                          |

- b. Required test equipment, including inflatable balls, braces, air hose, air source, timer, rotameter as applicable, cut-off valves, pressure reducing valve, 0-15 psi pressure gauge, 0-5 psi pressure gauge with gradations in 0.1 psi and accuracy of  $\pm$  two percent, shall be provided by the Contractor. Testing equipment shall be equal to Cherne Air-Loc Testing Systems.
- c. The Contractor shall keep records of all tests made. Copy of such records will be given to the Engineer or the Owner. Such records shall show date, line number and stations, operator, and such other pertinent information as required by the Engineer.
- d. The Contractor is cautioned to observe proper safety precautions in performance of the air testing. It is imperative that plugs be properly secured and that care be exercised in their removal. Every precaution shall be taken to avoid the possibility of over-pressurizing the sewer line.
- iv. PVC Deflection Test: Test PVC gravity sewer for excessive deflection by passing a "pig" through the line with a diameter equal to 95 percent of the nominal inside diameter of the pipe. Excavate and install properly any section of pipe not passing this test. Re-test until results are satisfactory. This test shall be performed within the first 30 days of installation and during final inspection, at the completion of this contract.
- v. If the test fails to meet the infiltration, air or deflection test requirements, the contractor shall determine, either using TV or video, the source(s) of leakage or deflection, make necessary repairs, and retest the test section, all at no additional cost to owner.
- vi. A record of the low-pressure air and deflection testing will be provided to the City of Valdosta inspector at the final sewer construction inspection. The record should include the line segment identification, initial air pressure, time interval allowed, the final air pressure, deflection test log, date of tests, and name of the person in charge of testing.
- vii. At the time of the final sewer construction inspection, the newly installed sewer system will be separated from the existing system by installing plugs in accordance with City of Valdosta Water and Sewer System standard operating procedures. These plugs will remain in place until the successful completion of the post paving inspection and will only be removed under authorization of the City of Valdosta inspector.

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- viii. For all sewer segments with slopes less than 1%, the contractor shall be required to verify the actual grades in the presence of a City of Valdosta inspector either prior to or during the construction final inspection, or prior to the placement of stone base in streets/paved area.
- ix. Manhole testing. Prior to testing manholes for watertightness, all liftholes shall be plugged with a non-shrink grout, all joints between precast sections shall be properly sealed and pipe openings shall be temporarily plugged and properly braced. Each manhole shall pass one of the following tests:
  - 1. Exfiltration Tests: The manhole, after proper preparation as noted above, shall be filled with water. The maximum allowable leakage shall be eight gallons per foot of depth per 24 hours for 48" diameter manholes. Tests shall last a minimum of eight hours. The manholes may be backfilled prior to testing.
  - 2. Vacuum Tests: The manhole, after proper preparation as noted above, shall be vacuum tested prior to backfilling. The test head shall be placed at the inside of the top of the cone section and the compression head inflated to 40 psi to effect a seal between the vacuum base and the manhole structure. Connect the vacuum pump to the outlet port with the valve open. A vacuum of 10" of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9". The manhole shall pass if the time is greater than 60 seconds for 48" diameter manholes. If the manhole fails the initial test, necessary repairs shall be made with non-shrink grout while the vacuum is still being drawn. Retesting shall proceed until a satisfactory test is obtained. Vacuum testing equipment shall be equal to that as manufactured by P.A. Glazier, Inc.

### (3) Sewer and Water Installation

- (a) Lay all pipe and fittings to accurately conform to the lines and grades established by the Engineer.
- (b) Pipe Installation
  - i. Proper implements, tools and facilities shall be provided for the safe performance of the Work. All pipe, fittings and valves shall be lowered carefully into the trench by means of slings, ropes or other suitable tools or equipment in such a manner as to prevent damage to sewer materials and protective coatings and linings. Under no circumstances shall sewer materials be dropped or dumped into the trench.
  - ii. All pipe, fittings, valves and other appurtenances shall be examined carefully for damage and other defects immediately before installation. Defective materials shall be marked and held for inspection by the Engineer, who may prescribe corrective repairs or reject the materials.
  - iii. All lumps, blisters and excess coating shall be removed from the socket and plain ends of each pipe, and the outside of the plain end of the inside of the bell shall be wiped clean and dry and free from dirt, sand, grit or any foreign materials before the pipe is laid. No pipe which contains dirt shall be laid.
  - iv. Foreign material shall be prevented from entering the pipe while it is being placed in the trench. No debris, tools, clothing or other materials shall be placed in the pipe at any time.
  - v. As each length of pipe is placed in the trench, the joint shall be assembled and the pipe brought to correct line and grade. The pipe shall be secured in place with approved backfill material.

