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# UNIFIED DEVELOPMENT CODE

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CITY OF BLOOMINGDALE

- HISTORY

- Adopted July 18, 2019
- Text Amendment: March 5, 2020, to add Section 52-714 (L).
- Text Amendment: February 17, 2022, to add Distribution Warehouses in I-1 and I-1 Zoning Districts to List of Permissible Uses.
- Text Amendment: September 15, 2022, to update changes to List of Permissible Uses.
- Text Amendment: August 15, 2024, to update the following:
  - Additional language addressing shipping containers in sections 52-708B; 52-709B; 52-710B; and 52-712C.
  - R-1 lot size reduced to 15,000 square feet in section 72-708C.
  - Language addressing enclosed storage in the Commercial Zoning Districts added to sections 52-713E; 52-715E; and 52-716E
  - Language regarding lots shown on the original map of Bloomingdale Pierce tract added to sections 52-705D; 52-707D; 52-708C; 52-709C; 52-710D.
  - Language addressing the number of principle buildings per lot in section 52-501B.
  - Changes to allowed fence materials, section 52-606B- 3-G.
    - Strike: “If fences are constructed of wood other than cypress or cedar, the fence surfaces shall be painted a neutral earth-tone color or stained. If a wooden fence has only one finished face, the finished side shall face the exterior property line.”
    - Replace with: “All fences shall be constructed of Cypress, Cedar, or pressure treated Pine. Fence shall be constructed of 1-inch by 4-inch panels. If a wooden fence has only one finished face, then the finished side shall face the exterior property line.”

**Official Minutes of July 18, 2019 Council Meeting**  
**Approved by City Council at the August 15, 2019 Council Meeting**

The meeting was called to order by Mayor Rozier with Councilman Grizzard giving the invocation. Councilmember's Otakie, Harley, Grizzard, Kerby, Key, Mayor Rozier, Attorney Dickey, City Administrator Akridge, Jr. City Clerk's Danielle Bucher and Diamond Mixon were present.

Councilman Kerby made a motion to approve the draft copy of the minutes of the June 20, 2019 City Council Meeting. Councilman Grizzard seconded the motion and it passed without opposition. Councilman Harley made a motion to approve the agenda of the July 18, 2019 meeting with the consideration to omit #3 and add #9 Executive Session for Litigations and Personnel. Councilman Otakie seconded the motion and it passed without opposition.

**PUBLIC HEARING:** Proposed Zoning Ordinance, Proposed Zoning Map and Development Standards. Councilman Kerby made a motion to open the Public Hearing. Councilman Grizzard seconded the motion and it passed without opposition.

*Mayor Rozier opened with the reading of the following: Proponents for the proposed zoning action, including the petitioner or the petitioner's agent requesting the zoning decision, shall have no less than ten (10) minutes for the presentation of data, evidence, and opinions; opponents of the proposed zoning decision shall have no less than ten (10) minutes for the presentation of data, evidence, and opinions. So long as each side is given no less than ten (10) minutes for the presentation of data, evidence, and opinions, the Hearing Officer may limit repetitious comments in the interest of time and may call for a show of hands of those persons present in favor of or opposed to the proposed zoning decision.*

City Administrator Akridge, reported that we are adopting a 211 pages document of the new Zoning Ordinance, Proposed Zoning Map and Development Standards that will revamp the zoning code enforcement and simplify implementing for administration. Mr. Akridge also reported that growth was forthcoming and this would make a timely change granting us the authority to be more restrictive in our standard with home occupational licenses.

Attorney Dickey reported that this would change the current industrial zoning ordinances and guidelines to allow council and staff to more appropriately enforce. This will also consolidate into one all encompassing document, repealing parts that are currently in place by adopting into one code of ordinances. Attorney Dickey added that this new document would be named the City of Bloomingdale Unified Development Code.

Councilman Otakie added that it had not been updated since the 1970's. A concerned citizen questioned whether this would change any Zoning ordinances already in place? Mayor Rozier responded with No. There were no citizens to speak for or against the proposal. City Administrator added that a copy would be available on the City website or available by calling City Hall and an electronic copy would be emailed. With no further comments Councilman Harley made a motion to close the public hearing. Councilman Kerby seconded the motion and it passed without opposition.

**Administrative and Committee reports:**

**Councilman Harley** reported that it is very important to law enforcement to serve, protect, and build relations within the community. That rings true for the City of Bloomingdale and Corporal Cotter whom is an integral part of forming those relationships here in our community. On July 10th Corporal Cotter welcomed 11 year old, Tyler, "The Donut Boy" of, I DONUT need a reason to THANK a cop, Inc. to the Bloomingdale Police Department in appreciation of all law enforcement.

**Chief Jeffcoat** recognized Corporal Cotter for his exemplary service to the community. Corporal Cotter was the 2018 Officer of the year and has been a valuable asset to the city for the last four years. Cotter is well known throughout the community and repeatedly volunteers for community events, and we look forward to many more years of his service to the City of Bloomingdale.

## **OLD BUSINESS:**

Remove from table and consider the investment proposal for the Defined Benefit Pension Plan. City Administrator reported that the Pension Board met earlier in the month with Ben Price where they went over a more varied investment proposal at which time an updated investment policy statement was created.

Mr. Ben Price, Financial Advisor with Raymond James reported that our current portfolio has no exposure to international investments which have proven to outperform stocks and bonds. The proposed plan would be global while increasing the diversity and risk mitigations for the City. This proposed portfolio would save the City \$5,500 in fees. It would give the portfolio more liquidity than regular mutual funds which is important because it gives the ability to move assets if needed. Mr. Price stated that this was economical and the more the City saves the more the City earns. Councilman Kerby made a motion to approve the investment proposal with the addition to add Danielle Bucher to the Trustee Pension Board as well as the approval to the updated Investment Policy Statement. Councilman Otakie seconded the motion and it passed without opposition.

## **NEW BUSINESS:**

**1. Consider first reading of the proposed Zoning Ordinance, Proposed Zoning Map and Development Standards.** Councilman David Otakie made a motion to amend the official code of ordinances and appendix, by adopting, amending, and changing the official code of ordinances and appendix, which include zoning standards which govern the exercise of zoning powers of the City of BLOOMINGDALE, Georgia, by changing Chapter 54 from "Planning and Development" to "Development Impact Fees and Capital Cost Recovery Fees", by repealing Article II "Planning Commission" (to include Sections 54-31 through 54-42) by repealing Appendix "A"-Zoning, by repealing Appendix "B"-Subdivisions, and by adopting a new "City of Bloomingdale Unified Development Code" which shall govern all Planning, Zoning, and Development within the municipal corporate limits of Bloomingdale; the new "City of Bloomingdale Unifies Development Code" is attached to the ordinance as Exhibit "A" and further make a Motion to Amend the official code of ordinances of BLOOMINGDALE, Georgia, as amended, by adopting the BLOOMINGDALE Zoning Map which is attached to the ordinance as Exhibit "A" Councilman Grizzard seconded the motion and it passed without opposition.

**2. Consider Bid Award for Surplus Property.** Councilman Harley made a motion to approve the Bid Award to Mr. Randy Saxon in the amount of \$2,750 for the 2007 White Ford F150. Councilman Otakie seconded the motion and it passed without opposition.

### **3. Citizen to be heard -Maureen Ray- 502 E. Cregor St.**

Maureen Ray-502 E Cregor St. approached the podium and notified council she was hearing impaired with cochlear implants. Ms. Ray addressed her concerns about the open ditches that border her property. Although, thankful to Councilman Harley for addressing the drainage issue and partially filling in the Cregor Street side of the ditch in front of her home, she would like for the City to consider filling in all the ditches as promised in 2012. After much consideration Councilman Harley made a motion to table this matter temporarily until a further investigating the matter with the Public Works director and reviewing cost estimates. Councilman Otakie seconded the motion and it passed without opposition.

**4. Consider selection of DOT Local Maintenance Improvement Grant (LMIG) streets for resurfacing or paving.** City Administrator Akridge reported that we are being awarded \$55,721.24 from DOT Local Maintenance Improvement grant to resurface Garvin and Moore streets from Cherry to Ash. The Cities 30% matched contribution will be \$16,716.38. He estimates the total project cost of \$98,000 with stripping. Councilman Otakie made a motion to approve the resurfacing of Garvin and Moore streets with \$55,721.24 rewarded from the LMIG Grant and \$16,716.38 the 30% required match from the City. Councilwoman Key seconded the motion and it passed without opposition.

**5. Consider Fiscal Year 2018/2019 Budget Amendments.** City Administrator, Akridge reported that this was just a formality to shore up the budget line items were we overspent as recommended by our Auditors. Councilman Kerby made a motion to approve and Councilwoman Key seconded the motion and it passed without opposition.

**6. Consider a request submitted by property owners on Osteen Road for speed bumps and streetlight.** Mr. Ronald Webb of 335 Osteen Road joined Mr. Gerald Cook of 320 Osteen Road in concerns about dump trucks traveling too fast on Osteen Rd. The Osteen Road residents feel that installing street lights and speed bumps will aid in solving this problem. Gerald Cook came to the podium to address their community concern for safety. Mr. Cook has been in contact with the Department of Transportation, RB Baker Construction, as well as Bobby Oglesby, the owner of the Dump truck Company without avail. Council approved six streetlights at \$290.43 for each light pole along Osteen Rd. Councilman Otakie made a motion to approve the request of property owners of Osteen Road pending they meet the approved traffic engineering requirements. Councilwoman Key seconded the motion and it passed without opposition.

**7. Consider the naming of a new road as Seabrook Parkway.**

Councilman Otakie made a motion to approve the naming of the new road as Seabrook Parkway. Councilwoman Key seconded the motion and it passed without opposition.

**8. Executive Session** Councilman Grizzard made a motion to go into Executive Session. Councilman Harley seconded the motion and it passed without opposition. Councilman Harley made a motion to reconvene into Regular Session and execute affidavit pursuant to Georgia Open Meetings Laws. Councilman Grizzard seconded the motion and it passed without opposition.

**Mayor Rozier reported that this concluded the items presented for consideration for inclusion on the Council agenda prior to the deadline of Wednesday, July 10, 2019.**

The Accounts Payables were presented with Councilman Harley making a motion to pay the bills. Councilman Otakie seconded the motion and it passed without opposition.

There being no further business, Councilman Harley made a motion to adjourn at 8:28 pm. Councilman Otakie seconded the motion and it passed without opposition.

Respectfully submitted,

Charles D. Akridge

**Note: Section § 50-14-1 of the Official Code of the State of Georgia Annotated requires that the minutes shall, as a minimum, include a description of each motion or other proposal made, and a record of all votes. These minutes meet the minimum requirements. However, in an attempt to provide as much information as possible to the citizens, the recording clerk has included additional background data and discussion on the subjects presented to council. The statements of individuals are not verbatim and may be summary in nature.**

**OFFICIAL MINUTES OF THE MARCH 5, 2020  
COUNCIL MEETING**

The meeting was called to order by Mayor Rozier with Councilman Harley giving the Invocation. Councilmember's Griffin, Grizzard, Harley, Kerby, Key, Otakie, Mayor Rozier, Attorney Dickey, City Administrator Akridge, Assistant City Clerk Danielle Bucher were present.

Councilwoman Griffin made a motion to approve the draft copy of the minutes of the February 20, 2020 City Council Meeting. Councilman Harley seconded the motion and it was carried.

Councilman Kerby made a motion to approve the agenda of the March 5, 2020 meeting with the addition of item #6 Consider the purchase of recreation vehicle for the Recreation Department in the amount of \$11,391.24 dollars. (CIP/SPLOST). Councilman Grizzard seconded the motion and it was carried.

Mayor asked if there was no objection he would go off the Agenda and move to New Business: Item #1. Consider appointment of the Municipal Court Judge.

**NEW BUSINESS:**

**1. Consider appointment of the Municipal Court Judge.**

Mayor Rozier stated for the last twenty-five years Judge Edenfield has served our community as our Judge and we have had a few Judges filling in after our sudden lost of Judge Edenfield last October. The City Council interviewed about four candidates this week that were highly recommended. Council came to a decision to appoint Judge Sanders as the permanent Judge for the City of Bloomingdale and Craig Call and Sneh Patel as Pro Tem's. Councilman Harey made a motion appointment of the Municipal Court Judge Richard Sanders and Pro Tem's Craig Call and Sneh Patel. Councilman Otakie seconded the motion and it was passed.

The newly appointed Richard Sanders took the floor to introduced and thank his wife, two children, law partner Doug Andrews, and City Council. He acknowledged that this opportunity means a lot to him and he wishes to carry on the legacy of the late Judge Edenfield and make Bloomingdale proud.

Pro Tem Craig Call also addressed Council, thanking them for the opportunity that they have forwarded him as this will be his first call to serve as Judge.

**Administrative & Committee Reports**

Councilwoman Griffin announced that the Recreation Director George Foley could not attend this meeting; however, reported Co-Ed softball season has ended with BCP coming in first and No Smoke coming in second. There are currently well over 200 children and 21 teams registered for the Spring season at Taylor Park for soccer, softball, and baseball. She invites everyone to come on out and support the children of Bloomingdale.

Councilman Harley announced that he was proud to recognize the Fire Department and Public Works for their efforts at Bloomingdale Elementary School with the flooding due to heavy rain in the area. These departments teamed with faculty, teachers and staff at Bloomingdale Elementary School to fight this flooding. Mr. Harley thanked everyone for their part in working together as a community.

Councilwoman Griffin also recognized the Police Department for hosting an active shooter class for the local churches. Councilwoman Griffin was also grateful the Fire Department and Public Works in their efforts to help with the flooding at the elementary school. She acknowledged office staff, Danielle Bucher and Geri Saxon, expressing her appreciation with their assistance at the CMA dinner the City hosted Wednesday evening at the Community Center.

Councilman Harley recognized Lieutenant Daniels and asked him to stand for leading the noted Active Shooter Class.

**OLD BUSINESS:**

**1. Consider the First Reading of an Ordinance for a proposed Text Amendment to add Section 52-714 (L) to the Unified Development Code for the rezoning of 590.43 acres from RA-1 to PUD/PID submitted by McCraney Properties/Pete Waller/Ottawa Farms.**

Mayor Rozier noted that the attorney amended to read limited to I1.

City Administrator stated that Mayor and Council had worked on this for a long time and it was for their consideration tonight.

Councilwoman Griffin made a motion to approve the First Reading of an Ordinance for a proposed Text Amendment to add Section 52-714 (L) to the Unified Development Code for the rezoning of 590.43 acres from RA-1 to PUD/PID submitted by McCraney Properties/Pete Waller/Ottawa Farms and limit to I1. Attorney Raymond Dickey distinguished that based on what was submitted the PID does not go to an I2 and that the text amendment stays in I1. Councilwoman Griffin amended her motion to note that. Councilman Grizzard seconded the motion. Councilmember's Griffin, Grizzard and Key voted to approve the motion and Councilmen Harley, Kerby, and Otakie voted to oppose the motion. Mayor Rozier broke the tie with the approval of the motion to approve the first reading of an ordinance for a proposed Text Amendment to add Section 52-714 (L) to the Unified Development Code for the rezoning of 590.43 acres from RA-1 to PUD/PID submitted by McCraney Properties/Pete Waller/Ottawa Farms and limit to I1 and it was carried.

**2. Consider the First Reading of an Ordinance for a rezoning request of 590.43 acres from RA-1 to PID/PUD submitted by McCraney Properties/Pete Waller/Ottawa Farms**

Councilwoman Griffin made a motion to approve the First Reading of an Ordinance for a rezoning request of 590.43 acres from RA-1 to PID/PUD submitted by McCraney Properties/Pete Waller/Ottawa Farms, wave the second reading, and limit to I1. Councilman Grizzard seconded the motion. Councilmember's Griffin, Grizzard and Key voted to approve the motion and Councilmen Harley, Kerby, and Otakie voted to oppose the motion. Mayor Rozier broke the tie with the approval of the motion to approve the First Reading of an Ordinance for a rezoning request of 590.43 acres from RA-1 to PID/PUD submitted by McCraney Properties/Pete Waller/Ottawa Farms limited to I1 and it was passed.

**3. Consider Development Agreement between McCraney Property Company and the City of Bloomingdale.**

Councilwoman Griffin made a motion to approve Development Agreement between McCraney Property Company and the City of Bloomingdale. Councilman Grizzard seconded the motion Councilmember's Griffin, Grizzard and Key voted to approve the motion and Councilmen Harley, Kerby, and Otakie voted to oppose the motion. Mayor Rozier broke the tie with the approval of the motion to approve the Development Agreement between McCraney Property Company and the City of Bloomingdale and it passed.

**4. Consider Water/Sewer Agreement between the City of Bloomingdale and McCraney Property Company.**

Councilwoman Griffin made a motion to approve the Water/Sewer Agreement between the City of Bloomingdale and McCraney Property Company. Councilman Grizzard seconded the motion. Councilmember's Griffin, Grizzard, Harley, Key, and Otakie voted to approve the motion. Councilman Kerby opposed the motion. The motion to approve the Water/Sewer Agreement between the City of Bloomingdale and McCraney Property Company was carried.

**5. Consider Water/Sewer Agreement between the City of Bloomingdale and the City of Savannah.**

City Administrator noted that this would bring a million gallons of water to the City of Bloomingdale under I16 to the north side of the railroad tracks for future use of the City.

Councilwoman Griffin made a motion to approve the Water/Sewer Agreement between the City of Bloomingdale and the City of Savannah. Councilman Kerby seconded the motion. Councilmember's Griffin, Grizzard, Harley, Kerby, Key, and Otakie all voted to for the approval of the motion to enter into the Water/Sewer Agreement between the City of Bloomingdale and the City of Savannah and it was carried.

**NEW BUSINESS:**

**2. Consider adoption of a Model Illicit Discharge Ordinance as an amendment to the Storm water Management Ordinance.**

City Administrator noted that this was recommended by the Storm Water Consultant as an amendment to the current Storm Water Ordinance. Mr. Akridge recommended approval. Attorney Dickey added that it was a mandate requirement. Councilman Otakie made a motion to adopt a Model Illicit Discharge Ordinance as an amendment to the Storm water Management Ordinance. Councilman Harley seconded the motion it was carried.

**3. Consider entering into a Contract for Professional Services with the Coastal Regional Commission (CRC) in the amount not to exceed \$7,200 for a Comprehensive Plan Update as required by Georgia law. (Community Development – Contractual Services)** City Administrator noted that this was another unfunded mandate by the State of Georgia. The law had been changed and an update of the

Comprehensive Plan must be completed every five years. Councilwoman Key made a motion to enter into a Contract for Professional Services with the Coastal Regional Commission (CRC) in the amount not to exceed \$7,200 for a Comprehensive Plan Update as required by Georgia law. (Community Development – Contractual Services) Councilman Grizzard seconded the motion and it carried .

**4. Consider a Home Occupation License application submitted by Erasto Lagunes at 27 Hiram Road for a Landscaping Business.**

Mr. Lagunes and Mr. Charles Webb approached Council requesting the approval of a home occupational license. Mr. Charles Webb owns and lives at the property located at 27 Hiram Road as the Office Manager; however, is not the owner of the Landscaping Company, nor the one on the application submitted. Mr. Webb states there will be no equipment or trucks located at this property. Councilman Harley asked to table this request until Mr. Webb comes back and puts the application in his name to comply with Cities ordinance. Councilman Grizzard seconded the motion to table and it was tabled.

**5. Consider a Home Occupation License application submitted by Susan Mathis at 8 Ray Street for a Remodeling Business.** Ms. Susan Mathis approached Council with her request to approve her Home Occupation License application for a Remodeling Business at 8 Ray Street. She will be using her home for office work only such as payroll, accounts payable, and bids. There will be no equipment at this property. Councilman Harley made a motion to approve the application for a Home Occupation License submitted by Susan Mathis at 8 Ray Street for a Remodeling Business and wave the Public Hearing. Councilman Otakie seconded the motion and it was passed.

**6. Consider the purchase of recreation vehicle for the Recreation Department in the amount of \$11,391.24 dollars. (CIP/SPLOST).** City Administrator recommended this purchase as a replacement to the old one that was no longer working for the upkeep of the Recreation fields in time for the busy baseball season. Councilwoman Griffin noted that the old one served its purpose for 16 years and made a motion to approve the purchase of a recreation vehicle for the Recreation Department and award the low bid of \$11,391.24 dollars to Low Country. Councilman Grizzard seconded the motion and it was passed.

