

ORDINANCE NO. 2016-27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF VALDOSTA, GEORGIA, AMENDING THE TEXT OF THE CITY OF VALDOSTA LAND DEVELOPMENT REGULATIONS (LDR), PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Valdosta has proposed and initiated the request of certain amendments to the City of Valdosta Land Development Regulations (LDR) (File # VA-2016-18); and

WHEREAS, official notices have been given and publications have been made pursuant to O.C.G.A. 36-66-4, and Section 242-4 of the City of Valdosta Land Development Regulations (LDR); and

WHEREAS, a public hearing was held by the Greater Lowndes Planning Commission on November 28, 2016, and said Planning Commission has rendered a recommendation to the Mayor and Council of the City of Valdosta; and

WHEREAS, the Mayor and Council of the City of Valdosta has considered this request and the recommendation of the Planning Commission, at a public hearing pursuant to said official notices and publications; and

WHEREAS, Mayor and Council of the City of Valdosta finds the proposed LDR amendments to be consistent with the City's adopted Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Valdosta, Georgia, and it is hereby ordained by the authority of same, that the City of Valdosta Land Development Regulations (LDR) is hereby by amended as follows:

Section 1. LDR Chapter Section 106-1(C) Definitions, is hereby amended by deleting the definitions for "BOARD or DNR BOARD", "EROSION AND SEDIMENTATION CONTROL PLAN", and "OPERATOR", in their entirety and replacing them with new definitions as follows:

BOARD or DNR BOARD: As used in Chapter 306 Soil Erosion and Sedimentation Control. The Board of Natural Resources.

EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN: As used in Chapter 306 Soil Erosion and Sedimentation Control. A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in Section IV.C. of this Ordinance.

OPERATOR: As used in Chapter 306 Soil Erosion and Sedimentation Control. The party or parties that have (a) operational control of construction project plans and specifications including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Section 2. LDR Section 106-1(C) Definitions, is hereby amended by adding the following definitions:

CERTIFIED PERSONNEL: As used in Chapter 306 Soil Erosion and Sedimentation Control. A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

DESIGN PROFESSIONAL: As used in Chapter 306 Soil Erosion and Sedimentation Control. A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

FINAL STABILIZATION: As used in Chapter 306 Soil Erosion and Sedimentation Control. All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

OUTFALL: As used in Chapter 306 Soil Erosion and Sedimentation Control. The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

PHASE or PHASED: As used in Chapter 306 Soil Erosion and Sedimentation Control. Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

PROPERLY DESIGNED: As used in Chapter 306 Soil Erosion and Sedimentation Control. Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Section 3. LDR Section 106-2 Abbreviations, is hereby amended by deleting the abbreviation items for "MRPA", "NOI" and "NOT" in their entirety, and replacing them with new abbreviation terms as follows:

MRPA Metropolitan River Protection Act as found in O.C.G.A. 12-5-440 et.seq.

NOI Notice of Intent. A form provided by EPD for of coverage under the State General NPDES Permit for Construction Activities

NOT Notice of Termination. A form provided by EPD to be covered terminates coverage under General NPDES Permits for Construction Activities.

Section 4. LDR Section 106-2 Abbreviations, is hereby amended by adding the following abbreviation item:

CPESC Certified Professional in Erosion and Sediment Control, with current certification by Enviro Cert, Inc. (this may also be referred to as "CPESC, Inc.").

Section 5. LDR Chapter 306 Soil Erosion, is hereby amended by deleting sub-Section 306-3(B)(7) in its entirety, and replacing it with a new sub-Section 306-3(B)(7) as follows:

- (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 35 working days of receipt. Failure of the District to act within 35 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. The City of Valdosta shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

Section 6. LDR Chapter 102 General Provisions, is hereby amended by deleting Section 102-8 Adoption of Certain Codes in its entirety, and replacing it with a new Section 102-8 as follows:

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.
- (10) International Swimming Pool and Spa Code

(B) Further, pursuant to O.C.G.A. Sections 8-2-20 and 8-2-25(h), the latest edition of each of the following permissive 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.

(C) 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.

Section 7. LDR Chapter 242 Zoning Procedures and Land Use, Section 242-3 Planning Commission, is hereby amended by deleting sub-Section (A) Authority and sub-Section (B) Purpose and Duties, in their entirety and replacing them with new sub-Sections (A) and (B) as follows:

(A) Authority. The Planning Commission shall have the authority granted by Chapter 2, Article 5, Division 5, 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 with respect to the LDR 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 Title 1 or Title 2 of the LDR, the 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.

Section 8. LDR Chapter 328 Landscape Buffers and Screening, Section 328-1 Transitional Buffers, is hereby amended by deleting sub-Section (F) in its entirety and replacing it with a new sub-Section (F) as follows:

(F) Principal buildings shall be located a minimum of 5 feet from any required buffer.

Section 9. LDR Chapter 214 Standards Applying to All Districts, Section 214-1 Dimensional Standards of Zoning Districts, Table 2 – Dimensional Standards of Non-Residential Zoning Districts, line item for the C-D Zoning District, is hereby amended by inserting “80” in place of “None”, to allow a maximum building height of 80 feet within the C-D Zoning District.

Section 10. LDR Chapter 218 Use Regulations, Section 218-13 Standards of Use and Development, sub-Section 218-13(Q) Drive-Thru Facilities, is hereby amended by deleting sub-Sections (1), (7) and (8) in their entirety and replacing them with new sub-Sections (1), (7) and (8) as follows:

- (1) Drive-thru facilities for food/beverage establishments shall provide a minimum of six (6) stacking spaces (within the site) for a single lane, or a minimum of three (3) stacking spaces for each lane in the case of multiple drive-thrus. Drive-thru facilities for all other establishments shall provide a minimum of three (3) stacking spaces for each lane. Such stacking spaces shall be in a line starting from the transaction window or kiosk where the order is picked up or transaction completed. For redevelopment of existing drive-thru facilities, fewer stacking spaces may be allowed upon approval of an Administrative Variance.

- (7) The intersection of stacking lanes and walk-in customer access shall be a minimum of twenty (20) 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 in residential zoning districts.

Section 11. All Ordinances or parts of Ordinances, in conflict herewith, are to the extent of such conflict hereby repealed.

Section 12. If any word, phrase, section, or other portion of this Ordinance is declared or adjudged to be invalid or unconstitutional by any Court of competent jurisdiction, then such declaration or adjudication shall not affect the remaining words, phrases, sections, or other portions of this Ordinance, which shall remain of full force and effect as if such word, phrase, section or other portion so declared or adjudged invalid or unconstitutional were not originally a part of this Ordinance. It is hereby declared to be the intent of the Mayor and Council of the City of Valdosta, Georgia, to provide for separate and devisable parts, and to this end the provisions of this Ordinance are declared severable. Said Mayor and Council hereby declares that it would have still enacted the remaining words, phrases, sections, or other portions of this Ordinance that are not so declared or adjudged to be invalid or unconstitutional.

Section 13. This Ordinance shall become effective immediately upon passage.

Duly passed and adopted by the Mayor and Council of the City of Valdosta, Georgia, this 8th day of December, 2016.



Mayor

ATTEST:



Clerk of Council