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- vi. It is common practice to lay pipe with the bells facing the direction in which work is progressing, however, it is not mandatory.
  - vii. Applying pressure to the top of the pipe, such as with a backhoe bucket, to lower the pipe to the proper elevation or grade shall be permitted.
  - viii. Detection tape shall be buried 4 to 10" deep. Should detection tape need to be installed deeper, the Contractor shall provide 3" wide tape. In no case shall detection tape be buried greater than 20" from the finish grade surface.
- (c) Alignment and Gradient.
- i. Lay pipe straight in alignment and gradient.
  - ii. Maintain a transit, level and accessories on the job to lay out angles.
  - iii. The Contractor shall check the invert elevation at each manhole and the pipe invert elevation at least three times daily, start, mid-day and end of day. Elevations shall be checked more frequently if more than 100 feet of pipe is installed in a day or if the pipe is being constructed at minimum slope.
  - iv. The Contractor shall check the horizontal alignment of the sewer at the same schedule as for invert elevations.
- (d) Expediting of Work: Excavate, lay the pipe, and backfill as closely together as possible. Do not leave unjointed pipe in the trench overnight. Backfill and compact the trench as soon as possible after laying and jointing is completed. Cover the exposed end of the installed pipe each day at the close of work and at all other times when work is not in progress. If necessary to backfill over the end of an uncompleted pipe or accessory, close the end with a suitable plug, either push-on, mechanical joint, or restrained joint or as approved by the Engineer.
- (e) Joint Assembly
- i. Push-on, flanged and mechanical type joints shall be assembled in accordance with the manufacturer's recommendations.
  - ii. Each restrained joint shall be inspected by the Contractor to ensure that it has been "homed" 100%.
- (f) Cutting Pipe
- i. Cut ductile iron pipe using an abrasive wheel saw.
  - ii. Cut PVC pipe using a suitable saw.
  - iii. Remove all burrs and smooth the end before jointing.
  - iv. The Contractor shall cut the pipe and bevel the end, as necessary, to provide the correct length of pipe necessary for installing the fittings, valves, accessories and closure pieces in the correct location. Only push-on and mechanical joint pipe shall be cut.

### Section 332-32 Communication Distribution Systems

All communication distribution systems installed within the property limits of a development shall be placed underground. The plans submitted to the City Engineer will set forth the anticipated location of all underground installations. Incidental communication terminal boxes may be placed above ground.

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## Section 332-33 Electric Power Distribution Systems

All electric distribution systems of 25,000 volts or less phase to phase installed within the property limits of a development shall be placed underground. The plans submitted to the City Engineer will set forth the anticipated location of all underground installations.

## Section 332-34. Underground Installation Feasibility Criteria

The following criteria will be used to determine whether or not underground installation is feasible. When installation is determined to be not feasible for either economic or technical reasons, the City Engineer may authorize overhead installation following receipt of documented reasons as to why underground installation is not feasible in accordance with Section 332-34(B)(1) or 332-34(B)(2).

### (A) Communications Distribution Systems

- (1) Economic Feasibility: Underground installation of electric facilities shall be deemed to be feasible if the cost to the utility is reasonably competitive to aerial construction.
- (2) Technical Feasibility: In the absence of a showing that terrain, soil conditions, limited space, and other factors prevent proper installation and/or operation of underground facilities, underground facilities, undergrounding shall be deemed technically feasible.

### (B) Electric Power Distribution Systems

- (1) Economic Feasibility - Underground installation of electric facilities shall be deemed to be feasible if the charge levied by the utility on the developer, pursuant to a uniform policy of the utility or policy established by order of the Georgia Public Service Commission, is equal to or less than 25% of the cost borne by the utility in establishing such service.
- (2) Technical Feasibility - In the absence of a showing that terrain, soil conditions, or other factors preventing proper installation and/or operation of undergrounding shall be deemed technically feasible.

## Section 332-35 through Section 332-40      *Reserved*

# City of Valdosta Land Development Regulations

## Chapter 332 Infrastructure and Site Improvements

### Article 4 Street Lights

#### Section 332-41 Authority and Responsibility

- (A) The Mayor and Council hereby declare that the cost and service for creation of street light districts or street lighting hereafter created shall be a service and not a tax, as authorized by Georgia Constitution Article IX, Section IV, Paragraph II.
- (B) The Mayor and Council may contract with public utilities for the purpose of carrying out the terms of this Article.