**COMMENTS:**

Councilman Kerby thanked everyone for coming out and apologized that it did not go their way on the rezoning proposal.

Councilman Harley thanked all the citizens that where a part of this long process. He expressed his appreciation for McCraney Properties noting that although he voted against this project they are a Five Star Development and hopes for the least amount of impact to the citizens. He hopes that McCraney properties, Mr. Richard Marlow, and Susan Anderson can come to a private agreement.

Councilwoman Griffin thanked everyone and noted that their concerns were taken into consideration as well as the numerous people that came to her personally that were in favor. Councilwoman Griffin stated that it is a tough job and hard seat to sit in; however, she believes that everyone voted as to what their hearts and conscious told them to do as they all care about the future of the City. She was pleased with the turnout of these meetings and invited everyone to come to each and every Council meeting. Lastly, she thanked McCraney Properties for everything.

Councilman Grizzard thanked everyone for coming out in spite of the current weather. Councilman Grizzard believes Mr. McCraney will keep to his promise that this property will be a prize project and something both he and Bloomingdale can be proud of. He thanked McCraney properties and everyone for coming out.

Councilwoman Key noted that it was a hard decision and certainly not a spontaneous one. She directed to the McCraney Group that she respected all the time they spent answering questions and working together to come to an agreement. She wants to continue that relationship. She admitted that she took this home and prayed about her decision. She thanked the EMS and Fire Department for the help with her fallen husband at the early departure from the last Council meeting.

Councilman Otakie had no comments.

Mayor Rozier stated that they spent numerous hours meeting with Mr. Coleman and Co, McCraney group, Mr. Wallers representatives, and the lawyers. He feels that they made the best decision in order



to manage the development. He researched Mr. McCraney's properties before coming to his decision and noted that they are first rate and 5 Star Developments.

**Mayor Rozier reported that this concluded the items presented for consideration for inclusion on the Council agenda prior to the deadline of Wednesday, February 26, 2020.**

The Accounts Payables were presented with Councilman Grizzard making a motion to pay the bills. Councilwoman Griffin seconded the motion and it passed without opposition.

There being no further business, Councilwoman Griffin made a motion to adjourn at 7:34pm. Councilman Grizzard seconded the motion and it passed without opposition.

Respectfully submitted,

Charles D. Akridge

**Note: Section § 50-14-1 of the Official Code of the State of Georgia Annotated requires that the minutes shall, as a minimum, include a description of each motion or other proposal made, and a record of all votes. These minutes meet the minimum requirements. However, in an attempt to provide as much information as possible to the citizens, the recording clerk has included additional background data and discussion on the subjects presented to council. The statements of individuals are not verbatim and may be summary in nature.**



**CITY COUNCIL  
Regular Meeting**

**September 15, 2022, at 7:00 PM | City Hall | 8 W. Hwy 80 Bloomingdale, GA 31302**

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**I. Roll Call/ Declaration of Quorum:**

**Council Members:** Mayor Dennis G. Baxter; Vice Mayor Glenda Key; Councilman Terry W. Jones; Councilman Ernest Grizzard, Sr.; Councilman Rodney C. West; Councilman Jimmy Kerby. Councilman David Otakie was no present.

**Staff Members:** City Administrator Charles Akridge; City Attorney Raymond Dickey; City Clerk Jennifer Scholl; Police Chief Jeffcoat; Public Works Superintendent Ernest Grizzard, Jr; Recreation Director George Foley.

**II. Call to Order/Pledge/ Prayer:** The meeting was called to order by Mayor Baxter at 7:00 p.m. who gave the Invocation and led the Pledge.

**III. Approval of City Council Minutes:** Mayor Baxter called for a motion to approve the draft copy of the Minutes from the August 18, 2022, Regular Council Meeting. Vice Mayor Key made a motion to approve the draft copy of the Minutes for the August 18, 2022, Regular Council Meeting. Councilman Grizzard seconded the motion, and it carried without opposition.

**IV. Approval of Agenda:** Mayor Baxter called for a motion to approve the Agenda for the September 15, 2022, Regular Council Meeting with the removal of Item 1 under Old Business and the addition of the following two items under New Business: Item 10 Consideration of a Well Drilling Application submitted on behalf of Little Neck Shell and Item 11 Consider a Quote for Purchase from Wascon Sale and Service in the amount of \$11,171.75 of grinder pump parts. Councilman Jones made a motion to approve the Agenda of September 15, 2022, Regular Council Meeting with additions. Councilman Kerby seconded the motion, and it carried without opposition.

**V. Administrative and Committee Reports:**

- State Senator Billy Hickman was present and gave an introduction of himself and his position as Senator of the district as of January 1, 2023.
- Mayor Baxter recognized Police Chief Jeffcoat for his tenth year of employment with the City. The Police Chief was presented with a certificate and a check, and Mayor and Council expressed their sincere gratitude for his continuous service.

**VI. PUBLIC HEARING:** Mayor Baxter called for a motion to enter a Public Hearing. Councilman Kerby made a motion to enter a Public Hearing. Councilman Jones seconded the motion, and it carried without opposition.

1. Proposed Text Amendments to the List of Permissible Uses Table in the Unified Development Code. The City Administrator provided a summary overview of the proposed changes, and the floor was open for question and/or comments. A member of the audience, Mrs. Leslie Sheehan, asked for a copy of the proposed changes and the City

Administrator provided his copy for her. Having no further questions and/or comments the next Public Hearing item was presented

2. Special use permit for a Vape Shop proposed at 502 East Highway 80 submitted by Dilan Bkakta. The applicant, Mr. Bkakta who also owns the Chevron Pump & Go, was present. Councilman Jones asked if there would be cannabis products sold; Mr. Bkakta replied with no. Vice Mayor Key asked these items were already being sold at their current Chevron location; Mr. Bkakta replied that limited items are sold at the current store but wanted to expand on selling vape related products which is the purpose of a designated vape shop. Councilman Grizzard if the items would be, “sold to go”; Mr. Bkakta replied that yes there would be no use in the building.

From the public, Mr. William Walker, owner of Waldos CBD, was present and asked that the present vape shop be held to the same standards and restrictions as his business application (reference Council Minutes of May 5, 2022)

After no further questions or comments the floor was closed.

Mayor Baxter called for a motion to close the Public Hearing. Vice Mayor Key made a motion to close the Public Hearing. Councilman Jones seconded the motion, and it carried without opposition.

## **VII. OLD BUSINESS:**

1. Consider the Second Reading of an Ordinance for a Rezoning/ Conditional Use from RA-1 to PUD at 400 SH Morgan Parkway for Floor and Décor submitted by Center Point Integrated Solutions. Steve Sephlo and Mr. Yellin, representatives for the applicant, were present. City Attorney Dickey reviewed the following conditions: must adhere to all requirements of the City Engineer and storm water management; no stacking of containers or chassis on the property; no heavy mechanical repairs that involves oil changes or greasing; stick built structures only on property; property to be used for Floor & Décor business purposes only. No other businesses to conduct business on the property. The Mr. Yelling stated the applicant understood the conditions and agreed with them.

Baxter called for a motion to approve the item for consideration with the conditions read by the City Attorney. Councilman Grizzard made a motion to approve the item for consideration with the conditions read by the City Attorney. Councilman Jones seconded the motion, and it carried without opposition.

2. Consider rezoning a property located at 1406 US Highway 80 from R-1 to C-1 submitted by Debra and Terry Stark. Mayor Baxter called for a motion to approve the item for consideration with the following conditions: at no time now or in the future will access to vehicle traffic from said property be allowed to access or egress on to Conaway Road from the property, and developers will be required to adhere to the current, or future adopted standards as outlined by the City of Bloomington Unified Zoning Development Code including possible creation of the CID along the Hwy. 80 commercial corridor. The attorney for the petitioners was present and stated his clients agreed to the conditions.

Councilman Jones made a motion to approve the item for consideration with the listed conditions. Councilman West seconded the motion, and it carried without opposition.

**VIII. NEW BUSINESS:**

1. Consider the proposed Text Amendments to the List of Permissible Uses in the Unified Development Code. Prior to the motion there was a question from the public; regarding the proposed change to section 120- Livestock from a Permissible Use to Special Permit Use, Mrs. Sheehan asked what happens to residents who currently have livestock and what is the purpose for the change. Mayor Baxter stated that residents who currently have livestock would not be affected and would be considered “grandfathered”, and Councilman Jones responded that the purpose for the change was to protect the other residents of the city.

Mayor Baxter called for a motion to approve the item for consideration. Councilman West made a motion to approve the item for consideration. Councilman Jones seconded the motion, and it carried without opposition.

2. Consider a Bid Award for the Maple Street Life Station upgrade project. City Administrator provided an overview and recommended approval of awarding the bid to Cartee Construction in the amount of \$462,780.25 contingent upon the City Attorney reviewing the contracts and Bid Bonds.

Mayor Baxter called for a motion to approve the item for consideration contingent upon the City Attorney reviewing the contracts and Bid Bonds. Councilman Grizzard made a motion to approve the item for consideration with the listed contingencies. Councilman West seconded the motion, and it carried without opposition.

3. Consider a Special use Permit for a Vape Shop proposed at 502 East Highway 80 submitted by Dilan Bkakta. Mayor Baxter called for a motion to approve the item for consideration with conditions. Councilman Grizzard made a motion to approve the item for consideration. Councilman Jones asked that the motion be amended to include the condition that no CBD products are to be sold as well as the other listed conditions prior to seconding the motion. Mr. Bkakta asked if he would agree to operate under the same conditions previously placed on Waldos CBD (See Minutes from May 5, 2022); Mr. Bkakta stated he agreed. The City Administrator stated a list of conditions could be provided to the applicant the next business day. After a short discussion the motion for approval with conditions carried without opposition.

*Conditions as listed for Waldos CBD- May 5, 2022: business is for retail business only with no treatments on-site; any and all signage viewable from the parking lot it to be approved by the City Administrator.*

4. Consider a Major Subdivision for four (4) lots submitted by the Estate of Jean B. Prescott. After a discussion with the applicant with concerns of possible zoning conflicts, Mayor Baxter called for a motion to table the item for consideration until the next regular council meeting. Councilman Jones made a motion to table the item for consideration

until the next regular council meeting. Councilman Grizzard seconded the motion, and it carried without opposition.

5. Consider a proposal from EMC Engineering for development of a Master Plan for Town Center Park in the amount of \$9,000.00 (CIP/SPLOST). Mayor Baxter called for a motion to approve the item for consideration. Vice Mayor Key made a motion to approve the item for consideration. Councilman West seconded the motion, and it carried without opposition.
6. Consider a funding request from the Recreation Department for fencing of three (3) fields at Taylor Park in the amount of \$29,316.63 (CIP/SPLOST). Recreation Director, George Foley was present and provided an overview of the request. Mayor Baxter called for a motion to approve the item for consideration. Councilman Jones made a motion to approve the item for consideration. Vice Mayor Key seconded the motion, and it carried without opposition.
7. Consider a Site Plan for Lincoln Property Company located on Bloomingdale Road. The Mayor Baxter called for a motion to approve the item for consideration. Councilman Grizzard made a motion to approve the item for consideration. Councilman Jones seconded the motion, and it carried without opposition.
8. Consider authorization for the Recreation Department to apply for the MLP Youth Development Grant for field lighting at Taylor Park. Mayor Baxter called for a motion to approve the item for consideration. Councilman Jones made a motion to approve the item for consideration. Vice Mayor Key seconded the motion, and it carried without opposition.
9. Consider the purchase of 24 Grinder Pumps in the amount of \$37,200.00 from Wascon Sale and Service (CIP/SPLOST). Mayor Baxter called for a motion to approve the item for consideration. Councilman Kerby made a motion to approve the item for consideration. Councilman Grizzard seconded the motion, and it carried without opposition.
10. Consider a Well Permit submitted on behalf of property owner Pete Peterson for the property known as Little Neck Shell located at 2890 Little Neck Road. Mayor Baxter called for a motion to table the item for consideration until the next regular council meeting. Councilman Kerby made a motion to table the item for consideration until the next regular council meeting. Vice Mayor Key seconded the motion, and it carried without opposition.

**Mayor Baxter reported that this concluded the items presented for consideration for inclusion on the Council agenda prior to the deadline of Wednesday, September 7, 2022.**

**Pay the Bills:** The Accounts Payables were presented to each councilmember prior to the meeting. Mayor Baxter asked for a motion to pay the bills. Vice Mayor Key made a motion to pay the bills. Councilman Grizzard seconded the motion, and it carried without opposition.

**Adjournment:** There being no further business, Mayor Baxter asked for a motion for adjournment. Councilman Kerby made a motion to adjourn. Councilman Jones seconded the motion, and it carried without opposition.

The meeting adjourned at 7:46p.m

The foregoing minutes for September 15, 2022, are true and correct and approved by City Council on this 6th day of October 2022.

Note: Section § 50-14-1 of the Official Code of the State of Georgia Annotated requires that the minutes shall, as a minimum, include a description of each motion or other proposal made, and a record of all votes. These minutes meet the minimum requirements. However, in an attempt to provide as much information as possible to the citizens, the recording clerk has included additional background data and discussion on the subjects presented to council. The statements of individuals are not verbatim and may be summary in nature.

## Proposed Text Amendments –

The City of Bloomington will hold a Public Hearing on the proposed Text Amendments on September 15, 2022 at 7:00PM at the regularly scheduled City Council Meeting.

The City of Bloomington initiates Text Amendments for the “List of Permissible Uses” with the following changes:

58) Container, Trailer, Chassis, Storage Yard, and Repair, Diesel Truck Repair

\*Special Use Permit in I-1, I-2 and PUD

96) Gravel Pit, Dirt Pit, Mining

\*Special Use Permit in I-1 and I-2

101) Heavy Industrial and Heavy Manufacturing

\*Special Use Permit in I-2 and PUD

102) Heavy Truck (trucks weighing over two tons) and Heavy Truck and Trailer sale dealerships and repair service

\*Special Use Permit in I-1, I-2 and PUD

112) Junkyards – Open Storage

\*Special Use Permit in I-2 and PUD

120) Livestock (see Farm Operations)

\*Special Use Permit in RA, RA1, R1 and PUD

123) Manufacturing, Heavy and Heavy Industrial

\*Special Use Permit in I-1 and PUD

125) Manufactured Home Park

\*Special Use Permit in RA-1 and PUD

126) Manufactured Home – on Individual Lots

\*Special Use Permit in RA-1 and PUD

- 131) Metals Salvage Yard  
\* Special Use Permit in I-1, I-2 and PUD
- 147) Open, Outside Storage of Materials, Vehicles, and Other Goods  
\*Special Use Permit in I-2 and PUD
- 155) Prefabricated Structures Sales Lot/Utility Storage Building Sales  
\*Special Use Permit in C1, C2, LI and PUD
- 157) Privately Owned and/or Operated Solid Waste Transfer Stations  
\*Special Use Permit in I-2 and PUD
- 161) Recreational Vehicle Park  
\*Special Use Permit in C2, LI and PUD
- 164) Removal or Extraction of any Natural Material or Deposit  
\*Special Use Permit in I-2
- 166) Repair, Accessory Structure or Service Facility Incidental to the Primary Use  
\*Special Use Permit in I-2 and PUD
- 167) Repairing Trucks, Manufactured Homes, Recreational Vehicles and Trailers  
\*Special Use Permit in I-1, I-2 and PUD
- 176) Rooming Houses, Boarding Houses and Tourist Homes  
\*Special Use Permit in R3, C1 and PUD
- 179) Salvage Yard and Motor Vehicle Salvage Yard  
\*Special Use Permit in I-2
- 182) Septic Tank Sales and Service  
\*Special Use Permit in C1, LI, I-1 and I-2
- 183) Signs, Off-Site Advertisement (Billboards)  
\*Special Use Permit in LI, I-1 and I-2



195) Temporary Day Labor Centers

\*Special Use Permit in C2, LI and PUD

196) Temporary Structures (to be removed) (Concrete Plant)

\*Special Use Permit in I-2

199) Truck Terminal, Trucking Company

\*Special Use Permit in I-1, I-2 and PUD

200) Truckstop

\*Special Use Permit in LI, I-1, I-2 and PUD

205) Wholesaling and Warehousing of Chemicals

\*Special Use Permit in I-1, I-2 and PUD

**52-703. - Permitted Uses For All Zoning Districts.**

Except for use provisions as specified by Article 5 and other sections pertaining to infrastructure criteria, location criteria and/or overlay regulations, Table 52-703 establishes permitted, conditional, and special uses for all zoning districts. See Article 5 regarding interpretations of uses.

**52-703. LIST OF PERMISSIBLE AND CONDITIONAL USES**

On the following table, an open circle "O" means that the use will be permitted in that district only if a conditional use permit is granted by city council. An "S" means that the use will only be permitted in that district if city council approves the use as a special use in that district. An "X" means that the use is permitted in the zone district subject to the general provisions of the zoning ordinance. For uses not included on this list, where the Zoning Administrator is unable to determine placement, application shall be made to the Mayor and City Council for interpretation.

	PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES	R-A	R-A1	I-1	R-1	R-2	R-3	OC	C-1	C-2	LI	I-1	I-2	PUD
(1)	Accessory Structures, Agricultural - See Accessory Uses	X	X											
(2)	Accessory dwelling unit - See Accessory Uses	S	O		O									S
(3)	Accessory Uses and structures as provided in Section 504	S	S		S	S								S
(4)	Adult bookstore, movie rental, movie theater												S	S
	Adult day care center						O		O	O				S
(5)	Adult entertainment facilities where adult entertainment is sponsored, allowed, encouraged, condoned, presented, sold or offered to members of the public over 18 years of age (Sec 52-722)												S*	S
(6)	Advertising display, Associated manufacturing and sales								S	S	S	S	X	O
(7)	Aeronautical related uses											S	X	O
	Agricultural produce stands	X	X						X	X	S	S		O
(8)	Agricultural, general	X	X						O	O	O			O
(9)	Agricultural, special	X	X		O	S								O
(10)	Airport related accessory uses								S	S	S	O	X	O
(11)	Ambulance service	S	S	S	S	S	S	S	S	X	X	X	X	O
(12)	Amusement or recreational activity carried on wholly within a building		S						X	X	X	X		O
(13)	Amusement Park									O	O	O		O
(14)	Animal hospital, veterinary clinic or animal boarding place	S	O						S	S	X	X	X	O
(15)	Animal hospital, veterinary clinic or animal boarding place (small animals/ short term)	S	O		S				X	X	X	X	X	O
(16)	Antique shops								X	X	O			O
(17)	Art shows, carnival rides, festivals, parades and special	S	S						X	X	O	O		

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RA<sup>K</sup> A1 I R1 R2 R3 U C1 C2 LI I1 I2 PUD

	events of community interest																	
(18)	Assisted living, retirement center, and nursing home			S			X		S	S	S							O
(19)	Athletic field	O	O	S	S		O		S	S	O	O	O	O				
(20)	Automobile repair								O	X	X	X	X	O				
(21)	Automobile service station, including automobile washeteria/convenient store	S	S			S	O		O	X	X	X	X	O				
(22)	Automotive Tire Dealers								O	X	X	X	X	O				
(23)	Bakery	S	S						S	S	X	X	X	O				
(24)	Banks and offices, including credit unions						O	O	X	X	X	X	X	O				
(25)	Barbershop, beauty parlor	S	S			S	S		X	X	O			O				
(26)	Bed & Breakfast	S	S		S		X		X	X				O				
(27)	Bicycle and moped sales and service								X	X	X			O				
(28)	Boarding home, group home, and personal care home having 5 or less persons	S	S		S		X		O					O				
(29)	Boarding home, group home, and personal care home having 6 or more persons						X		O					O				
(30)	Bowling alley								O	X	X			O				
(31)	Brewery and Distilleries	S	S						O	X	X	X	X	O				
(32)	Broadcasting studio (radio, TV)								X	X	X	X	X	O				
(33)	Building, facility, or land for the distribution of utility services	S	S		S				S	S	O	X	X	O				
(34)	Building facility or land for non-commercial park or non-industrial recreation; Thoroughfares; Open space, or Public body of water and similar purposes	S	S	S										O	O	O	O	
(35)	Building, Facility, Land for Parking							S	S	S	O	X	X	O				
(36)	Building, heating, plumbing or electrical contractors and related construction contractors								S	S	O	X	X	O				
(37)	Building, heating, plumbing, electrical and related supplies and materials									S	O	X	X	O				
(38)	Café, restaurant, supper club								X	X	X	O		O				
	Motor vehicle wash								O	O	X	X	X	O				
(39)	Carnivals	S	S						S	O	O	O						
(40)	Cemeteries and Crematorium	S	S	S					S	S	X	X						
(41)	Central Trash Collection Dumpsters	S											X	X				
(42)	Child care center	S	S		S		X		X	O				O				
(43)	Churches and other places of worship	O	O	S	O	O	X		X	X				O				
(44)	Clinics, medical and dental			S					X	X	O			O				
(45)	Clothing stores and dry goods								X	X				O				
(46)	Clubs or lodges	S	S	S	S		S		X	X	O			O				
(47)	Cocktail lounges, nightclubs and taverns								S	X	X	S	S	O				