#### Section 332-42 Applicability

- (A) The Owner, Developer or other person developing a subdivision shall be required to provide street lights that conform to all of the standards provided for in this Section and, in addition thereto, shall be required to obtain approval of the street light layout from the City Engineer prior to the construction of any street light facilities. Approval or final acceptance of the subdivision requires compliance with this Section.
- (B) The Owner, Developer or other person developing non-residential property or a single-family residential subdivision within a designated street light district shall provide street lights along public rights-of-way adjoining that property that conform to all standards provided for in this Section; and the Owner or Developer shall obtain approval of the street light layout from the City Engineer prior to commencing any construction of any street light facilities.
- (C) The City Engineer shall not recommend the acceptance of any public streets proposed to be dedicated to the City for perpetual ownership and maintenance until such time as the street lights conform to the approved street light layout and specifications.
- (D) Installation of outdoor lighting on property outside public rights of way shall meet the standards of Section 214-11 of this LDR.

#### Section 332-43 Procedures

Street lights shall be required to be provided by the developers of all new subdivisions or other developments utilizing new streets to be dedicated to the City or existing City streets or any combination, unless waived by Mayor and City Council. Unless so waived, the Developer, at the time of submitting the final plat to the City Engineer shall:

- (A) Submit a final street light layout prepared by the utility company, which will provide the lighting service showing exact location of street lights within the development or subdivision. For residential and non-residential subdivisions, this drawing must be approved by the City Engineer prior to obtaining any building permit within the subdivision.
- (B) Pay a lump sum fee to the City of Valdosta for each street light required by this Section. The fees for streetlights shall be as follows:
  - (1) Where underground electrical distribution is used the cost per light shall be the cost as per the contribution-in-aid-of-construction of the utility company.
  - (2) Where overhead electrical distribution is used there shall be no cost.
- (C) Submit proof of payment for complete installation to the City Engineer.
- (D) Submit a copy of an executed agreement with the utility company for installation and complete maintenance of all street lights.

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## Section 332-44 Location of Street Lights

- (A) Lights must be located at any or all street intersections, dead-end streets or courts within the subdivision or other development and with a maximum spacing of 400 feet apart along any streets within the subdivision or other development. Required spacing shall be reduced as conditions indicate for curved streets or irregular contours so as to provide adequate lighting.
- (B) Street lighting luminaries or fixtures installed within the public rights-of-way as security lights or for the purpose of lighting areas other than the public streets shall be mounted on the side of the pole opposite from the street, and shall be oriented in such a manner to ensure that the lateral light distribution pattern is parallel to the street and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the City Engineer shall be obtained before installation of these lights.
- (C) Other lighting fixtures to be installed within or outside of public rights-of-way, for whatever purpose, shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public rights-of-way.
- (D) Fixtures and standards/poles installed or used shall be approved by the utility company, which will be responsible for the maintenance of the facilities, and by the City Engineer. The fixtures shall be mounted a minimum of 25 feet above the ground, and each fixture shall have appropriate arm length to illuminate the street.

## Section 332-45 Underground Cable for Electric Service

In subdivisions utilizing underground cable for electrical service, the Developer shall be required to accomplish the same items listed in Sections 332-43 and 332-44.

## Section 332-46 Creation of District

### (A) Petition by Lot Owners.

- (1) Any lot owner in any area of the City may present a request for the creation of a street light district to the City Engineer. Upon receipt of the request, the City Engineer shall determine the appropriate boundaries for a street lighting district that will serve the lot owner presenting the request and neighboring lot owners. The City Engineer then shall prepare a plat showing this proposed street lighting district, and a petition for the creation of the proposed street lighting district then shall be circulated among the lot owners in the proposed district. That petition shall provide space for the lot owners in the proposed district to sign, showing whether it is their preference that the proposed district be created. Once a petition has been returned to the City Engineer, there shall be no changes in the preferences recorded thereon, and the petition shall clearly state the same. If 50% or more of the lot owners in the proposed district sign the petition approving the creation of the street lighting district, notices shall be posted in the proposed district stating that: "Notice: The City of Valdosta has received a petition for street lights. A public hearing is not required unless requested in writing by (date). For information call (telephone number)."
- (2) If such hearing is requested, the person requesting that hearing shall be notified of the date and time of the hearing, and a legal advertisement announcing the public hearing shall be published once in the official legal organ of the City. At any such hearing, the Mayor and City Council shall determine whether to create the proposed street lighting district. Safety and economic factors shall be the prime consideration in making such determination. If there is no request for a hearing or if 100% of the lot owners have signed the petition, the street lighting district shall be created, upon approval of the Mayor and City Council. The City Engineer will take no action on petitions with less than 50% of the lot owners' approval.

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- (3) The petition for creation of the proposed street lighting district must be returned to the City Engineer within 90 days after it is obtained from the City Engineer, however, the City Engineer may, in their discretion, for good cause shown, extend the time for the return of the petition an additional 30 days, for a total of 120 days, when a request for such extension is made to the City Engineer before the expiration of the original 90 days.
- (B) Special Conditions. In areas where special conditions as to safety, security, land topography, economic and other factors may be involved; the Mayor and City Council may create special street lighting districts and provide for special street lighting under such terms and conditions as may be determined by the Mayor and City Council, any other provisions of this Article to the contrary notwithstanding; provided, however, that in such instances, a public hearing shall be held by the Mayor and City Council after advertisement in the official organ of the City, one time at least 10 days before conducting such public hearing.

## Section 332-47 Costs and Assessment

- (A) The cost of providing and maintaining street light service in existing street light districts and in street light districts hereafter created shall be borne by the lot owners and lot residents within the street light districts who are billed for utility services provided to the lots by utility providers who, by agreement with the City, will bill for street light service, whether or not the lot is located within the boundaries of a particular subdivision, so long as the lot is located within the boundaries of a street light district.
- (B) The charge, therefore, shall be determined by the City Engineer and approved by the Mayor and City Council and shall be posted and open for public inspection in the offices of the City Engineer and the Clerk of the Mayor and City Council. The initial charge for each proposed street lighting district created by petition also shall be included on the petitions circulated through the proposed district. In the event of excessive vandalism to street lights within a district that results in the City being billed for repairs, the City may prorate those repair bills and add a pro rata share of those bills to the charge.
- (C) In those districts that may hereafter be created in which there is construction cost, the same shall be retired as per agreement or contract with the public utility or other person to whom the indebtedness is owed and shall be accordingly per lot.
- (D) Payment Date. The due date for the payment of the services and sums provided in this Article shall be the same date of each month as the utilities are due to the utility provider that bills for lighting service on behalf of the City, and subject to the same penalties for late payment and for failure to pay. Any utility service provided by the utility provider may be discontinued for late payment or non-payment.

## Section 332-48 Standards of Installation and Operation

- (A) In order to ensure adequate illumination of public rights-of-way and promote safety and security, the American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, as approved by the American National Standards Institute (1983), as from time to time amended, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated areas of the City, with the following exceptions:
  - (1) Except for Principal Arterials, lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal foot-candle illumination level by roadway classification shall be as shown in "Table of Minimum Average Street Illumination Levels" below.

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Table of Minimum Average Street Illumination Levels

| Roadway Classification | Commercial Area | Intermediate Area | Residential Area |
|------------------------|-----------------|-------------------|------------------|
| Minor Arterial         | 1.2             | 0.9               | 0.6              |
| Collector Street       | 0.8             | 0.6               | 0.4              |
| Local Street           | 0.6             | 0.5               | 0.3              |

*\* Note: Illumination of Principal Arterials shall be determined by GDOT.*

- (2) The uniformity of illumination shall be such that the point of lowest illumination shall have at least one-third of the average horizontal foot-candle required illumination level, except that on local or residential streets it may be no less than one-sixth of this average.
- (3) Any party requesting permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the City Engineer for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without this approval.
- (4) Should the City Engineer disapprove the request to install or operate lighting fixtures within any public right-of-way, he shall communicate the disapproval in writing to the party requesting approval. The written communication shall include the specific reasons for disapproval.
- (5) Any disapproval of a light or lighting system by the City Engineer may be appealed to the Board of Commissioners. If any party desires to appeal an adverse decision by the City Engineer, a notice of appeal shall be filed with the City Engineer within 30 days from the date following the written notice of disapproval. It shall be the responsibility of the City Engineer to transmit forthwith to the Mayor and Council all papers and allied documents constituting the record upon which the action appealed from was taken, and to ensure that the appeal is promptly placed upon the agenda of the Mayor and Council for its determination. The Mayor and Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination being appealed.
- (6) Roadway or street lighting luminaries or fixtures installed within the public rights-of-way as security lights or for the purpose of lighting areas other than the public streets shall be mounted on the side of the pole opposite from the street, shall be mounted on the side of the pole opposite from the street, and shall be oriented in such a manner to ensure that the lateral light distribution pattern is parallel to the street and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the City Engineer shall be obtained before installation of these lights.
- (7) Other lighting fixtures to be installed within or outside of public rights-of-way, for whatever purpose, shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public rights-of-way. See Section 214-11 for outdoor lighting standards related to private property.

**Section 332-49 through Section 332-50      *Reserved***