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		RA	RA1	I	A	R2	R3	OC	C1	C2	I1	I2	AUO
(48)	Coin-operated games or devices								O	X	O		O
(49)	Community center	S	S	S	O	O	O		X	X			O
(50)	Commercial Kennel	S	S						S	X	X	O	
(51)	Commercial recreation, Indoor								X	X	X		O
(52)	Commercial recreation, Outdoor	S	S						O	X	X		O
(53)	Commercial Trade or Vocational school			S					O	X	X	O	O
(54)	Community Garden	O	O		S				O				
(55)	Condominium development created in accordance with the Georgia Condominium Act				S	S	X						O
(56)	Consumer Fireworks Retail Sales Facility or Store								O	X	X		
(57)	Consumer Fireworks Retail Sales Stand								O	O	O		
(58)	Container, trailer, chassis, storage yard & repair, Diesel truck repair										S	X	X
(59)	Convenience Store with gasoline and diesel fuel	S	S		S	S	S		O	O	X	X	X
(60)	Convenience Store without gasoline or diesel fuel	S	S		S	S	S		X	X	X	X	X
(61)	Costumes and theatrical props rental businesses								X	X	X		O
(62)	Cultural facilities, including art galleries, legitimate theater, libraries and similar facilities			S			O		X	X	O		O
(63)	Day nurseries and kindergartens	S	S		S		X		X	O			O
(64)	Department store								X	X			O
(65)	Dog/Animal Grooming	S	S						O	X	O		
(66)	Drive-in restaurants								X	X	O		O
(67)	Driving range, golf course	S	S		S		O		O	O	O	O	O
(68)	Drugstores						O		X	X			O
(69)	Dry cleaning plants									S	X	X	X
(70)	Dwelling, Single-Family Low Density	X	X		X	X	X		S				O
(71)	Dwelling, Single-Family Medium Density					X	X		S				O
(72)	Dwelling, two-family	S	S		S	S	X		S				O
(73)	Dwelling (multifamily) group, senior housing	O	O				X			O			O
(74)	Electrical repair and similar activities								O	X	X	X	X
(75)	Enclosed commercial storage								S	S	O	X	X
(76)	Extended Stay Hotel/Motel						O		X	X	O		O
(77)	Fair/Rodeo	S	S						O	O	X	O	O
(78)	Family personal care homes	S	S		S	S	O		X				O
(79)	Farm vehicles and implement sales and similar activities	S	S						S	O	X	X	X
(80)	Farm Operations	X	X		S								
(81)	Farmers' market	S	S						X	X	O		O

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		RA	RA1	I	R1	R2	R3	OC	C1	C2	LE	J1	J2	J3
(82)	Farm stand	X	O						X	X	O			
(83)	Fast food restaurants								X	X	O			O
(84)	Feed, Seed and Fertilizer Sales	S	S							S	X	X	X	
(85)	Flea market		S						O	O	O			O
(86)	Florist, Flower Shop								X	X	O			O
(87)	Food stores, meat markets, bakery products, dairy products, produce and confectionery shops and stores of a similar nature	S	S						X	X				O
(88)	Funeral parlor								O	X				O
(89)	Gas, bottle, storage and distribution *PROPANE	S								S	O	X	X	O
(90)	Gasoline, bulk storage tank											S	X	O
(91)	Gasoline, service station	S	S		S	S	O		X	X	X	X	X	O
(92)	Glass sales and installation								O	X	X			O
(93)	Go-Kart, motorbike track, ATV Sales and repair								O	X	X			O
(94)	Golf course	S	S		S	S	O		O	O	O	O	O	O
(95)	Government uses	O	O	X	O	O	O	O	O	O	O	O	O	O
(96)	Gravel pit, Dirt pit, Mining	S	S									O	X	S
(97)	Greenhouse and plant nursery	X	O						X	X	X	X	X	
(98)	Grocery store (under 12,000 sf)	S	S		S	S	O		X	X	O			O
(99)	Grocery stores or other retail establishments over 12,000 sf								X	X	O			O
(100)	Health Club						O		X	X				
(101)	Heavy industrial and heavy manufacturing												O	O S
(102)	Heavy truck (trucks weighing over two tons) and heavy truck & trailer sale dealerships and repair service										O	X	X	O S
(103)	Home Occupation as provided in Section 503	S	S		S	S	S							
(104)	Furniture and hardware sales	S	S						X	X	O			O
(105)	Homes for the aged or children	S	S				O		O	O				O
(106)	Hospital and clinics						O		X	X	X			O
(107)	Hospital related out-patient services (Ambulatory and Diagnostic Clinics)						O		X	X	X			
(108)	Hotel and motel	S	S				O		X	X	X			O
(109)	Ice (Sales or Manufacturing)	S	S						S	S	O	X	X	O
(110)	Indoor pistol range	S	S						S	S	O	O	O	O
(111)	Interior decorating business and sales								X	X				O
(112)	Junkyard - Open storage												O	O S
(113)	Keeping of Bees	O	O		S				S	O	X			O
(114)	Keeping of Chickens	X	X		S	S								
(115)	Laboratories, Medical and Dental								O	O	X	X	X	O

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AM S- I P-1 R2 R3 C-1 C2 C3 C4 C5 C6 C7 C8 C9 C10 P4

(116)	Landfill (permit required by DNR)																		S	
(117)	Laundromat				S	S	O		X	X										O
(118)	Light machine shop											O	X	X						O
(119)	Live/Work, Efficiency or Loft apartment over ground floor level (Vertical Mixed Use)						O		O	O										O
(120)	Livestock. See Farm Operations	X	X		O															O
(121)	Locksmith shop								X	X	O									O
(122)	Machine shop, heavy											S	X	X						O
(123)	Manufacturing, heavy & heavy industrial																	S		O
(124)	Manufacturing, light & light industrial	S	S									X	X	X						O
(125)	Manufactured home park			O																O
(126)	Manufactured home - on individual lots			O																O
(127)	Mass Transit Station Bus or Train								S	O	O									
(128)	Massage parlors								S	S					O	O				
(129)	Massage Therapist						S		O	O										
(130)	Medical, dental or optical laboratories						S		S	O	X	X	X							O
(131)	Metals salvage yard												S	O	O					
(132)	Miniature golf course, trampoline or similar activity		S						O	X										O
(133)	Motels and tourist centers								X	X	X									O
(134)	Motor Vehicle Parts (Used) Merchant Wholesalers									S	O	X	X							O
(135)	Motor Vehicle Towing and storage of no more than 50 vehicles on property									S	O	X	X							O
(136)	Motorcycle and motor scooter sales and service								X	X	O									O
(137)	Multifamily dwelling		S				X		S											O
(138)	Museum, historical display	S	S	O	S	S	O		X	X	O									O
(139)	Neighborhood recreation center				S	S	X		X	X										O
(140)	New automobile, light truck (pickup truck weighing two tons or less) dealership, and boat dealerships								X	X	O									O
(141)	Newspaper publishing, printing and letter shops								S	O	X	X	X							O
(142)	Office space for governmental, business, professional: including but not limited to construction contractors, general contractors, heavy equipment contractors, special trade contractors, engineers, architects and land surveyors				S			X	O	O										O
(143)	Office, professional							X	O	O										O
(144)	Office, temporary for on-site construction functions	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
(145)	One-family dwelling	X	X		X		X		O	O										O
(146)	On-premises catering						X		X	X										O

S  
S  
S  
S

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		RA	RA1	I	R1	R2	R3	OC	C1	C2	IF	J1	J2	PUP	
(147)	Open, Outside Storage of Materials, Vehicles, and Other Goods	S	S							S	S	S	O	O	S
(148)	Outdoor recreation entertainment facilities	S	S						S	X	O			O	
(149)	Pawnshop or pawnbroker								O	O				O	
(150)	Personal service shops – Hair & Nail						X		X	X				O	
(151)	Pest control								X	X	O			O	
(152)	Pharmacy						X		X	X					
(153)	Photography/Video development and studio								X	X	O			O	
(154)	Places of Worship	S	S		S	S	S		X	X				O	
(155)	Prefabricated structures sales lot/utility storage building sales								O	X	O			O	
(156)	Private or Public Club, Lodge, Social Center or Meeting Room	S	S	S			S		X	X	O			O	
(157)	Privately owned and/or operated solid waste transfer stations													O	O
(158)	Production of nude adult films and photography													S	
(159)	Publicly owned building, facility, land	O	O	O	O	O	O	O	O	O	O	O	O	O	O
(160)	Radio and/or television and/or transmission tower	S	S								O	O	X		
(161)	Recreational vehicle park	S	S						S	O	O			O	
(162)	Recreational vehicle sales								S	X	O			O	
(163)	Recycling collection center										S	O	X	O	
(164)	Removal or extraction of any natural material or deposit	S	S											O	
(165)	Rental of tools, rental of equipment, tool sales, equipment sales and businesses of a similar nature								S	O	O	X	X	O	
(166)	Repair, accessory structure or service facility incidental to the primary use								S	S	S	S	X	O	
(167)	Repairing trucks, manufactured homes, recreational vehicles, and trailers										S	X	X	O	
(168)	Residential manufactured home sales								S	S	O	X	X	O	
(169)	Restaurants with or without curbside service						O		X	X	X			O	
(170)	Retail automobile parts and tire stores								S	O	X	X	X	O	
(171)	Retail general commercial								O	X	X			O	
(172)	Retail Business, Heavy Equipment								S	S	O	X	X	O	
(173)	Retail Tobacco, vape, cigar Stores								S	O	X			O	
(174)	Retail or wholesale sale of liquor, malt beverages and wine								O	X	O			O	
(175)	Riding Stables	O	O		S					S	O				
(176)	Rooming houses, boardinghouses and tourist homes	S	S		S	S	X		O					O	
(177)	Sale and display of monuments and stones								O	X	X			O	

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(178)	Sale of fishing and boating supplies									X	X	X						O
(179)	Salvage yard and motor vehicle salvage yard													S	O			S
(180)	School, public/private	S	S	O	S	S	X			O	O							O
(181)	Self-storage mini warehouse		S							S	O	X	X					O
(182)	Septic tank sales and service	S	S								O	X	X	X				S
(183)	Signs, off-site advertisement (billboards)	S	S								S	O	O	O				S
(184)	Signs, on-site advertisement for business located at site.	X	X	X	S	S	X	X	X	X	X	X	X	X	X	X		O
(185)	Solar Power Field Supply	S	S									X	X	X				
(186)	Specialty shops						S			X	X	O						O
(187)	Storage yards	S	S									S	S	O				
(188)	Studio—Art, music, dance, or other						O			O	O							O
(189)	Swimming pool, private	X	X		X	X	X			X	X	O						O
(190)	Swimming pool, public	S	S				O			O	X	O						O
(191)	Tattoo parlors											S		X				
(192)	Taxidermist	S	S							O	X							O
(193)	Teaching of music, voice, dance and gymnastics	S	S		S	S	O			X	X	O						O
(194)	Telephone, cable, fiber optic substation	O	O		O	O	X			X	X	X	X	X	X			O
(195)	Temporary day labor centers									S	O	X						O
(196)	Temporary Structures (to be removed) (Concrete Plant)																O	
(197)	Movie Theatre, Live Theatre						S			O	X	X						O
(198)	Tire recapping, regrooving											O	X	X	O			S
(199)	Truck terminal, Trucking Company												X	X	O			S
(200)	Truckstop											O	X	X	O			S
(201)	Tire recycle, grinding facility												S	X				
(202)	Used car sales lots (limit of 50 vehicles on standard commercial lot 15,000'sq.ft.)									X	X	X						O
(203)	Used motor vehicle storage or shipping facility														S			
(204)	Welding shop										S	O	X	X	O			
(205)	Wholesaling and warehousing of chemicals											S	O	O	O			S





**CITY COUNCIL**  
**Regular Council Meeting - Minutes**  
**August 15, 2024- 7:00 p.m.**

**In Attendance:**

**City Council Members:** Mayor Dennis G. Baxter; Vice Mayor Glenda Key; Councilman Terry W. Jones; Councilman Juan Arias; Councilman Rodney C. West; Councilman David Otakie; and Councilman Jimmy Kerby.

**Staff Members:** City Administrator Charles Akridge; City Attorney Raymond Dickey; City Clerk Jennifer Scholl; Police Chief Jeffcoat.

- I. **Call to Order:** The meeting was called to order by Mayor Baxter at 7:00 p.m.
- II. **Invocation/ Pledge of Allegiance:** Mayor Baxter gave the Invocation and led the Pledge of Allegiance.
- III. **Approval of Minutes:** Mayor Baxter called for a motion to approve the Minutes of the July 18, 2024, Regular Council Meeting and the July 18, 2024, Planning and Licensing Committee Meeting.  
  
Councilmember Otakie made a motion to approve the July 18, 2024, Regular Council Meeting and the July 18, 2024, Planning and Licensing Committee Meeting. Councilman Jones seconded the motion, and it carried without opposition.  
Yea: 6 | Nay: 0
- IV. **Approval of Agenda:** Mayor Baxter called for a motion to approve the August 15, 2024, Regular Council Meeting.  
  
Vice Mayor Key made a motion to approve the August 15, 2024, Regular Council Meeting. Councilman Kerby seconded the motion, and it carried without opposition.  
Yea: 6 | Nay: 0
- IV. **Administrative and Committee Reports:** Police Chief Jeffcoat recognized Lieutenant Michael Amos and Sergeant Kevin McKoon for their ten years of service with the City of Bloomingdale Police Department, and he presented them with a plaque. Vice Mayor Key reminded everyone of the upcoming senior luncheon.
- V. **New Business:**
  1. **Consider a Final Site Plan for Parkers at 2905 Little Neck Road.** [*Approved*] City Administrator provided an overview and asked if Tiffany Jackson with Parkers understood that Development Agreement requirements which includes the intersection improvements at John Carter Road and Little Neck (deceleration lane, turn lane, and milling of the intersection up to the entrance.) Staff recommends approval contingent upon the engineer's comments being addressed.

Mayor Baxter called for a motion to for the item for consideration. Councilman Otakie made a motion to approve the item for consideration contingent upon the engineer's recommendations and comments. Councilman Jones seconded the motion, and it carried without opposition.

Yea: 6 | Nay: 0

2. **First Reading (Waive Second Reading): Consider a proposed Text Amendments to the Unified Development Code. [Approved]**

Mayor Baxter called for a motion to for the item for consideration. Councilman Jones made a motion to waive the second reading and approve the item for consideration. Councilman West

seconded the motion, and it carried without opposition.

Yea: 6 | Nay: 0

3. **Consider a Well Permit for 35 Morgan Road submitted by John Heddleson/Charles Smith. [Approved]**

Mayor Baxter called for a motion to for the item for. Vice Mayor Key made a motion to approve the item for consideration. Councilman Kerby seconded the motion, and it carried without opposition.

Yea: 6 | Nay: 0

4. **Consider the purchase of a Supervisory Control and Data Acquisition (SCADA) system for the Water/Sewer Department from Wascon, Inc. in the amount of \$15,700.00. [Approved]**

Mayor Baxter called for a motion to for the item for consideration. Councilman Otakie made a motion to approve the item for consideration. Vice Mayor Key seconded the motion, and it carried without opposition.

Yea: 6 | Nay: 0

5. **Consider the purchase of a generator for the City Hall building from with installation not to exceed \$15,000.00. [Approved]**

Mayor Baxter called for a motion to for the item for consideration. Councilman West made a motion to approve the item for consideration. Councilman Kerby seconded the motion, and it carried without opposition.

Yea: 6 | Nay: 0

*Note: Section § 50-14-1 of the Official Code of the State of Georgia Annotated requires that the minutes shall, as a minimum, include a description of each motion or other proposal made, and a record of all votes. These minutes meet the minimum requirements. However, in an attempt to provide as much information as possible to the citizens, the recording clerk has included additional background data and discussion on the subjects presented to the council. The statements of individuals are not verbatim and may be summary in nature.*

**Mayor Baxter reported that this concluded the items presented for consideration for inclusion on the Council agenda prior to the deadline of Wednesday, August 7, 2024.**

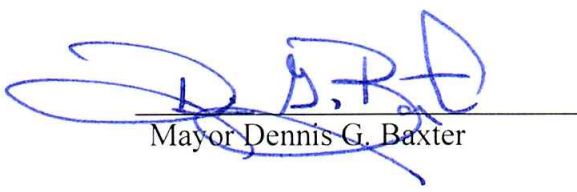
- VI. Pay the Bills:** The Accounts Payables were presented to each councilmember prior to the meeting. Mayor Baxter called for a motion to pay the bills. Vice Mayor Key made a motion to pay the bills. Councilmen Otakie seconded the motion, and it carried without opposition.  
Yea: 6 | Nay: 0
- VII. Adjournment:** There being no further business, Mayor Baxter called for a motion to adjourn the meeting. Councilman Kerby made a motion to adjourn the meeting. Vice Mayor Key seconded the motion, and the meeting adjourned at 7:11 p.m.  
Yea: 6 | Nay: 0

*Transcribed by: Clerk of Council*

*Submitted by: City Administrator*

*Accepted & Approved by City Council on August 15, 2024*

The foregoing minutes of August 15, 2024, are true and correct and approved by the City Council on this 19<sup>th</sup> of September 2024.

  
\_\_\_\_\_  
Mayor Dennis G. Baxter

ATTEST:

  
\_\_\_\_\_  
Jennifer Scholl, Clerk of Council

*Note: Section § 50-14-1 of the Official Code of the State of Georgia Annotated requires that the minutes shall, as a minimum, include a description of each motion or other proposal made, and a record of all votes. These minutes meet the minimum requirements. However, in an attempt to provide as much information as possible to the citizens, the recording clerk has included additional background data and discussion on the subjects presented to the council. The statements of individuals are not verbatim and may be summary in nature.*



**The following proposed Text Amendments to the Unified Development Code:**

1. Shipping containers not allowed in all Residential Zoning Districts.
  - **To be inserted as a sentence in the following sections: 52-708B; 52-709B; 52-710B; 52-712C**
2. Lot size for R-1 reduced to 15,000 square feet.
  - **To be inserted in 72-708C**
3. Enclosed storage in all Commercial Zoning Districts.
  - **Insert sentence in 52-713E; 52-715E; 52-716E that states ‘outdoor storage is not allowed unless within an enclosed building, an enclosed privacy fence or screened decorative planting.’**
4. Lot size requirements shall not be required of lots originally laid out in the original map of Bloomingdale Pierce tract. Map located at City Hall.
  - **Sentence inserted in all residential zoning districts in physical requirements that states (see #4). Included are 52-705D; 52-707D; 52-708C; 52-709C; 52-710D**
5. One principal building per lot in Residential Zoning districts (52-501B)
  - **Add language in 52-501B ‘for residential uses’**
6. Certain specifications for fence materials.
  - **General Standards – Residential**
  - **Delete all of section G in its entirety and replace with ‘fences shall be constructed of Cypress, Cedar, or pressure treated Pine. Shall be constructed of 1 inch by 4-inch panels. If a wooden fence has only one finished face the finished side shall face the exterior property line.**

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**CHAPTER 52 – PLANNING, ZONING, AND DEVELOPMENT****ARTICLE 1. - INTRODUCTION AND AUTHORITY****52-101 A. - Title.**

This ordinance shall be known and cited as "The City of Bloomingdale Unified Development Code."

**52-101 B. - Purpose and scope.**

These regulations seek to encourage development of land within the City of Bloomingdale in accordance with the policies and goals of the City of Bloomingdale Comprehensive Plan. Providing reasonable land uses and development controls helps reduce or eliminate the occurrence of conditions that may threaten the general health, safety, order, prosperity, and general welfare of the residents of the City of Bloomingdale. This ordinance shall serve the following purposes:

1. Promote proper use and location, height, bulk, number of stories and size of buildings and other structures; sizes of yards and other open spaces; density and distribution of population; use of buildings, structures and land for commercial trade, professional offices, industry, residential, recreational, sanitation, conservation, transportation and public activities and the percentage of land which may be occupied by structures;
2. Mitigate congestion, prevent overcrowding of land; to avoid undue concentration of population; to prevent urban sprawl; to facilitate the adequate provision of transportation, water, drainage, sanitary sewer, parks and other public infrastructure; To assure the provision of required streets, utilities, and other facilities and services to new land developments;
3. To promote desirable living conditions and the sustained stability and integrity of existing neighborhoods;
4. To foster city economic development; protect property against blight and depreciation; to conserve the value of existing buildings; to encourage the most appropriate use of land, buildings and structures throughout the City of Bloomingdale.
5. To adequately provide for designs that protect the natural environment and retain the character of the City of Bloomingdale by supporting a landscape and tree protection plan, recreation plan, green space and a higher level of order, prosperity and aesthetics;
6. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for environmental, recreational, and other public purposes;
7. To secure economy in governmental expenditures.
8. To encourage the orderly subdivision of land and maintain clear city land records and that certain basic requirements are met for development of building lots, and to provide for the construction of required public improvements. The recordation of an approved subdivision plan permits the landowner to affect a simple transfer of land created by the subdivision by reference to the recorded plan.
9. The purpose for the review and approval of site development plans is to provide enforcement of the requirements of the zoning ordinance, state laws, and other regulations are met, and that public improvements, lawfully required by these laws and ordinances or proposed by the applicant, are constructed to appropriate standards. The city may prescribe appropriate conditions and safeguards to further express the intent of this ordinance.

10. The city shall consider the expeditious, fair and quality review and approval of site plans and subdivision plans and plans as part of the plan for the orderly, efficient, and economical growth and development of the city.
11. Land to be developed shall be of such a character that it can be used for building purposes without danger to health, peril from fire or flood, and to improve the health, safety, convenience, and general welfare.
12. The proposed streets and overall traffic pattern shall provide a convenient and safe system conforming to the comprehensive plan and shall be of such width, grade, and location so they accommodate the prospective vehicular, non-vehicular and pedestrian traffic and to facilitate fire protection and emergency services.

**52-101 C. - Additional purposes.**

The City of Bloomingdale Unified Development Code further provides for the following:

1. Defines certain terms used in this ordinance;
2. Establishes certain land use zoning districts, the intent of each zoning district, and specifies the boundaries of those districts on the official zoning map;
3. Establishes procedures for administering, enforcing, appealing and amending the ordinance;
4. Regulates site design and use of buildings and structures located within the corporate limits of the City of Bloomingdale;
5. Provides penalties for violation of this ordinance;
6. Defines the power and duties, as they relate to this ordinance, of the Mayor and City Council, as well as such administrative officers, bodies and agencies that the Mayor and City Council may establish for the efficient exercise of the zoning powers of the City of Bloomingdale including but not limited to the Zoning Administrator and the Planning and Zoning Board.
7. Repeals all conflicting ordinances, rules and regulations enacted by the City of Bloomingdale, Georgia.

**52-101 D. - Authority.**

Authority for establishment of development regulations in the City of Bloomingdale is contained in Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia; the Georgia Planning Act, as amended; and in the Zoning Procedures Law, as amended, which includes within its definition of "zoning ordinance" any ordinance which establishes the uses and development standards of property. The public health, safety, morals and general welfare require the harmonious, orderly, and progressive development of land within the cities and counties of the state. In furtherance of this purpose, the Unified Development Code is authorized to carry out the orderly development of communities.

This Unified Development Code is the instrument through which the Mayor and City Council, Planning and Zoning Board, and staff are empowered to carry out future development in the City of Bloomingdale.

**52-101 E. - Interpretation and application.**

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. These regulations shall not be deemed to interfere with, abolish, override or affect in any manner whatsoever any deeds, easements, covenants or other agreements between parties respecting interest in real property, entered

prior to the effective date of this ordinance. Whenever the provisions of these regulations impose greater restrictions upon the use of land, buildings or structures or upon the height of buildings, structures or require a larger percentage of lot to be left unoccupied than the provisions of any deeds, easements, covenants or other agreements between parties respecting interest in real property, entered on or after the effective date of this ordinance, the provisions of this ordinance shall govern.

**52-101 F. - Zoning affects all land and buildings.**

No building, structure or land shall be used or occupied; and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, placed, enlarged or structurally altered unless in conformity with the regulations of this ordinance.

**52-101 G. - Severability and conflicts.**

1. These regulations shall have the force and effect of law. In the event any part or provision of this ordinance is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this ordinance, which shall remain effective.
2. Any previously adopted rules and regulations pertaining to developments that are in conflict with these regulations are hereby made null and void.
3. Whenever the provisions of this ordinance and those of some other ordinance apply to the same subject matter, the ordinance last enacted in time shall govern, and the earlier ordinance shall be deemed repealed by preemption.

**52-101 H. - Effective date.**

This ordinance shall become effective upon its adoption on the final reading; provided, however, this ordinance shall apply only to development and zoning applications filed after its effective date. All pending applications shall continue to be processed under the regulations in effect on the date such application, in complete form and with all requisite fees paid, was accepted.

**52-101 I. - Amendments.**

Whenever the Mayor and City Council amends this ordinance, such amendments shall have no effect on previously accepted applications in the development process; provided, however, an applicant may elect to have an on-going development project comply with the newly amended standards.

**52-101 J. - Jurisdiction.**

These regulations shall govern all developments of land within the incorporated areas of the City of Bloomingdale, Georgia as now or hereafter established, and shall govern all undeveloped properties and projects.

**52-101 K. - Violations and penalties.**

Any person, firm, corporation or any agent, servant, employee, officer or contractor for any person, firm or corporation who shall violate any provision, requirement, term or condition of this ordinance shall be cited for trial before the municipal court, and if found guilty, may be punished by a fine not to exceed \$500.00 per day, and each day of such violation shall constitute a separate offense.

1. The City Administrator, the Zoning Administrator, or their designated representative are hereby authorized and directed to issue "Stop Work" orders in writing on any project when the person or persons responsible therefore shall fail or refuse to comply with any ordinance or regulation, including these standards, pertaining to any matter contained herein or in any ordinance or resolution relating to zoning or land development. Such "Stop Work" orders may be lifted at

such time as the city is satisfied that a good faith effort to comply is being made. A written order is not required from the responsible department director where an emergency exists.

2. Whenever either the City Administrator, Zoning Administrator, or their designated representative finds that any existing grading, drainage or other condition involving the application of these regulations constitutes or creates a public hazard and/or emergency condition, the owner of the property on which such condition is identified shall, upon receipt of notice in writing from the appropriate director, perform or cause to be performed such remedial work, repairs, or maintenance, as the director deems necessary to abate the hazard. Any such work shall be done in conformance with the requirements of this ordinance, and any orders issued by the director in question. Failure to comply with an emergency order hereunder shall constitute a violation of this ordinance.
3. Any person who violates any provision of this ordinance and any rules and regulations adopted pursuant thereto, or any permit, condition or limitation established pursuant to these regulations, or who negligently or intentionally fails or refuses to comply with any order of the city issued under authority hereof shall be liable for a civil penalty not to exceed \$500.00 per day. Each day during which the violation or failure or refusal to comply continues shall be a separate violation.

**52-101 L. - Limits to director's authority: Variances.**

The minimum development standards set forth in this ordinance are intended to control all development within the city and be strictly adhered to. City staff has no authority to waive any requirement or to grant variances, except under special circumstances for zoning criteria related to infill development. When compliance with a particular requirement contained in this ordinance unduly burdens the applicant, or is reasonably likely to create harm to an adjacent property, applicant may seek a variance, as provided by Article 4, Procedures.

**52-101 M. - Platting authority.**

From and after the effective date of this ordinance, the Mayor and Council shall be the official subdivision platting authority, and no plan of a land subdivision as defined in these regulations shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Chatham County unless it shall have the approval of the Zoning Administrator inscribed thereon. The transfer, sale, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a plan of subdivision not bearing the approval of the City of Bloomingdale as provided by this ordinance, or based on a legal description by metes, bounds, courses and distances in an instrument of title, shall not bind the city to recognize the real property so transferred or conveyed as a lot of record for purposes of future development. All requirements of the Bloomingdale Unified Development Code and compliance with all other Bloomingdale ordinances must be completed before a subdivision plat shall be approved. Further, all required development (installation of utilities- water, sewer, electric, telephone, etc....; paving of streets; drainage/storm water management; buffers/berms; sidewalks; etc....) of the property to be subdivided must be completed before approval of any subdivision plat.

**52-101 N. - Erection of buildings and the moving of permanent or temporary structures.**

No building permit shall be issued, and no building or structure shall be constructed, erected, placed, nor shall any permit be issued for permanent or temporary structures to be placed on any lot in the city unless the street, lane, easement, or ROW giving access thereto has been approved. The street, lane, easement, or ROW giving access thereto must be at least sixty (60) foot wide unless City Council agrees to a different width. This shall include all mobile and temporary buildings and structures to be utilized as offices and businesses. Further, there shall be only be one building or structure (constructed, erected, placed), whether permanent or temporary, per parcel, lot, or piece of property unless City Council agrees to allow more than one building or structure per parcel, lot, or piece of property.

## ARTICLE 2. - INTERPRETATIONS AND DEFINITIONS

### 52-201. - Interpretation of Certain Terms and Words.

When used in this ordinance, the following words and phrases have the meaning as defined in this article. Words not defined here have the same meaning as found in most dictionaries, where consistent with the context.

- The words "must" "will" and "shall" are mandatory in nature, indicating that an action has to be done.
- The word "may" is permissive and allows discretion regarding an action.
- When consistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.
- The word "district" shall mean "Zoning District" for the purposes of this ordinance.
- The word "map" or "zoning map" shall mean the last Official Zoning Map of the City of Bloomington that was approved by Mayor and Council for the purposes of this ordinance.
- The word "person" includes a firm, company, partnership, association, public or private authority or corporation.
- The word "building" includes the term "structure" (all buildings are structures, but not all structures are buildings).
- The word "lot" includes the words "lot", "plot" or "parcel".
- The word "used" or "occupied" as applied to any land or building shall be considered to also include "designated, arranged, occupied, intended or designed to be used or occupied."

### 52-202. - Definitions.

For the purposes of this chapter, certain terms or words used herein shall be defined as follows:

#### A

**AASHTO:** The American Association of State Highway and Transportation Officials.

**Abutting:** Having property boundaries or lot lines in common with no separating by a street, alley or other right-of-way.

**Accessory dwelling unit:** A dwelling unit, but not a mobile home, located on the same lot as a one-family detached dwelling unit, usually in the form of a garage apartment, basement apartment, or in-law suite. Each unit has a separate, complete housekeeping unit with a separate entrance, and full bathroom facilities.

**Accessory:** A structure customarily incidental and subordinate to the principal use or structure and located on the same zoning lots as such a principal use or structure. The combined square footage of all accessory structures shall not exceed 50 percent of the square footage of a residential dwelling or 25 percent square footage of a commercial structure nor shall an accessory structure exceed the height of the principal dwelling structure unless city council agrees to a different percent of square footage and different height based on a case by case bases.

**Acre:** For the purpose of this ordinance, a measure of land consisting of 43,560 square feet.

**Acre-foot:** Quantity of water that would cover one acre, one foot deep. An acre-foot contains 43,560 cubic feet.

***Acreage:*** Acres collectively in a tract of land.

***Acreage, gross:*** The collective number of acres in an undeveloped, unimproved tract of land.

***Acreage, net:*** The collective number of acres in a tract of land less the amount of area improved by streets, sidewalks, Stormwater management areas, floodplain, wetlands, required open or common space, greenspace and other public lands.

***Adequate channel:*** A natural or man-made channel or pipe that is capable of conveying the runoff from the applicable storm design without overtopping its banks or eroding, after development of the site in question.

***Adjacent/adjoining:*** Abutting or being directly across a street, alley, other rights-of-way or waterways.

***Administrator, zoning:*** The person designated by the City of Bloomingdale Mayor and Council to administer the enforcement of this ordinance.

***Adult daycare:*** A facility that provides support for elderly individuals (and their families, if present), who do not function fully independently, but who do not need 24-hour nursing care.

***Adult entertainment establishments:*** Any commercial establishment which has as its primary purpose or business the offer for sale of any book, publication or film-video which depicts nudity or sexual conduct or engages in services such as bath houses, massage parlors, nude dancing/strip clubs, wrestling parlors or like activity including a nightclub, cabaret, lounge or other establishment which features adult entertainment. This shall also include businesses that engage in the production of pornographic materials and/or movies.

***Aeronautical related use:*** A use that involves the operation, storage and/or repair of aviation related parts, products or services; such as, but not limited to, sale of fuel and oil, tie downs, hangars, ramp services, aircraft and avionics repair, aircraft sales, etc.

***Agriculture:*** The raising of soil crops and livestock in a customary manner on tracts of land at least three acres in size and shall include all associated activities. Retail sale of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customer's vehicles shall be provided off public right-of-way.

***Airport related accessory uses:*** A use that is clearly incidental to the operation of the facility as an airport, is normally conducted in an airport terminal building, is designed to provide airplane passengers and crews with products and services and is directly related to the ability of the facility to operate as an airport; such as, but not limited to, snack bar, delicatessen, automobile rental agency, newsstand, sundry sales, etc.

***Alley:*** A minor street which is used primarily as a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation. A public or private way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.

***Alteration:*** Any change in the supporting members of a building; any addition to or reduction of a building; any change in use; or any relocation of a building.

***Ambulance service or rescue squad:*** A privately owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

***Amenity:*** Aesthetic or other characteristics of a development that increase the desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities, site design, neighborhood clubhouse, pool, or tennis courts.

***American Disabilities Act:*** Civil rights law that prohibits the discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private

places that are open to the general public. Any person or entity receiving a permit hereunder agrees to fully comply with all requirements of the Americans with Disabilities Act as currently existing or as may be hereafter amended.

**ANSI:** The American National Standards Institute, Inc.

**Applicant:** A person seeking any determination or approval under, or permits required by these regulations.

**Application:** An application for development approval that contains the supporting documentation required by these regulations.

**Architect:** A person who, by reason of his knowledge of the mathematical and physical sciences and the principles of architecture and architectural design, acquired by professional education, practical experience or both, is qualified to engage in the practice of architecture as attested by the issuance to said person of a license as an architect by the State of Georgia.

**Area:** The area of a property shown to the nearest whole square foot or to the nearest one hundred thousandth of an acre.

**Art, music or other studio:** A space which can be used as an artist's workroom, a photographer's establishment, an establishment where an art is taught or studied including but not limited to dance, music, painting, drawing, TV, film, or other art endeavors.

**Arterial Street:** A major highway with full or partial control of access.

**ASCE:** The American Society of Civil Engineers.

**Assisted living:** A residential complex which may be in any form including detached and attached dwelling units and residences offering private and semi-private settings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in common dining areas but exclude institutional care such as medical or nursing care.

**ASTM:** The American Society of Testing and Materials.

**Automotive body, paint and interior repair and maintenance:** A wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans, and all trailers; or engine repair and replacement. See NAICS Code 811111 for further explanation.

**Automotive engine repair and replacement shops:** A wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, vans, motorcycles, and all trailers; or engine repair and replacement. See NAICS Code 811111 for further explanation.

**Automotive tire dealers:** A wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans, and all trailers; or engine repair and replacement. See NAICS Code 811111 for further explanation.

**Awning:** A roof-like cover extending over or before a place as a shelter and which may be used in lieu of a sign. Such signs must be entirely supported from the building and must not exceed four feet in height.

**AWWA:** The American Water Works Association.



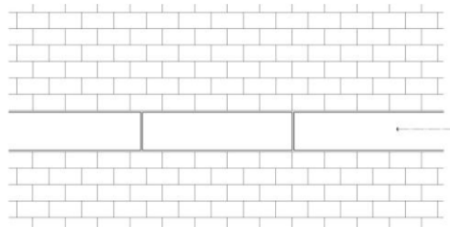
**B**

**Base flow:** The portion of stream flow originating from ground water.

**Basement:** An area below the first floor having not more than one-half of its height above the grade used for storage, garages for use of occupants of the principal dwelling or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

**Bed and breakfast inn:** A residence in which the owner may reside as a private residence and where guest rooms are made available for visitors. Breakfast is the only real meal served and is included in the charge for the room.

**Belt course:** Also called stringcourse or band course. A molding or projecting course running horizontally along the face of a building.



**2.1: Belt Course**

**Berm:** A shelf or raised barrier (usually made of compacted soil) separating two areas. It can serve as a buffer/separation barrier between dissimilar zoning districts and/or uses of property.



**2.2: Berm**

**Block:** A piece or parcel of land entirely surrounded by public highways or streets other than alleys. In cases where the plotting is incomplete or disconnected, the subdivider may determine the outline of the block.

**BMP or Best Management Practice:** An effective practicable means of reducing the amount of pollution generated by nonpoint sources, which may be structural or nonstructural practices or a combination of practices.

**Mayor and City Council or Mayor and City Council:** The governing body of the City of Bloomingdale, Georgia.

**Mayor and City Council:** The term "Mayor and City Council" means the Mayor and City Council of the City of Bloomingdale, Georgia. An individual member of the council is referred to as a Councilman/Councilwoman.

**Boarding home:** A dwelling other than a hotel where, for compensation and by prearrangement for a definite period, where meals and/or lodging are provided for four or more persons.

**Bond:** When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names of the obligors do not appear in the bond, but are subscribed thereto, they shall be bound thereby.

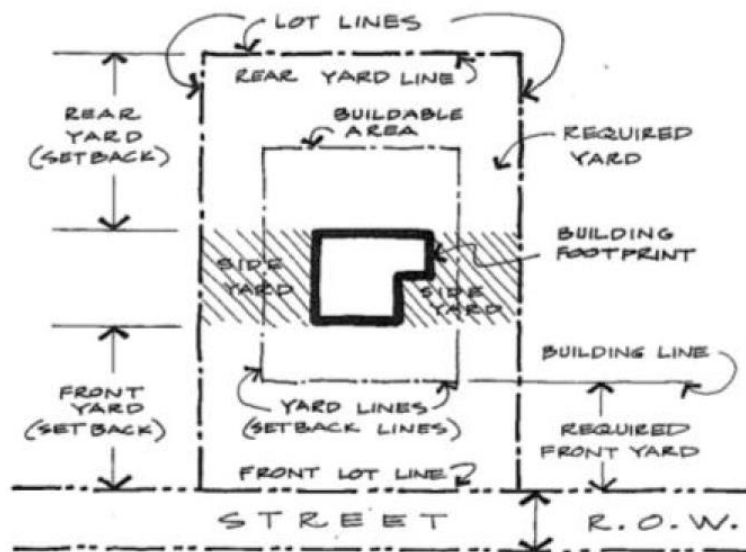
**Breezeway:** A covered passage one story in height connecting a main structure and an accessory structure.

**Buffer:** A natural or landscaped area along the property line between different, the same, and possibly incompatible types of zoning districts or land uses. Fencing may be erected in buffers and may be allowed as a substitute for plant materials. Unless otherwise indicated, buffers may be established within the building setback. A buffer shall not be occupied with structures and facilities except as permitted by this ordinance.

**Building:** Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or property of any kind.

**Building height:** The vertical distance of a building measured from the average elevation of the finished grade at the front of the building to the highest point of the building.

**Building setback line:** The minimum horizontal distance between the property line or the street right-of-way where appropriate and the building or any projection thereof, except as noted in the zoning regulations.



**2.4: Building Setback**

**Building, accessory:** A detached structure, the use of which is clearly incidental to, customarily associated with and related to the principal structure or use of the land and which is located on the same lot as the principal structure or use.

**Building, principal:** The building in which the principal use of the zoning lot on which said building is situated.

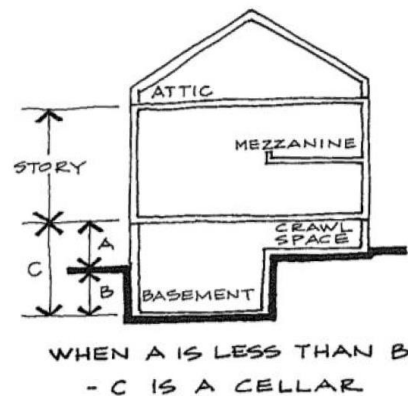
## C

**Car wash:** A primary, main or accessory use, which provides space or bays for cleaning vehicles.

**Care home:** A rest home, nursing home, convalescent home, home for the aged or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, informed, chronically ill or convalescent persons.

**Catchment area or basin:** See Watershed.

**Cellar:** A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6.5 feet.



## 2.5: Cellar

**Cemetery:** The use of property as a burial place for human remains. Such a property may contain a mausoleum.

**Center line:** The line surveyed and monumented by the governing authority as the center line of the street or highway. If such center line has not been surveyed, it shall be that the (sic) line running midway between the outside curb and ditches of the street or highway or the middle of the traveled roadway or the street.

**Channel:** An elongated depression, either naturally or artificially created and of appreciable size, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It must have a definite bed and bank that serve to confine the water.

**Charter:** The term "Charter" means the Charter of Bloomingdale, Georgia.

**Check cashing facility:** A person or business that for compensation engages in whole or part in the business of cashing checks, money orders or other commercial paper services the same purpose as check cashing. This does not include a state or federally chartered bank, saving and loan or credit union.

**City:** The term "city" means the City of Bloomingdale, Georgia.

**City Administrator:** The City Administrator of the City of Bloomingdale, Georgia.

**City engineer:** The City Engineer of the City of Bloomingdale, Georgia.

**Civic building, facility, land:** A building or site for functions accessed by the general public.

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

**Clinic:** An establishment where medical or dental patients are admitted for examination and treatment, but overnight stay is prohibited.

**Club or lodge, non-commercial:** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, and recreational or like activities operated for the benefit of its members and not open to the general public.

**Cluster development:** A development, under a single ownership, consisting of a design technique that concentrates a series of attached and/or detached dwelling units on a part of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

**Code:** The terms "Code" and "this Code" mean the Unified Development Code of Bloomingdale, Georgia, as designated in Section 52-101.

**Colleges/universities:** An institution other than a trade school that provides full-time or part-time education beyond high school.

**Commercial recreation, indoor:** An establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food or sale of equipment related to the enclosed uses. Commercial recreation, indoor includes but is not limited to bowling, roller skating, ice-skating, billiards, motion picture theatre, pool, rock climbing wall.

**Commercial trade or vocational school:** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

**Commercial recreation, outdoor:** Land or premises designed to be used by members of the public, for a fee, that contain outdoor amusement facilities such as miniature golf course, merry go round, car racetracks, and outdoor motion picture theatres, golf course.

**Communication tower:** A structure that is intended to send and/or receive radio, television or cellular communications.

**Community garden:** A single piece of land gardened collectively by a group of people.

**Comprehensive plan:** The comprehensive plan adopted by the Mayor and City Council pursuant to O.C.G.A. § 36-70-3, as said plan, may be amended from time to time.

**Computation of time:** Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted, but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in O.C.G.A. § 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**Conditional Use:** A use (sometime[s] called a "special exception") that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, or general welfare. Such uses may be permitted only in zoning districts listed in Table 52- 703, upon conditional use permits being granted by the city council.

**Condominium:** An individually owned dwelling unit in an attached, detached or multi-family structure, combined, with joint ownership of common areas of the buildings and grounds as defined by the laws of the State of Georgia.

**Conduit:** A general term for any channel intended for the conveyance of water, whether open or closed; any container for flowing water.

**Construction costs:** The total value of the construction of, or reconstruction work on structures, as determined by the Zoning Administrator, or their designee, in issuing a building, or other type, permit for construction or reconstruction.

**Construction plans:** A set of engineering drawings of the proposed streets, drainage and utilities, which meets the minimum standards of these regulations.

**Construction vehicle:** Any vehicle (other than passenger vehicle, pick-up or panel truck) having a primary purpose of land clearing or grading, hauling and use in building construction, including but not limited to earth moving equipment such as bulldozers, loaders, backhoes, bobcats, trenching machines and dump trucks.

**Construction, continual:** Construction performed by a full complement of workers and equipment mobilized at the project site, actively engaged in incorporating materials and equipment into the building or structure each normal working day.

**Consumer fireworks:** The term "consumer fireworks" means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Board as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the U.S. Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean "Roman Candles".

**Consumer fireworks retail sales facility or store:** The term "consumer fireworks retail sales facility or store" shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure; provided, further, that such term shall only include such buildings with at least 1,000 square feet of retail display space. Only the holder of a consumer fireworks distributor's license, issued pursuant to O.C.G.A. § 25-10-5.1 may lawfully own or operate a consumer fireworks retail sales facility or store to sell consumer fireworks.

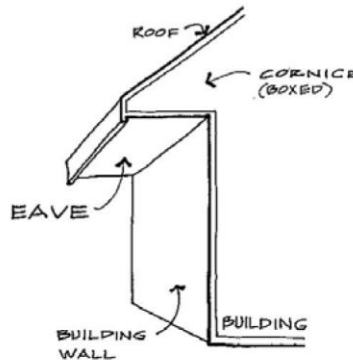
**Consumer fireworks retail sales stand:** The term "consumer fireworks retail sales stand" shall have the same meaning as provided for by NFPA 1124; provided, however, no temporary sales shall be made from any motor vehicle, from a trailer towed by a motor vehicle, or from a tent, canopy, or membrane structure unless city council shall approve the same after consideration of all zoning requirements and safety issues. All stands shall be located within 1,000 feet of a fire hydrant, or a fire department connection of a building affiliated with such stand, unless the fire chief or fire marshal approves a location in excess of 1,000 feet of a fire hydrant or building connection. A distributor may operate no more than two stands per every permanent store or location within the jurisdiction.

**Contractor:** A person, firm or corporation who the owner of a property has employed, or contracted to perform, construction activity associated with a development. For purpose of this regulation the term contractor shall include all subcontractors who are under separate contract or agreement with the contractor for performance of a part of the work at the site.

**Convenience store with gas:** A use offering a limited variety of groceries, household goods, freshly prepared food, beer, wine and personal care items, in association with the dispensing of motor fuels as an accessory use, but in all cases excluding vehicle service, maintenance and repair.

**Convenience store without gas:** A use offering limited variety of groceries, household goods, freshly prepared food, beer, wine and personal care items.

**Cornice:** Any horizontal member, structural or nonstructural, projecting outward from the exterior walls at the roofline, including eaves and other roof overhang.



## 2.6: Cornice

**Corporate limits:** The term "corporate limits" means the corporate limits of the City of Bloomingdale.

**County:** The terms "county," "the county" and "this county" mean the County of Chatham, Georgia.

**Court:** The term "court" means the municipal court provided by law for the punishment of offenders against the laws or ordinances of the city, whether it shall be the court now constituted or a court hereafter established pursuant to law.

**Crematorium:** A location containing properly installed, certified apparatus intended for the use in the act of cremation.

**Cul-de-sac:** A street having one end open to traffic and being permanently terminated within the development by a vehicular turnaround. For the purpose of designation, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

**Cultural facility:** A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

**Culvert:** A closed conduit of waterway carrying water through a highway or railroad embankment. Although there are borderline cases a culvert is distinguished from a bridge by certain characteristics, such as (a) a culvert generally has the same material all around its perimeter, and has a regular, symmetrical shape, where a bridge opening has not — in other words, a culvert is a large pipe; (b) a culvert usually has a large ratio of length to width.

**Curb cut:** The point at which vehicular access is provided to a lot from an adjoining street.

## D

**Day care facility:** A use in which shelter, care and supervision for seven or more persons on a regular basis away from their primary residence for less than 24 hours per day. A day care facility may provide basic educational instruction. The term includes, but is not limited to, nursery school, kindergarten, early learning center, playschool, pre-school, adult day care and group day care home. A day care facility must meet State of Georgia regulations.

**DCA:** The Georgia Department of Community Affairs.

**Dead-end street:** Streets that do not have permanent vehicular turnarounds at its termini.

**Debris:** Any material, including wood, floating trash, suspended sediment or bed load moved by a flowing stream; detritus. This term also includes those materials that may be disposed of in a debris landfill.

***Dilapidated vehicle:*** See Junked or inoperable vehicle

***Delegation of authority:*** Whenever a provision requires the head of a department or an official of the city to do some act or perform some function, it shall be construed to authorize the head of such department or the official to designate, delegate and authorize subordinates to do the required act or perform the required function, unless the terms of the provisions designate otherwise.

***Demolition:*** The razing of any structure above the existing grade or demolition of any structure below the existing grade.

***Density:*** The number of dwelling units per acre of land used for residential purposes. Density figures are to be in terms of net acres, total developable acres or the land devoted to residential use exclusive of streets, sidewalks, stormwater management areas, floodplain, wetlands, required open or common space, greenspace and other public lands.

***Design professional:*** An individual who meets state licensure requirements applicable to the profession or practice he is engaged in.

***Developer:*** Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit who directs the undertaking or proposes to undertake development as herein defined, whether the development involves the subdivision of the land for sale to individual users, the construction of buildings or other improvements on a single land ownership, or both.

***Development:*** The construction, reconstruction, conversion, structural alteration, relocation or land disturbance of land that may involve the following activities:

- a. The subdivision, consolidation or boundary adjustment of a lot or lots;
- b. The construction, reconstruction, conversion, structural alteration, relocation, enlargement or demolition of a structure;
- c. The mining, excavation, landfill, drilling, grading, deposition of refuse, solid or liquid waste, or fill on a zoning lot;
- d. The alteration of the shore or bank of a pond, lake, river or other waterway; or
- e. Any use or change in the use or intensity of use of any structure or any change in the intensity of use of land.

***Dike:*** An embankment to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; a levee.

***Director of public works:*** The Director of the Public Works Department and Division of the City of Bloomington or their designee.

***Discharge:*** (a) The quantity of water, silt, or other mobile substances passing along a conduit per unit of time; rate of flow; cubic feet per second; liters per second, millions of gallons per date, etc.; (b) The act involved in water or other liquid passing through an opening or along a conduit or channel; (c) The water or other liquid which emerges from an opening or passes along a conduit of channel.

***Ditch:*** An artificial channel, usually distinguished from a canal by its smaller size.

***Dog day care:*** Any premises containing four or more dogs which are five months old or older which provide such services as canine day care for all or part of the day, training, grooming, behavioral counseling and accessory retail sales.

***Dog grooming:*** Any place or establishment, public or private, where animals are bathed, clipped or combed for the purpose of enhancing aesthetic value or health for a fee.

**Drainage area:** The area of a stream at a specified location, measured in a horizontal plane, which is enclosed by a topographic divide such that direct surface runoff from precipitation normally would drain by gravity into the river basin above the specified point.

**Dwelling:** A building used for residential occupancy.

**Dwelling, duplex (two family):** A building containing two single-family dwelling units totally separated from each other by a common wall extending from ground to roof.

**Dwelling, multi-family:** A building containing three or more dwelling units, with each dwelling unit having a common wall or common floor connecting it to at least one other dwelling unit in the building or a single-family type building not connected to any other unit which is not located on a single zoning lot surrounded by open space or yard.

**Dwelling, patio:** A one-family dwelling in which all or a portion of the area required for side and rear yards is consolidated into one or more garden court spaces attached to the dwelling unit.

**Dwelling, single-family attached:** A building containing two or more single-family attached dwelling units joined at one or more party walls or other common facilities (not including the walls of an enclosed courtyard or similar area) and with property lines separating each dwelling unit, thus permitting zero lot lines.

**Dwelling, single-family detached:** A building designed or constructed as a unit for residential occupancy for one family that is not attached to another dwelling by any means, is located on a single zoning lot surrounded by open space or yard.

**Dwelling, townhouse:** One of a group of three or more single-family attached dwelling units under fee simple or condominium or cooperative ownership, as defined by the laws of the State of Georgia, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. For the purposes of this ordinance the term "townhouse dwelling" shall not include a single-story attached dwelling unit.

## E

**Easement:** The right, grant or privilege of using another's property for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, roads, streets, golf cart paths, or other purposes requiring encroachment onto another's property.

**Easement:** Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.

**Eating establishment, fast food:** Eating establishments where customers order and are served their food at a counter or in a motor vehicle in packed prepared to leave the premises. Consumption may be on or off-premises.

**Eating establishment:** A structure in which the use is preparation and sale of food and beverage. This does not include eating establishment, fast food. This use includes, but is not limited to, restaurants, cafes, coffee shops and bakeries.

**Ecodevelopment:** A proactive development approach, whereby actions such as incorporating natural topography, landscaping with native plant species, creating natural stormwater management systems and decreasing impervious cover are implemented in order to improve water quality, reduce infrastructure needs and to minimize the negative secondary effects on ecology caused by land development.

**Elevation, front:** The view of a building or group of buildings as seen from directly in front of the structure.



**Equipment, heavy:** Includes but is not limited to bulldozers, excavators, loaders, backhoes, bobcats, framing equipment or other similar machinery.

**Erosion control regulations:** The City of Bloomingdale, Georgia Erosion and Sedimentation Control Ordinance.

**Extended stay hotel/motel:** Any building containing six or more guest rooms intended or designated to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to a refrigerator, stove or oven. Extended stay facilities may include lobbies, conference rooms, meeting rooms and child play areas.

## F

**Family day care:** A home occupation in which shelter, care and supervision are provided for six or fewer children under the age of 18 on a regular basis for less than 24 hours per day. A family day care may provide basic educational instruction.

**Family:** Two or more individuals, related by blood, marriage or legal relationship, living together in a dwelling unit intended for single-family occupancy; two or more non-related individuals without disabilities as recognized by the Americans with Disabilities Act 42, U.S.C. section 12101, et seq., living together as a single housekeeping unit in a dwelling unit intended for single-family occupancy; or a combination of two or more related and non-related persons living together as a single housekeeping unit in a dwelling intended for single-family occupancy.

**Farm goods:** Goods produced on site including but not limited to crops, plants, trees, maintaining livestock, poultry or bees.

**Farm operations:** Commercial agricultural uses including crop production, dairy, stock, poultry, commercial greenhouse, livestock raising and other related uses with the necessary uses for treating or storing the products created on site, however this use should be secondary. This also includes related structures related to farming operations.

**Farmer's market:** The offering for sale of fresh agricultural products directly to the consumer at an open-air market occurring at a pre-determined area where the vendors are generally individuals who raised the vegetables or produce. This does not include secondhand goods or meat.

**Farmstand:** A building or structure used for retail sales of fresh fruit, vegetables, flowers, herbs or plants not to exceed 500 gross square feet. May also include the sale of other unprocessed foodstuffs such as jams, jellies, pickles, baked goods or handy crafts. No commercially processed or packed items shall be sold at a farmstand.

**Feather banner:** A banner made from lightweight material and attached to a pole and is designed to wave in the wind.

**Feed store:** An establishment engaged in retail sale of supplies and agricultural products including the bulk storage of fertilizers and related agrichemicals.

**Final plan or plan:** A detailed engineering drawing(s) showing the proposed improvements required in the development of a given parcel and demonstrating compliance with the requirements of these regulations and other law, prepared by a qualified design professional that is licensed to prepare such in accordance with state law.

**Financial institution:** A bank, savings and loan, credit union, mortgage office or automated teller machine (ATM). Financial institutions shall not include stand alone currency exchange, check cashing establishment or pawn shop.

**Finish floor elevation (FFE):** The elevation at which the building foundation meets the prevailing ground surface.

**Flood boundary, 100-year:** Those areas of the City of Bloomingdale having a one percent chance or greater of being partially or completely inundated by flood waters, either from a defined river, creek or stream or from the unusual and rapid accumulation of runoff or surface water from any sources. For purposes of this ordinance, the 100-year flood plan shall be as shown on flood hazard boundary maps, published by the Federal Emergency Management Agency or as determined from formal flood hazard studies prepared by the City of Bloomingdale.

**Flood hazard area:** Any normally dry area that is susceptible to being inundated by water. The flood hazard areas include, but are not limited to, land subject to the 100-year flood.

**Flood peak:** The maximum discharge of a particular flood at a given point along a stream.

**Floodplain:** Any plain which borders a stream channel and is covered by its water in time of flood; stream bed areas subject to recurrent overflow, or inundation.

**Floodway:** The channel of a river, stream or other watercourse and the adjacent land area that must be reserved to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Floor area:** The heated space of a dwelling, which is exclusive of attic, unfinished basement, garage, carport, patio and open porches measured from the exterior face of the exterior walls or a dwelling. Also, the gross leasable floor area for any business or industry based on interior dimensions.

**Fps:** Feet per second.

**Frontage:** Distance of lot as measured along the right-of-way.

**Funeral home:** A building or part of a building used for human funeral services. Such facility may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets and other related funeral supplies, the storage of funeral vehicles, however, this does not include cremation services.

## G

**Gender:** The masculine gender shall include the feminine and neuter.

**General automotive repair:** A wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, vans, and all trailers; or, engine repair and replacement. See NAICS Code 811111 for further explanation.

**Georgia DOT or GDOT:** The (State of) Georgia Department of Transportation.

**Gph:** Gallons per hour.

**Gpm:** Gallons per minute.

**Grading:** The movement, removal or addition of earth on a site by the use of mechanical equipment.

**Greenhouse:** Retail business whose primary activity is the selling of plants grown on the site and having enclosed and open space for growing or display.

**Group home for disabled persons:** A residential use or facility, located in a single-family dwelling, where non-related persons with a disability recognized by The Americans with Disabilities Act, 42 U.S.C. section 12101, et seq., may live together in a residential setting, free from discrimination in local governmental rules, policies, practices or services, except as would constitute a direct threat to the health and safety of the occupants or other individuals.

**Grubbing:** The removal of vegetation by methods such as digging, raking, dragging or otherwise disturbing the roots of vegetation.

**Guest house:** A detached accessory dwelling unit located on the same lot with a single-family dwelling. The square foot area of a guest house may not exceed 1,000 square feet in floor area and may only be used by non-paying guests or relatives of the owners or occupants of the principal building. The guest house shall not be rented or otherwise occupied as a separate dwelling.

## H

**Halfway house:** A halfway house provides a structured living environment for persons learning to adjust to society after being imprisoned.

**Headwater:** (A) The water upstream from a structure; (B) the source of a stream.

**Health department:** The Chatham County Health Department.

**Heated floor area:** The finished area within a building or structure that is heated by the main central heating system installed to serve said building or structure. For example, the floor area of an unfinished basement or garage is not included in determining the amount of heated floor area of a residential dwelling.

**Home occupation:** An occupation or activity for gain or support conducted by a member of the family residing on the premises with which there is:

- a. No group instruction, assembly or activity, and no signage is used to indicate from the exterior that the building is being utilized in any part for any purpose other than that of a dwelling;
- b. There is no commodity sold upon the premises;
- c. No person is employed other than a member of the immediate family residing on the premises;
- d. No mechanical equipment is used except that which is normally used for purely domestic purposes.
- e. No outside storage related to the business activity.
- f. No more than one vehicle related to the business activity.

**Homeless shelter:** Charitable, non-profit, short-term housing and/or room and board accommodations for the homeless for which there is no charge, monetary or other to the person being provided such temporary housing.

**Hospice:** A home-like facility for the care of terminally ill patients in which food, shelter and nursing care is provided.

**Hospital:** Any institution receiving in-patients or a public institution receiving out-patients and authorized under Georgia Law to render medical, surgical and/or obstetrical care. Cremation services can be provided as an accessory use.

**Hotel:** A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

**HUD:** The U.S. Department of Housing and Urban Development.

**Hydrology:** The science of dealing with the waters of the earth in their various forms, precipitation, evaporation, runoff and storage.

I

**Impervious surface:** Any material or surface that prevents absorption or infiltration of stormwater into the ground. Includes, but is not limited to, buildings, accessory structures, driveways of asphalt or concrete surface, parking lots and sidewalks.

**Imperviousness:** The quality or condition of a material that minimizes percolation.

**Industrialized building:** A factory-fabricated dwelling or commercial unit built in one or more sections designed to fit together on a permanent foundation but which usually does not originally have wheels for movement and which is constructed in accordance with the Georgia Industrialized Building Act which bears the seal of approval issued by DCA.

**Infill Development:** The development of vacant parcels within previously-built areas. These properties may be served by public infrastructure, such as transportation, water, sewer, and other utilities.

**Institutional use:** A building, facility or land owned by a government, non-profit corporation, association or entity, intended for public or semi-public use, such as courthouses, schools, churches, parks and recreation areas.

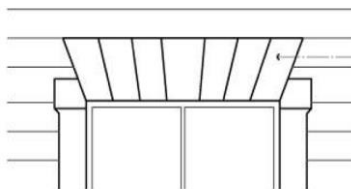
**Interpretation:** In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

**Interstate:** A divided major highway with full control of access and with no crossings at grade. These roads are designated interstate by the Georgia Department of Transportation.

**Invert:** The floor, bottom or lowest part of the internal cross-section of conduit.

J

**Jack arch:** Architectural term for a flat arch.



**2.7: Jack Arch**

**Joint authority:** A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared.

**Junk yard:** Any use on private property involving the parking, storage or disassembly of junked vehicles or wrecked or non-operable automobiles, trucks or other vehicles; storage, bailing or otherwise dealing in junk, animal hides, scrap iron or other metals, used paper, used cloth, used plumbing fixtures, old stoves, old refrigerators and other old household appliances, used brick, wood or other building materials. These uses shall be considered junk yards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to, other use of the premises.

**Junked or inoperable motor vehicle:** Any motor vehicle that is wrecked, wholly or partially dismantled, majorly disassembled, or missing a key component, such as a motor, transmission or body parts, so as to be incapable of normal operation in the manner intended, including disassembled parts, pieces, or

components thereof; failure to display a current license tag, tag decal, or (if required) current vehicle safety or emission sticker, shall create a presumption the motor vehicle is junked or inoperable.

### K

**Keeper** and **proprietor**: The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.

**Kennel**: A commercial facility where boarding, caring for and keeping of dogs or cats or other animals or combination thereof is carried on for the purpose of providing an income or revenue.

### L

**Land area per dwelling unit**: The amount of land in square feet required for each dwelling unit permitted on a zoning lot.

**Land disturbance**: Any land or vegetation change, 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 cover.

**Laundromat**: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

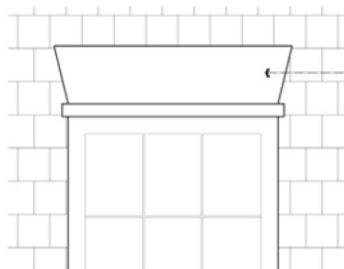
**Laydown Yard**: A space of ground or pavement located near or at the construction site that is for the receipt and storage of project equipment and materials to be installed or constructed.

**Licensed land surveyor**: A person who, by reason of his knowledge of the several sciences and of the principles of land surveying acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, as attested by the issuance to said person of a license as a land surveyor by the State of Georgia.

**Licensed landscape architect**: A person who, by reason of his special knowledge of natural, physical and mathematical sciences and the principles and methodology of landscape architectural design acquired by practical experience and formal education or both, is qualified to engage in the practice of landscape architecture, as attested by the issuance to said person of a license as a landscape architect by the State of Georgia.

**Light industrial use**: Any use which involves manufacturing, processing, assembly or storage operations where all operations are conducted entirely within a building and no noise, vibration, smoke, gas, fume, odor, dust, fire hazard, radiation or other injurious or obnoxious condition related to the operation affects the surrounding properties or creates a nuisance beyond the premises.

**Lintel**: A horizontal architectural member spanning and usually carrying the load above an opening.



**2.8: Lintel**

**Liner building**: A liner building is a specialized building, parallel to the street, which is designed to conceal an area such as a parking lot or loading dock.

**Loading space or area:** Space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used and accessible to such vehicles at all times. Also defined as an area to provide safe loading and unloading of passengers such as a day care facility or church.

**Loading, off-street:** An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

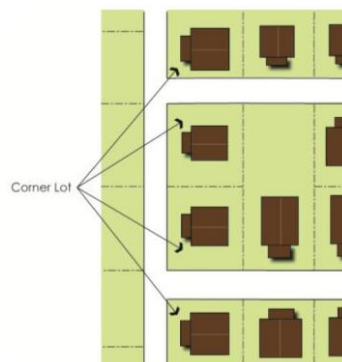
**Local Street:** Streets that represent the lowest category of the functional classification system. Local streets are used primarily for direct access to residential, commercial, and industrial or other abutting property. They do not include streets carrying through traffic.

**Loft apartment:** An apartment(s) customarily located on the second story of a retail business or professional office located in the commercial business district or in some instances the planned commercial development zoning districts.

**Lot:** A recorded area of land under one ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are required by the zoning ordinance, as well as certain nonconforming lots of record exempted by the zoning ordinance. Such lots shall have frontage on a public street, right-of-way, or easement of at least 60 feet in width, unless city council approves a lesser width, or on an approved private street as set out in the zoning ordinance and may consist of:

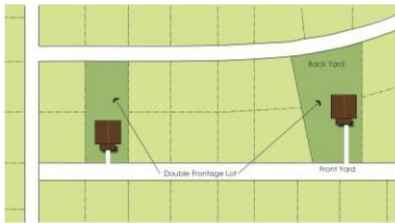
- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record or complete lots of record and portions of lots of record or of portions of lots of record;
- d. A parcel of land described by metes and bounds.
- e. In the case of divisions, boundary adjustment, or consolidation shall no residential area of land be created which does not meet the requirements of the zoning ordinance. The grant of an interest, for security or other purpose, in real property for less than an entire lot, or the foreclosure or sale of such interest, shall not be deemed to create a legal lot unless property approved, by variance, granted by the Mayor and City Council, in accordance with these regulations and the zoning ordinance.

**Lot, corner:** A lot having frontage at the intersection of two or more public streets.



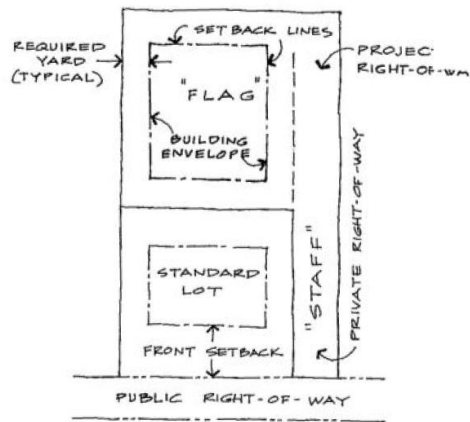
**2.9: Corner Lot**

**Lot, corner (double-frontage):** A lot located at the junction of two or more intersection streets, having an interior angle of less than 135 degrees, with a boundary line thereof bordering on two of the streets.



**2.10: Double Frontage**

**Lot, flag:** A lot whose access is provided to the bulk of the lot by means of a narrow corridor or panhandle and does not meet the normally required minimum lot width.



**2.11: Flag Lot**

**Lot, interior:** A lot, other than a corner lot, with frontage on only one lot.

**Lot, nonconforming:** A lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

**Lot, through:** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

**Lot coverage:** That portion of the lot that is covered by principal structures, accessory buildings and impervious surface, including, but not limited to, driveways of asphalt or concrete, parking areas, walkways and sidewalks.

**Lot depth:** The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**Lot line:** A boundary of record that divides one lot from another or from a public or private street or any other space.

**Lot line:** A line defining the ownership boundary of a lot.

**Lot of record:** A lot that exists as shown or described on a plat or deed in the records of the Office of the Clerk of the Superior Court of Chatham County.

**Lot width:** The distance between side lot lines measured at the front building line.

**Lot width:** Distance between the side lot lines measured as a tangent to the front building line as described by the zoning ordinance.

**M**

**Major collector street:** The part of the road classification system that serves as the principal network for through traffic flow. Major collectors have a primary function of providing neighborhood linkages and aggregating traffic, then carrying it to the arterial street system. They may also penetrate a neighborhood, distributing trips to ultimate destinations and in a few instances providing direct access to individual abutting property.

**Manufactured home:** A structure transportable in one or more sections 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. Such dwelling is regulated by the manufactured home construction and safety standards established under the National Manufactured Home Construction and Safety Standards Act adopted in 1976, bearing an insignia issued by U.S. Department of Housing and Urban Development (HUD).

**Manufacturing:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, the blending of materials, such as lubricating oils, plastics, resins, or liquors. This includes processing, assembly and storage operations.

**Master plan:** A comprehensive plan, which may consist of several maps, data and other descriptive matter for the physical development of the city or any portion thereof. This includes any amendments, extensions or additions thereof recommended by the City Administrator and adopted by the Mayor and City Council indicating the general location for major roads, parks or other public open spaces, public building sites, routes for public, utilities, zoning districts or other similar information.

**Mean sea level:** The average height of the sea for all states of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of these regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Minor collector street:** The part of the road classification system designed primarily to serve the collection function for a group of local streets. Additionally, it provides direct access to individual abutting property. Minor collectors are not meant to handle long through trips.

**Mixed use:** A building or development containing more than one permitted use. Multiple uses are allowed to be stacked vertically and contained in the same building.

**Month, year:** The terms "month" and "year" mean calendar month and calendar year unless otherwise provided.

**Motel:** An establishment providing temporary or overnight sleeping accommodations for the traveling public with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Motor vehicle parts (used) merchant wholesalers:** A wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans, and all trailers; or, engine repair and replacement. See NAICS Code 811111 for further explanation.

**Motor vehicle towing:** A wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans, and all trailers; or, engine repair and replacement. See NAICS Code 811111 for further explanation.

**Municipal court:** The term "municipal court" means the Municipal Court of the City of Bloomington.



N

**NAICS:** North American Industry Classification System; the standard used by the federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

**Names of officers, departments:** The name or title of any officer or department shall be read as though the words "of the City of Bloomington" were added.

**National Manufactured Home Construction and Safety Standards:** The national building code for all manufactured homes built since June 15, 1976, written and administered by the U.S. Department of Housing and Urban Development (also known as the "HUD" Code").

**Neighborhood retail, service or office uses:** Intended to serve or accommodate the needs of a specific segment of the community or area. Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverage and limited household supplies and hardware. These establishments shall not exceed 5,000 square feet. These services are primarily for the residents of the CBD district provided that they are conducted entirely within a wholly and permanently enclosed building or buildings which shall be of architectural design compatible to the dwellings within the CBD development.

**Newspaper publishing facility:** A commercial printing operation involving a process that is considered printing, imprinting, reproducing or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

**Non-conforming building or structure:** An existing building or structure erected or constructed prior to adoption of this ordinance, or the adoption of any amendment hereto, on a lot now zoned so that such building or structure could not be built or constructed.

**Non-conforming use:** A use of land existing at the time of the adoption of this ordinance, or the adoption of any amendment hereto that was lawful at the time the use of land was initiated, but which has been rendered unlawful by the adoption or amendment of this ordinance.

**Nontechnical and technical words:** The ordinary significance shall be applied to all words, except words of art, or words connected with a particular trade or subject matter, in which case they shall have the significance attached to them by experts in such trade, or with reference to the subject matter.

**Number:** The singular or plural number shall each include the other, unless expressly excluded.

**Nursery:** See Greenhouse.

**Nursing home facility:** Housing for elderly, chronically or terminally ill persons in which food, shelter and nursing care is provided for compensation.

**Nursing Home:** A home licensed by the state for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food, shelter and care for compensation or a non-profit, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

O

**O.C.G.A.:** The abbreviation "O.C.G.A." means the Official Code of Georgia Annotated, as amended.

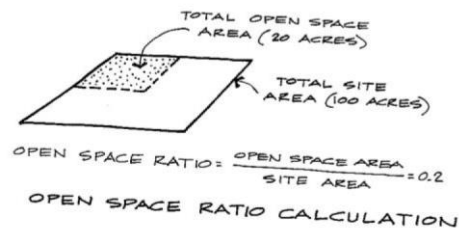
**Oath:** The term "oath" includes the term "affirmation."

**Office, professional:** Includes, but is not limited to, offices for accounting, architectural, auditing, bookkeeping, engineering, finance, insurance, law, medical and real estate professions.

**Office, temporary:** A manufactured or modular building, which is used as a sales office, on-site construction management office or related functions for no more than six (6) months.

**Official zoning map:** The map officially adopted contemporaneously with and as an integral part of this zoning ordinance that conclusively shows the location and boundaries of all zoned districts existing at the time of adoption of this ordinance and the adoption of future amendments thereto which reclassifies land by districts.

**Open space:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space or for the preservation and protection of environmentally sensitive land areas or natural land features.



## 2.12: Open Space

**Or, and:** The term "or" may be read "and" and the term "and" may be read "or" if the sense requires it.

**Ordinance:** This ordinance and all future amendments thereto, together with the official zoning map adopted contemporaneous with this ordinance.

**Outdoor display:** The displaying of goods or merchandise outdoors on the property with the intent to advertise for sale.

**Outdoor storage:** The keeping, in an unenclosed area, of any goods, salvage, material, merchandise, storage trailers or vehicles outdoors on the property for more than 24 hours. The term "outdoor storage" shall not include the keeping of vehicles or manufactured housing structures on sales lots in districts which allow such sales lots.

**Outparcel:** A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel.

**Owner:** The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

## P

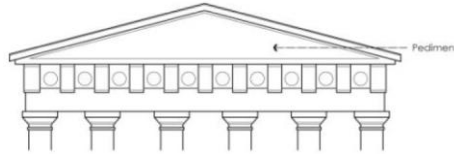
**Parking lot:** An off-street surfaced ground level area for the temporary storage of operable passenger and commercial vehicles whether for compensation or free.

**Parking spaces:** An area for off-street automobile parking.

**Parking structure (deck):** Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two or more levels.

**Pawnshop:** Any 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 on personal property by taking chattel mortgage security thereon and takes or receives such personal property.

**Pediment:** A pediment is a low-pitched triangular gable on the front of some buildings in the Grecian or Greek Revival style of architecture.



### 2.13: Pediment

**Permitted use:** Any use allowed as a matter of right in a zoning district and subject to the restrictions applicable to that zoning district classifications.

**Person:** As used in this ordinance, the term "person" shall mean an individual, group of individuals, and all forms of legal entities recognized by Georgia Law as having the ability to own property, transact business or sue and be sued.

**Personal care home:** A residential use or facility, located in a single-family dwelling, whether operated for profit or not, which undertakes through its ownership or management, for compensation, to provide personal services, protective care and oversight of ambulatory, non-related persons who need a monitored environment but who do not have injuries or disabilities which require chronic or convalescent care, including medical, nursing, or intermediate care. Personal services include, but are not limited to, individual assistance with or supervision in areas of nutrition, medication and provision of transient medical care. Personal care homes may include those facilities which monitor resident's daily functioning and location and have the capability for crisis intervention. Such term does not include:

- a. Elderly residences which are devoted to independent living units with kitchen facilities in which residents have the option of preparing and serving some or all of their own meals;
- b. Boarding facilities which do not provide personal care; or
- c. Group homes for disabled persons, as defined by the Fair Housing Act Amendments of 1988, 42 U.S.C. section 3601, et seq.

**Personal service establishment:** Enterprises serving individual necessities of a non-medical nature including, but not limited to, beauty and barber shops, tanning, dry cleaning pick-up (retail), shoe repair, spa, locksmith and other similar establishments. These may also include retail sales of products related to the services provided.

**Places of public assembly:** A structure, portion of a structure or area (either indoor or outdoor), including, but not limited to, movie theaters; concert halls; stadiums; amusement parks; carnivals; churches; elementary, middle, high, secondary and post graduate schools; day care centers; private commercial schools, such as martial arts or dance studios; clubs, lodges and arenas, designed primarily for people to gather to observe or participate in a single event or series of single events, including but not limited to the presentation of a motion picture, a concert, an educational presentation, a sermon, an inspirational presentation, a rally, a lecture, a drama, dance, musical or other live performance, or a sporting event.

**Places of worship:** Places where religious institutions provide assembly with a seating capacity and a sanctuary or main activity area.

**Planned unit development:** A tract of land developed under a single ownership or control based on a plan which allows for flexibility of design not available under normal zoning district requirements.

**Planned shopping development:** Two or more commercial establishments with a total gross floor area of at least 40,000 square feet planned and managed as a single unit with off-street parking and loading facilities provided on the property.

**Planning and Zoning Board (PZC):** The City of Bloomingdale, Georgia Planning and Zoning Board appointed by the Mayor and City Council.

**Plat:** A map, plan or layout of a county, city, town section, subdivision or development certified by a registered surveyor indicating the location and boundaries of a property or properties. See also site plan.

**Preceding, following:** The terms "preceding" and "following" mean generally next before and next after unless the context requires a different significance.

**Private or public club, lodge, social center or meeting room:** Building or facility for the purpose of social, educational, or recreational purpose.

**Professional or design professional:** An individual who meets state licensure requirements applicable to the profession or practice he is engaged in.

**Project:** A principal building or structure or group of buildings or structures planned and designed as an interdependent unit together with all accessory uses or structures, utilities, drainage, access and circulation facilities, whether built in whole or phases. Examples include: a principal building on a lot, a residential subdivision, a multi-family development, a shopping center or an office park.

**Property owner:** Any person who owns fee title to a given area of land, excluding, however, any recorded easement or right-of-way.

**Property:** The term "property" includes real and personal property.

**Psi:** Pounds per square inch.

**Public place:** The term "public place" means any place that the public is invited or permitted to go or congregate.

## Q

## R

**Radio and/or television and/or transmission tower:** Any exterior apparatus designed for telephone, radio, or television communications or data transmission through the sending and/or receiving of electromagnetic waves.

**Recreational vehicle:** Any type of portable structure without a permanent foundation, which can be towed, hauled or is self-propelled, and designed for temporary living accommodations for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers (on or off the truck), camping trailers, buses and motor homes.

**Recycling center, collection:** Any facility utilized for the purpose of collecting materials to be recycled including, but not limited, plastics, glass, paper and aluminum materials. Such use may be principal or accessory to a non-residential use on non-residentially zoned property.

**Religious activity:** A use of land involving the exercise of religious believers [beliefs], practices or worship. It is not the intent of this ordinance to regulate religious activity or to impede any person's exercise of religious beliefs.

**Repair garage-heavy equipment:** A use which may provide a full range of repairs and services including, but not limited to, major overhauls, engine repair, rebuilding and replacement on heavy duty trucks and equipment and may include paint and body shops. The outside storage of unlicensed and unregistered vehicles is prohibited as part of this use.

**Research or experimental laboratory:** An establishment which conducts research, development or controlled production of high technology electronic, industrial or scientific products or commodities for sale or a laboratory conducting educational/medical research or testing. This term includes but is not limited to a biotechnology firm or manufacturer of non-toxic computer components.

**Residential 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; which bears an insignia of approval issued by the Georgia Department of Community Affairs; and which is used or intended to be used as a dwelling units.

**Residential:** Pertaining to the use of land, means premises such as single-family detached and attached homes, patio homes, townhouses, manufactured or modular 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.

**Responsible party:** In the context of enforcement procedures, a person who is alleged to have committed, causes, continued or created a violation of the terms, requirements, regulations, or provisions of these regulations whether as a direct act, through lack of action or neglect, or at the direction of or on behalf of others. A responsible party may be the owner of a premises where a violation has occurred; an occupant whether through ownership, lease or other tenancy; a contractor, building or developer; an agent of or person otherwise acting on behalf of the aforementioned parties; or other person acting in violation of these regulations.

**Retail business:** A business consisting primarily of buying merchandise or articles in gross and selling to general consumers in small quantities not in bulk and not for resale. These businesses include but are not limited to clothing shops, florists, home goods, drugstore.

**Retail business, heavy equipment:** The sale or rental of heavy equipment. Heavy equipment includes but is not limited to backhoe, crane, wheel loader, bulldozer, forklift and other similar equipment.

**Retail, large-scale:** All retail sales and service uses on sites that include more than 74,999 square feet of gross floor area (in aggregate).

**Retirement center:** A residential apartment or fee simple housing development built exclusively for senior citizens whereby typically a dining facility, aquatic and or fitness center, library and community activities are incorporated in the development and independent living is promoted.

**Return cornice:** The continuation of a cornice in a different direction, as at the gable end of a house.



**2.14: Return Cornice**

**Right-of-way:** A strip of land designated, reserved, dedicated or purchased for the purpose of pedestrian or vehicular access, utility line installation or other use.

**Road classification map:** Comprehensive plan of arterial, collector and minor streets and roads for all or a portion of the city.

**Runoff coefficient:** The rate of runoff to precipitation.

## S

**Salvage yard:** Use of property for outdoor storage, keeping, abandonment, sale or resale of salvage including scrap metal, used lumber, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

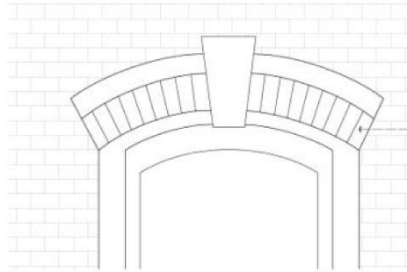
**Schedule of fees and charges:** The phrase "schedule of fees and charges" means the official consolidated list compiled and published by the city which contains rates for utility and other public enterprises, fees, deposit amounts, performance bonds, and various charges as determined from time to time by the Mayor and City Council, an official copy of which is maintained in the office of the city clerk where it is available for reference and review during normal business hours.

**School:** A facility where persons regularly assembly for the purpose of instruction or education including any playgrounds, stadiums or other structures and grounds used in conjunction therewith. The term "school" shall include, but is not limited to, public and private schools used for pre-kindergarten, primary, secondary, or post-secondary education.

**Seating, minimum:** Where this Code requires seating for a minimum number of persons, only chairs, stools and booths shall be provided as the required seating. The capacity of seats without dividing arms shall be determined by allotting 18 inches per occupant.

**Security bars:** Metal bars, including, but not limited to, wrought iron guards and sliding scissor gates, attached to or covering a window or glass door which are intended to provide additional protection against vandalism and burglaries.

**Segmental arch:** A shallow arch; an arch that is less than a semicircle.



**2.15: Segmental Arch**

**Self-storage:** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses or for personal use and may include refrigeration facilities.

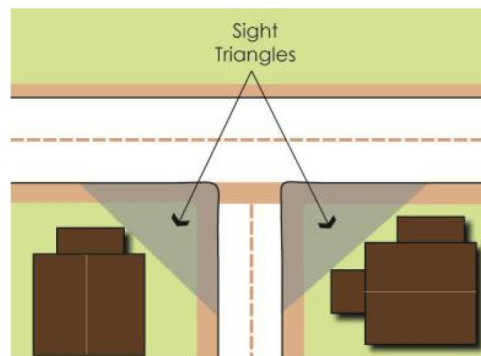
**Service station:** A use which provides for the sale of motor vehicle fuels and automobile accessories and which may provide minor repair and maintenance services.

**Setback line:** The minimum required distance from any lot line that establishes the area within which the principal structure may be erected or placed.

**Shall, may:** The term "shall" is always mandatory and not merely directory; the term "may" is permissive.

**Sidewalk:** The term "sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

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



**2.16: Sight Triangles**

**Sign:** Any name, identification, description, display, illustration or device that is affixed to, posted on or represented directly or indirectly upon a building, structure, land, vehicle or otherwise affixed for display in view of the general public and that directs attention to a product, place, activity, idea, person, institution or business.

**Signature and subscription:** The terms "signature" and "subscription" include the mark of all illiterate or infirm persons.

**Site plan, final subdivision (as-builts):** Engineered plans and necessary supporting documents required for a completed project to constitute the complete application. Plans shall include complete and detailed engineering and layout drawings for all public and private improvements and utilities, in addition to any ancillary calculations.

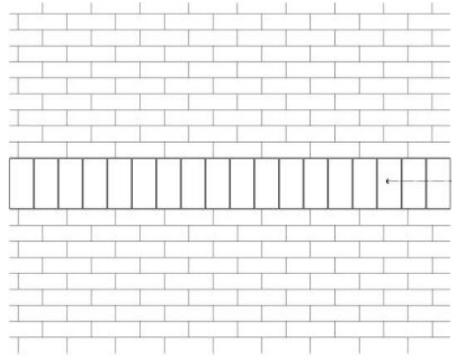
**Site plan, preliminary:** Engineered plans required for all residential projects resulting in the creation of three or more lots or any new commercial or industrial development involving more than one acre and/or more than 2 lots. Preliminary plans must show general design of a site development or subdivision project and its public improvements including, but not limited to, location and width of streets and structures and their general relationship to the topography of the land; all utilities to include water and sanitary sewer, drainage, electric, lot sizes and arrangement, future development (if applicable) and location and use of adjoining property.

**Site plan:** A final construction plan, other than a final subdivision plan, providing a graphic portrayal of a proposed development describing both existing and proposed conditions of the lot(s), including, but not limited to, use, location and bulk of buildings and structures, density of development, public facilities, means of ingress and egress, landscaping, signs, drainage and lighting.

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

**Soil erosion and sedimentation control regulations:** That section of the soil erosion and sedimentation control ordinance dealing with sediment control during construction. These regulations are enforced by the City of Bloomington.

**Soldier course:** A course of bricks laid on their ends so that only their long sides are vertical.



**2.17: Soldier Course**

**Special use:** A use which within certain zoning districts specified by this ordinance is not permitted as a matter of right but may be permitted within a district by approval of Mayor and City Council, following a public hearing at which the Mayor and Council reviews the proposed plans for the use, its location, design, relationship to adjacent properties, and other conditions peculiar to the proposal which may adversely affect adjoining property, under objective criteria; has found the proposal not to be in conflict with the intent of this ordinance; and has approved the use as specified.

**State:** Whenever the terms "state," "the state" and "this state" are used, they shall refer to the State of Georgia.

**Storefront:** Display windows of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public, or adjacent to public or private property.

**Storm drainage system:** Any structure used principally to retain, detain, collect, direct, transfer, carry, convey, distribute or treat, singularly or in combination, storm water or other surface water, including, but not limited to, aprons, basins, berms, BMP facilities, catchments, conduits, culverts, dams, dikes, ditches, drains, drops, filters, grates, infiltration devices, inlets, manholes, man-made channels, outlets, pipes, ponds, rip-rap, risers, spillways, storm sewers, swales and trenches; and also including any maintenance easements needed for such structures.

**Street:** A right-of-way generally intended for the movement of vehicular and pedestrian traffic and which serves as point of access to abutting property. The term "street" includes streets, sidewalks, avenues, boulevards, roads, alleys, lanes and all other public highways in the city, unless otherwise provided. Street type is officially defined according to the city's road classification map.

**Street, classification:** As described in the City of Bloomingdale Comprehensive Plan:

- a. **Arterials** connect activity centers and carry large volumes of traffic at moderate speeds.
- b. **Collectors** provide access to activity centers from residential areas. Their purpose is to collect traffic from streets in residential and commercial areas and distribute the traffic to the arterial system.
- c. **Local streets** feed the collector system from low volume residential and commercial areas. The remaining roadways in the city are classified as local streets. The majority of Bloomingdale's roadway system is classified as local streets.

**Structure, principal:** A structure in which the principal use or purpose on a property occurs, and to which all other structures on the property are subordinate. Principal may also mean the main or primary structure.



**Structure:** Anything constructed, erected or placed with a fixed location on or in the ground or attached to something having a fixed location on the ground. The term "structure" shall include, but is not limited to, buildings, manufactured or modular homes or offices, signs, swimming pools or fall-out shelters. Privacy walls or fences shall not be considered structures.

**Subdivision:** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development and includes all division of land involving 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. The term includes replating of any division of land involving a new street, or a change in existing streets.

**Subdivision, boundary adjustment plan:** A legal document, prepared by a qualified professional licensed to prepare such in the State of Georgia, for the purpose of the legal reconfiguring of contiguous lots in the same ownership.

**Subdivision, boundary adjustment:** The adjusting of common property line(s) or boundaries between adjacent lots, tracts, or parcels for the purpose of accommodating a transfer of land, rectifying a disputed property line location, or freeing such a disputed property line location, or freeing such a boundary from any difference or discrepancies. The resulting adjustment shall not create any additional lots and all reconfigured lots shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes. (See also consolidation subdivision)

**Subdivision, consolidation plan:** A legal document, prepared by a qualified professional licensed to prepare such in the State of Georgia, for the purpose of the legal removal of common property lines between abutting lots in the same ownership.

**Subdivision, consolidation:** The removal of common property lines between abutting lots in the same ownership. (See also boundary adjustment subdivision)

**Subdivision, major:** Any subdivision that does not meet the requirements of a minor subdivision.

**Subdivision, minor:** Any subdivision that does not result in the creation of more than three lots out of one or more lots and does not require the construction of new streets or public water or sewer mains.

**Substantial compliance:** A substantial compliance with any requirement of this Code or ordinances amendatory thereof, especially on the part of public officers, shall be deemed and held sufficient; and no proceeding shall be declared void for want of such compliance, unless expressly so provided.

**SWM facility:** Any storm drainage facility that is designed or otherwise intended to, or that actually does, detain or retain stormwater or other surface water. When this term is used in the text of these regulations, all portions of such a facility shall be considered as included.

**SWM:** Stormwater management.

## T

**Temporary Portable Storage Container:** Container fabricated for purpose of transporting freight or goods on a truck or railroads, including cargo containers and shipping containers. The use of such containers for residential use is prohibited.

**Temporary Portable Storage Container Area:** Also known as a "Container Yard." Horizontal stacking of temporary portable storage containers related to commercial and industrial uses.

**Tenant and occupant:** The terms "tenant" and "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupied, the whole or a part of such building or land, either alone or with others.

**Time of concentration:** The time it takes for runoff to travel from the hydraulically most distant part of the watershed to the point of reference.

***Tiny house:*** Homes less than 500 square feet in size.

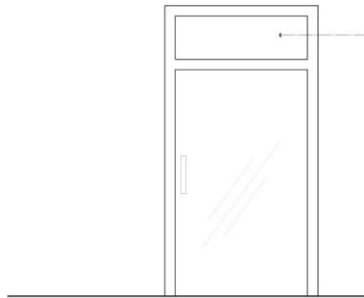
***Title pawn:*** A title pawn is an act of using a vehicle title to acquire a pay day loan.

***Traffic study:*** An analysis conducted to assess the impact of vehicular traffic generated by a new use or change in use on existing or future road network and to obtain the required information in evaluating any potential road network improvements.

***Transit station:*** A commercial or public facility for the loading or unloading of passengers, luggage, and packages including sales of fares and which include accessory restaurants, indoor commercial businesses but not including airports. This facility operates a system of regularly scheduled buses and /or trains available to the public.

***Transitional housing facility:*** A building or buildings in which is provided long-term but no permanent living accommodations for more than six (6) persons who have no permanent residence and are in need of long-term housing assistance.

***Transom:*** A bar of wood or stone across the top of a door or window



**2.18: Transom**

***Tree protection ordinance:*** The City of Bloomingdale, tree protection ordinance concerning the planting or removal of trees.

***Truck Company:*** Also known as a “Trucking Company.” The process or business of transporting goods or items by or on trucks. The housing or storage of trucks used to move goods or items.

***Truck terminal:*** A primary use of property where trucks/trailers are temporarily stored, maintained or based. Trucks/trailers shall have current registration and license plates with decal.

## U

***Urgent care:*** The delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Urgent care centers are primarily used to treat patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency room. Often urgent care centers are not open on a continuous basis, unlike a hospital emergency room which would be open at all times.

***Use, accessory:*** A use located on the same lot with a principal use or building such as a garage, storage building, swimming pool, children's play area, etc.

***Use, principal:*** The main purpose for which a zoning is intended and for which it may [be] used.

V

**Variance:** A relaxation of the terms of this ordinance that will not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. A variance cannot be granted to change the text of this ordinance, to reclassify property on the zoning map or to allow a use not permissible within the district involved.

**Veterinary services or clinic:** An establishment for the care and medical treatment of animals.

**VPD:** Vehicles per day.

W

**Warehouse:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, items, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

**Watchman's or caretakers single family dwelling:** A temporary accessory structure containing living quarters and kitchen facilities for housing persons responsible for overseeing and maintaining security for the main use on the site.

**Water and wastewater system:** City of Bloomingdale Water and Sanitary Sewer System.

**Watershed:** Also called a catch basin; Land area that channels rainfall to creeks, streams, and rivers, and eventually to outflow points such as reservoirs and oceans.

**Wholesale business:** A business primarily engaged in the selling of goods or articles in gross to retailers for resale and not directly to the consumer.

**Writing:** The term "writing" includes printing and all numerals, and also pictures, illustrations and printed or written designs.

XY

**Yard, front:** The minimum permitted space between the front building line and the front property line.

**Yard, rear:** The minimum permitted space between the rear building line and the rear property line.

**Yard, side:** The minimum permitted space between the side building line and the side property line.

**Yard:** An open space that lies between the building and the nearest property line. The minimum required yard on a zoning lot as set forth in this chapter that is left unoccupied with structures, parking and facilities. A yard may also be known as a setback.

**Year:** The term "year" means a calendar year.

Z

**Zoning Administrator:** The person who has been designated by the Mayor and Council to administer the enforcement of this ordinance.

**Zoning decision:** Final legislative action by the Mayor and City Council which results with:

- a. The adoption of a zoning ordinance;
- b. The adoption of an amendment to this ordinance which changes the text of this ordinance;
- c. The adoption of an amendment to this ordinance which rezones property from one zoning classification to another;

- d. The adoption of an amendment to this ordinance which zones property to be annexed into the city; or
- e. The grant of a permit relating to a special use of property.

**Zoning district:** A section of the City of Bloomingdale, Georgia, as designated on the official zoning map within which zoning regulations are uniform and compatible.

**Zoning map:** The official map of the City of Bloomingdale, Georgia, shall be the last map with amendments approved by the Mayor and Council on file with the City Clerk's office, indicating the location of zoning districts in the city.

**Zoning ordinance:** An ordinance establishing procedures and zones or districts within the respective territorial boundaries of the City of Bloomingdale, Georgia, which regulate the uses and development standards of property within such zones or districts. The term also includes the map adopted in conjunction with the textual ordinance which shows the zones or districts classifying property depicted thereon.

**Zoning:** The power of local governments to provide within their respective boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

#### **52-203. - Reasonable Accommodation Policy.**

- a. It is the policy of the City of Bloomingdale, Georgia, pursuant to the federal Fair Housing Act Amendments of 1988, 42 U.S.C. § 3601 et seq. (hereafter "FHAA") and Title II of the Americans With Disabilities Act (hereafter "ADA", or collectively the "fair housing laws") to provide individuals with disabilities reasonable accommodation in its rules, regulations, standards, policies, practices, and procedures pertaining to housing and development to ensure equal access by persons with disabilities and to developers of housing for persons with disabilities. This section establishes a procedure for making requests for reasonable accommodation in land use, zoning, and development regulations as found and contained in this Code. It is the intent of the City of Bloomingdale, its officers, staff, and agents to fully comply with the intent and purpose of fair housing laws.
- b. Reasonable accommodation in the land use, zoning, and development context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use, zoning, and building regulations, policies, standards, practices, and procedures, or even waiving certain requirements altogether, when it is necessary to eliminate legal and regulatory barriers to housing opportunities.
  - 1. For purposes of this section, an individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a history of such impairment. The terms "disability" and "handicap", for purposes of the fair housing laws have the same meaning.
  - 2. A request for a reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or development regulation, policy, standard, practice, or procedure acts as a barrier to fair housing opportunities. Development regulations shall mean those minimum standards set forth in this Unified Development Code and shall not include Georgia Statewide Minimum Building Codes, as defined in O.C.G.A. § 8-2-20, or environmental regulations found in general law or the Code of Bloomingdale, Georgia.
- c. Notice of the availability of reasonable accommodation shall be prominently displayed on the official bulletin board in City Hall and on the city's website. Such notice shall state where applications for requesting reasonable accommodation are available to the public.

- d. Any eligible person described in (b)(2) above may request a reasonable accommodation in the application of any land use, zoning, or development regulation, rule, standard, policy, standard, practice, or procedure as described in subsection (b)(2) above, by completing and filing an application requesting reasonable accommodation with the Zoning Administrator, in triplicate. Persons requesting reasonable accommodation are encouraged to consult the director prior to submitting the application in order to make the nature of and need for the request clear.
  1. All requests shall be made in writing, on forms provided by the city, and provide the following information:
    - A. Name, address, and telephone number of person filing the request. When available, an email address should also be provided. When the request is being filed for the benefit of an individual with disabilities, the name, address, and telephone number for that person shall also be stated.
    - B. Address of property; name, address and telephone number of property owner, if different from requestor.
    - C. Detailed description of the requested accommodation and the regulation, rule, standard, policy, practice, or procedure for which accommodation is sought; and
    - D. Reason that accommodation is sought and any supporting documentation. If medical information is provided to support a determination that the requestor is a person with disabilities, it should be clearly marked as "Confidential" and will be used only as needed.
  2. Any information identified by the applicant as confidential will be held and used by the city in such manner as to respect the individual's privacy rights and shall not be made available for public inspection.
  3. A request for reasonable accommodation may be filed at any time; however, the city encourages its filing at the earliest opportunity to ensure the applicant with equal access to housing and to allow the city to make timely determinations of other related pending applications and permits. City staff will afford the applicant, upon request, such assistance as needed to ensure the application process is accessible and meaningful. There shall be no fee for requesting a reasonable accommodation.
  4. Granting of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- e. All requests for reasonable accommodation shall be reviewed by the City Administrator. A written decision on the request shall be issued to the applicant within twenty business days of the receipt of a completed form (Saturdays, Sundays, and legal holidays excluded). After initial review of a request, the City Administrator may request additional information from the applicant.
- f. The written decision to grant, deny, or grant upon conditions a request shall be consistent with the fair housing laws and based upon the following factors:
  1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual(s) with disabilities protected by the fair housing laws;
  2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
  3. Whether the requested accommodation would impose an undue financial or administrative burden on the city; and
  4. Whether the requested accommodation would require a fundamental alteration of a material nature in the city's land use, zoning, or development policies.

Where the written decision is to deny the request, or grant the request subject to conditions, a sufficiently detailed explanation of the reasons shall be given the applicant. The decision of the City Administrator can be appealed to the City Council within twenty days of the receipt of the denial. Notice of the decision shall be given the applicant by Certified U.S. Mail, return receipt requested, unless the applicant consents to service in a different manner. A decision concerning the appeal by city council shall be final.

- g. While a request for reasonable accommodation is pending, all laws, rules, regulations, standards, policies, practices, and procedures applicable to the property that is the subject of the request shall remain in full force and effect. This shall include any appeal of the decision until final.
- h. Within 30 days of an adverse decision on a request for reasonable accommodation, an aggrieved person can file a Petition for Writ of Certiorari in the Superior Court of Chatham County, Georgia. Nothing in this procedure shall preclude an aggrieved person from seeking other available federal remedies.

#### **52-204. – Zoning Map Amendment.**

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other information portrayed in the official zoning map, changes shall be made on the official zoning map promptly, after the amendment has been approved by the City Council of Bloomingdale, together with a numerical entry on the official zoning map referring to the application on file which states the date of the official action and description of the nature of the changes. No amendment to this regulation which involves the matter portrayed on the official zoning map shall become effective until after such change and entry have been made on said map.

No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and is punishable as provided by law.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the city clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structure[s] in the city.

#### **52-205. – Interpretation of district boundaries.**

Where uncertainty exists with respect to the boundaries of districts as shown on the official zoning map of Bloomingdale, the following rules shall apply:

Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot or property lines, corporate limit lines, the centerline of the main tracks of a railroad, a line lying in the center of a stream or drainageway, or the city limits of Bloomingdale.

Where district boundary lines parallel street rights-of-way or other discernable topographic features, the exact distance shall be scaled from the map.

Where a district boundary line divides a lot which is single ownership at the time of this enactment, the use classification of the larger portion may be extended to the remainder without recourse to amendment procedure.

In case the exact location of a boundary cannot be determined by the foregoing methods, the city council shall, upon application, determine the location of the boundary.

Where a public road, street, alley, or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, alley, or right-of-way.

**52-206 – Use of land or buildings.**

The regulations set by this ordinance within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(1) No land or buildings shall hereinafter be used or occupied, and no building or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered: (a) To exceed the original size or bulk, (b) To accommodate or house a greater number of families, (c) To occupy a greater percentage of lot area, (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance(s).

(3) No part of a yard, or other space, or off-street parking or loading required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

## **ARTICLE 3. - ESTABLISHMENT, FUNCTIONS, AND ADMINISTRATION**

### **52-301. - Introduction.**

This article establishes and defines the functions of the Mayor and City Council, Zoning Administrator and the Planning and Zoning Board for purposes of this ordinance, amendments, appeals, variances and special uses.

### **52-302. - Zoning Administrator.**

The position of Zoning Administrator is designated by the Mayor and Council.

#### **52-302 A. - Functions.**

The functions of the Zoning Administrator shall be as follows:

1. Having the primary responsibility for administering and enforcing this ordinance;
2. Keeps up to date on current laws, recent court decisions and new techniques related to planning, zoning and development;
3. Coordinates the review of amendments to this ordinance and special use applications;
4. Provides information to the City Administrator, Mayor and City Council and the public on zoning and related matters;
5. Makes recommendations to the Planning and Zoning Board and to the Mayor and City Council on amendments to this ordinance, variances, special uses, annexations and development requests;
6. Maintains an official zoning map in a current manner, including all amendments to the map, at the planning and development department;
7. Maintains an official copy of the City of Bloomingdale Zoning Ordinance at the department for public access;
8. Keeps up-to-date copies of the City of Bloomingdale Zoning Ordinance available for sale to the public and a zoning map for review and access by the public;
9. Processes applications for rezonings, annexations, variances, conditional use, and special use permits;
10. Conveys written decisions on all requests or amendments to the zoning ordinance to the person or persons requesting such amendment within 10 business days of decisions made by the Mayor and City Council.
11. Reviews applications for building permits for compliance with the City of Bloomingdale Zoning Ordinance and denies such permits if they do not meet existing regulations;
12. Inspects all residential, commercial, and industrial projects to ensure zoning compliance;
13. Accepts and processes bonds for all residential, commercial, and industrial developments;
14. Other functions as prescribed by the City Administrator and Mayor and Council.



**52-303. - Planning and Zoning Board Created and established.**

In order to guide and accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote the public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, the City of Bloomingdale Planning and Zoning Board, referred to in this article as the planning and zoning board, is created and established.

**52-303 A. - Members.**

There may be compensation for members of the Planning and Zoning Board as approved by Mayor and Council, but they may receive reimbursement of reasonable and necessary expenses incurred in the performance of their duties with prior approval of such expenses by the City Administrator.

**52-303 B. - Membership; term; purpose.**

(a) The planning and zoning board shall consist of seven members and be comprised of six city employees and one resident of the city. The city employees appointed to the planning and zoning board shall be the following: the zoning administrator, building inspector, chief of city police department, chief of city fire department, department head of public works, and department head of recreation/leisure services. Except for the zoning administrator and building inspector, the city employees appointed herein may appoint a designee, from within their respective department, to serve on the planning and zoning board. Any city resident interested in serving on the planning and zoning board shall be familiar with the city land use and zoning regulations and submit an application for appointment to the city. All applications shall be reviewed by the city council, and any city resident nominated for membership must be approved by the city council.

(b) Any city resident duly appointed to the planning and zoning board by the city council shall serve a term of four years unless removed by city council. Upon the conclusion of each four-year term, or vacancy in office, any appointment of a different city resident, or appointment to fill a vacancy in office, that person shall be subject to the provisions of subsection (a) of this section. In the event the existing city resident appointee is being re-appointed for a subsequent term, a new application to the city shall not be required.

(c) The planning and zoning board shall act as an advisory board only, and any recommendation made shall not be binding upon the city council.

**52-303 C. - Organization; rules; staff; quorum; meetings.**

(1) The zoning administrator shall serve as chairperson of the planning and zoning board. The planning and zoning board may appoint a secretary, who shall be an officer or employee of the city. The planning and zoning board shall adhere to the following rules of procedure:

(2) All planning and zoning board meetings shall comply with the requirements of O.C.G.A. § 50-14-1 et seq. (as amended), including without limitation, all meetings being open to the public and minutes taken.

(3) The planning and zoning board shall hold one meeting per month, with the specific meeting date and time to be set by the City Council.

(4) Four members, one of which may be the chairperson of the planning and zoning commission, shall constitute a quorum for any meeting.

(6) Any item for consideration by the planning and zoning board or proposed recommendation to the city council must be acted upon by voice vote and recorded in the minutes.

(7) Any item for consideration or proposed recommendation shall require a minimum of three votes in favor or against to approve or deny the same. The chairperson shall vote in all matters.

(8) The planning and zoning board shall follow all notice, meeting, and public hearing guidelines set forth in Georgia law and the Code of Ordinances for the City of Bloomingdale.

(9) When any question arises which is not provided for in the rules applicable to the planning and zoning commission, as far as practicable, it shall be controlled by the then current edition of Robert's Rules of Order.

(10) The chairperson or any three members may call a special meeting.

(11) A failure of the Planning and Zoning Board to have a quorum present to vote or a voting decision resulting in a tie shall result in the matter being forwarded to the Mayor and City Council for review and consideration.

**52-303 D. - Conflicts of interest.**

If any member of the Planning and Zoning Board shall find that his private or personal interests are involved in the matter coming before the board, they shall disqualify them self from all participation in that matter. No member of the board shall appear before the Planning and Zoning Board or the Mayor and City Council as agent or attorney for or on behalf of another person or entity concerning a planning, zoning, or development matter.

*Prohibited.* No member of the planning and zoning board shall benefit monetarily or otherwise, either directly nor indirectly, from a decision of the planning and zoning board. No member of the planning and zoning board shall engage in a conflict of interest whereby any member will have an interest in the final decision, determination or judgment of the planning and zoning board causing a conflict between the personal interest of the member and the best interest of the citizens of the city. All members of the planning and zoning board are prohibited from benefiting or engaging in a conflict of interest pertaining to any matter which is presented before or decided by the planning and zoning board.

**52-303 E. - Functions.**

1. Review the zoning ordinance to make recommends to the Mayor and City Council for amendments where appropriate. Recommend goals and objectives to the Mayor and City Council for the implementation and enforcement of the zoning ordinance.
2. Conduct meetings to review proposed amendments to this ordinance in order to make recommendations to the Mayor and City Council on rezoning applications, annexation applications and special use permits after receiving written comments on the application from the Zoning Administrator; provided, however, no action by the Planning and Zoning Board shall constitute "final action" on zoning decisions.
3. Other functions as prescribed by the Mayor and City Council relative to zoning.

**52-304. - Mayor And City Council.**

The functions of the Mayor and City Council, as relate to this ordinance, shall be as follows:

**52-304 A. - Public Hearings—Amendments.**

Conduct an official public hearing for amendments to this ordinance in accordance with subsections of Section 404.

**52-304 B. - Proposed Amendments.**

Approve or deny any proposed amendment to this ordinance, including any and all amendments to the official zoning map (the rezoning of land), based upon an evaluation under the standards found within Section 404 of this ordinance, and after first receiving comments and recommendations from the Zoning Administrator and the Planning and Zoning Board.

**52-304 C. - Public Hearings—Appeals.**

Hold public hearings and make decisions on appeals of decisions made by the City Administrator, Zoning Administrator, applications for variances, applications for zoning issues, applications for development issues, applications for conditional uses, and applications for special uses.

**52-304 D. - Publish decisions.**

Officially publish any decision made relative to approval or denial of any amendment to this ordinance, appeals, variances, conditional uses, and special use permits.

**52-304 E. - Propose Amendments.**

Propose amendments to this ordinance, as deemed appropriate, and submit such proposed amendments to the Zoning Administrator and Planning and Zoning Board for their comments and recommendations.

**52-304 F. - Appoint members.**

Appoint the Planning and Zoning Board in accordance with Section 52-303 B.

**52-305. - Conflict Of Interest Disclosure Affidavit.**

Members of the Planning and Zoning Board and the Mayor and City Council shall make and file an affidavit with the Zoning Administrator in any zoning matter in which the official has a property interest in any real property affected by the rezoning action upon which that official is authorized to vote; has a financial interest in any business entity which has a property interest in any real property affected by the rezoning action upon which that official is authorized to vote; or has a member of the family having an interest described above. For purposes of this requirement, members of the family shall include the official's spouse, father, mother, brother, sister, son or daughter. Affidavits shall be filed immediately upon learning that a rezoning action is pending. Officials making disclosure under this requirement shall recuse themselves from voting on this matter.

Applicants applying for a rezoning action, within ten days of filing of the application, shall file with the Zoning Administrator an affidavit disclosing whether within two years immediately preceding the filing of said application, applicant has made campaign contributions or gifts totaling or having an aggregate value of \$250.00 or more to a member of the Planning and Zoning Board or Mayor and City Council who is authorized to vote on the rezoning action. This disclosure shall state the name of the official, the amount and date of the campaign contribution or a description and estimate of value of any gift.

## **ARTICLE 4. - PROCEDURES**

### **52-401. - Submittal Requirements for All Building, Development and Zoning Applicants.**

All applications for reviews, approvals, annexations, administrative and legislative decisions specified in the Unified Development Code shall be submitted on forms provided by the city and shall be submitted with the documentation required for each type of application. The Zoning Administrator is hereby authorized to establish administrative deadlines for the receipt of applications and associated information in accordance with the provisions of this chapter.

#### **52-401 A. - No application officially accepted until complete.**

1. *Review of application completeness.* Upon submittal, each application shall be subjected to a review of application completeness prior to being officially accepted by the city. An application shall be considered "complete" if it is submitted on the required form, includes all submittal information, including all exhibits specified by the Zoning Administrator, and accompanied by the application processing fee as adopted by the Mayor and City Council and as may be revised periodically. The review of application completeness shall be conducted by staff within 15 business days of the submittal deadline. If the city determines the application is complete, the application shall be processed pursuant to this chapter.
2. *Incomplete applications.* If the city determines that the application is incomplete, staff shall notify the applicant of that fact via the contact phone information provided and specify the ways in which the application is deficient. All incomplete applications shall receive no further processing until the deficiencies are corrected via a new submittal.
3. *Resubmittal of applications.* Resubmittal of the application shall be treated as a new application. Under no circumstances may staff delay conducting the review of application completeness in excess of 15 business days of the submittal deadline. If the review of application completeness is not completed within 15 business days of the submittal deadline, the application shall be determined complete.

#### **52-401 B. - Submittal Fees.**

All applications shall be submitted with the required fee. The amount of each fee will be established by the city, and approved by the Mayor and City Council, which may be revised periodically.

#### **52-401 C. - Boundary Survey.**

All applications shall be accompanied by a boundary survey prepared by a registered land surveyor; the number of copies shall be submitted as indicated on application forms established by the city; applications shall also include one copy of the boundary survey reduced to a size of 8.5 inches by 11 inches.

#### **52-401 D. - Legal description.**

All applications shall be accompanied by a written metes and bounds legal description. It must establish a point of beginning and from the point of beginning give each dimension bounding the property, calling the directions (e.g. north, northeasterly, southerly, etc.) which the boundary follows around the property returning to the point of beginning. If there are multiple properties, all properties shall be combined into one legal description.

**52-401 E. - Non-discrimination.**

1. *Purpose and intent.* Throughout this Code, provisions are made for the issuance by the city of various licenses, permits, and approvals. Some are required by federal or state law while others are part of a comprehensive regulatory scheme adopted by the Mayor and City Council. The Mayor and Council find that the number of ever-increasing demands on city staff, resources, and infrastructure is limited, not only by budgetary constraints, but physical limitations and manpower. It is the objective of this Mayor and Council to utilize its resources wisely, fairly, and in the most efficient manner, while requiring consideration of criteria and standards without discrimination or favor. The intent of this section is to recognize and provide guidance for city staff and this Mayor and Council as the city's governing authority to ensure that city services, privileges, and benefits are delivered in a non-discriminatory manner.

Most all forms of licenses, permits, and approvals required by the city involve some form of deployment of city resources. In order to conserve and allocate these resources wisely, the city often must balance competing factors affecting its citizens, property owners, residents and businesses. Licensing and permitting often requires some form of due process, or notice, and can only be approved following a hearing or other means of allowing citizens to be heard. Adequate advance notice to the pertinent city staff is key to timely and relevant decision-making, as well as a full understanding of material facts and the applicant's objectives. Normally, the burden is on the applicant to apprise the city staff of material information by filing a complete application.

Fees charged in relation to permits or licenses are established to recoup the city's cost of permit/license review and administration. In certain cases, the fee will also seek to recoup anticipated costs to the city for the burden placed on infrastructure and services, such as additional security and traffic control. The upfront payment of required fees is part of the submission of a complete application. Waiver or reduction of fees and waiver of a complete written application is discouraged, except as incentives for economic development, and can only be approved by the Mayor and Council, upon written recommendation of the City Administrator.

Last, while it is the general intent of the City to make its permitting and licensing procedures as simplified as possible, the need for fully informed decision-making by city staff mandates the need for consistency and transparency, which are only attainable through a written application process, followed by documented verification and review. In all instances where applications are filed, the city will seek to provide a timely response to the applicant, with all final decisions (approval, denial, or approval upon reasonable conditions) given to the applicant in writing.

2. *Non-discrimination.* This provision shall apply to all licensing, permitting, and/or approval requests found in this Code. Though certain Code sections may contain objective criteria or standards relevant to the specific license, permit, or approval sought, this provision shall serve as an overlay and guide the decision-making process.
  - a. No license, permit, or approval shall be denied nor shall the applicant be given less favorable treatment as to time, place, or manner requirements or conditions on account of the race, color, creed, religion, gender, domestic relationship status, familial status, sexual orientation, national origin, political affiliation, or gender identity of the applicant and/or participants in the business, undertaking, event, or activity to be carried out by the applicant under such license, permit, or approval.
  - b. No license, permit, or approval shall be denied nor shall the applicant be given less favorable treatment as to time, place, or manner requirements or conditions based upon the message or content of speech of the applicant and/or participants in the business,

undertaking, event, or activity to be carried out by the applicant under such license, permit, or approval.

- c. Where it is assumed or reasonably believed that issuance of a license, permit, or approval is likely to result in unreasonable hostility by opponents of an applicant and/or its group or entity, or there is a heightened risk to public safety, based upon the content of speech or the message conveyed by the applicant and/or participants in the undertaking, event, or activity to be carried out by the applicant under such license, permit, or approval, reasonable accommodation as to time, place, and manner requirements shall be afforded, including provision of city resources necessary for traffic control, and police and fire protection; provided, however, payment for or reimbursement of the cost of such accommodation may be imposed by the city as a reasonable condition for such approval.
- d. All other conditions or modifications of the time, place, and manner requirements for a license, permit, or approval shall be reasonable and imposed based upon compelling reasons relating to public safety, health, or the environment. When approval is based upon the imposition of reasonable conditions, all such conditions shall be clearly set forth in the written notice of decision.

#### **52-402. - Plan Review.**

Prior to plat approval and prior to the issuance of any building, land disturbance, grading, construction or other development permit, applicants must submit site plans for city review. It is the policy of the City of Bloomington to consider the approval of site plans and subdivision plans as necessary for the orderly, efficient and economic growth and development of the city.

#### **52-402 A. - Building Plan Review.**

In addition to building plan review requirements, no building permit shall be released prior to a review for zoning compliance. Further, no Certificate of Occupancy shall be released prior to field inspection for site and zoning compliance with items including but not limited to: setbacks, parking, plantings, berms, buffers, fencing, building height and other required building elements, building materials, block sizes, and conditions to zoning as may have been required at rezoning approval or by this Development Code. Section 52-1310 establishes procedures for Certificate of Use and Occupancy.

#### **52-402 B. - Development Plan and Subdivision.**

Article 13 establishes review procedures for the land development process. Procedures involve Preliminary site plans (conceptual), and Final site and Subdivision plans (construction) and As-Builts. Sections 52-1304 and 52-1305 define platting and conveyance procedures.

#### **52-402 C. - As-builts.**

Procedures established as follows: for all construction and grading (section 52-1309), and for Roads, Site and Drainage (section 52-1401).

#### **52-403. - Subdivision and the Creation of New Lots (Combination and/or Division).**

Prior to plat approval and prior to the issuance of any building, land disturbance, or other development, the subdivision or creation of new lots shall be reviewed for conformity with all zoning and development regulations according to procedures established in Article 13.

#### **52-404. - Amendments.**

Amendments to this ordinance may be proposed by the City Administrator, Zoning Administrator, the Mayor and City Council, the Planning and Zoning Board and any other owner of property within the City

of Bloomingdale or the owner's legal representative. All amendments to this ordinance, either to the text or map, shall be in accordance with the provisions of this section.

**52-404 A. - Written Ordinance Requirement.**

All amendments to this ordinance, either to the text or map (rezonings) shall be in the form of a written ordinance and read at a minimum of one meeting of the Mayor and City Council. Copies of the proposed ordinance shall be available for distribution at the public hearing before the Mayor and City Council.

**52-404 B. - Consistency with Comprehensive Plan.**

All amendments to this ordinance shall be consistent with the most current, adopted Future Land Use Map of the City of Bloomingdale Comprehensive Plan, as may be amended from time to time, unless significant justification exists based upon an analysis of the standards set forth in Section 52-405. The applicant shall bear the burden of proof and persuasion by demonstrating approval of a proposed amendment not consistent with the comprehensive plan is warranted, based upon evaluation of the standards set forth in Section 52-405.

**52-404 C. - Applications.**

All applications for annexation, rezoning, variance, conditional use, and special use shall be made in writing on form(s) provided by the City of Bloomingdale and shall be submitted to the Zoning Administrator. No application shall be considered complete until all applicable form(s) have been submitted with payment of applicable fees.

**52-404 D. - Application Submittal Requirements for Variances, special use, conditional use, and Rezoning Requests.**

All application submittals shall include information deemed necessary by the City of Bloomingdale, including but not limited to the following:

1. Completed application form.
2. Detailed description of existing land uses on all contiguous property;
3. The location of the subject property including street numbers, if available;
4. A boundary plat of the subject property, prepared in accordance with the Georgia Plat Act, showing the dimensions of acreage, location of tract and location of all existing improvements and easements;
5. A site plan drawn to scale showing:
  - a. Any and all improvements to be constructed if the application is approved, along with the proposed use and dimensions of all structures;
  - b. A statement with any prior conditions to zoning, plat and/or prior variance request approvals granted by the City of Bloomingdale;
  - c. Site plans with variance requests shall indicate the dimension of the proposed subject of the variance request (see 52-415 [section 52-410] for variance procedures).
6. Chatham County Tax Map, block and lot number of the appropriate plat reference;
7. The present and proposed zoning district classification for the subject property;

8. The name and address of the owner of the subject property;
9. The area of land of the subject property, stated in square feet if less than one acre;
10. Date of application;
11. Any prior applications or actions for rezoning of all or part of the subject property within the past five years;
12. Documentation supporting the request based upon the standards of this article.
13. Authority from property owner to act on behalf of property.

**52-404 E. – Notice of Review Schedule**

Within 30 days following receipt of a complete application, the Zoning Administrator shall notify the Planning and Zoning Board of the application submittal and the scheduled review process and the applicant shall be notified.

**52-404 F. – Time Schedule**

The Planning and Zoning Board, upon receipt of the evaluation from the Zoning Administrator, shall consider the application at a scheduled meeting. A recommendation from the Board will be presented to the Mayor and City Council within 60 days of a vote by the Board's meeting.

**52-404 G. - Public Hearings.**

Public hearing shall be conducted as provided in Section 52-408.

**52-404 H. - Deferral authority.**

The Mayor and City Council, Zoning Administrator, and Planning and Zoning Board may defer action or recommendation for a reasonable length of time on any proposed zoning decision pending submission of additional information as requested of the applicant.

**52-404 I. - Decisions and recording.**

Upon concluding the public hearing, the Mayor and City Council, in its legislative discretion, may approve, approve with conditions or deny the proposed zoning decision, as submitted or conditioned, defer a decision until a specific meeting date, require the applicant to file additional information or plans regarding the project development and defer action to a later meeting date, or allow withdrawal by the applicant, if requested prior to a vote by the Mayor and Council.

1. Voluntary withdrawal prior to a vote shall not constitute a denial.
2. In approving the ordinance, the Mayor and Council may impose additional conditions or delete conditions recommended by the Zoning Administrator or Planning and Zoning Board; provided, however, all such conditions shall be stated in the proposed ordinance prior to its final reading.
3. The second and final reading of the ordinance shall take place at the next regular scheduled meeting of the Mayor and City Council, unless the second reading was waived by Mayor and Council at the First Reading. The vote of each member of the Board shall be recorded in the official minutes. Any tie vote shall constitute a denial of the proposed ordinance amendment.



**52-404 J. – Recording Changes to the Zoning Map**

After final action by the Mayor and City Council on a zoning decision, any necessary changes to the official and unofficial zoning maps shall be made by the Zoning Administrator within 45 days and shall be dated and signed by the Mayor. Only changes authorized to be made by the Mayor and Council, after compliance with the amendment procedures of this ordinance, shall be made and recorded on the official zoning map and official copy of this ordinance, as maintained for public inspection and copying in the City Clerk's office.

**52-404 K. – Notification of Final Decision**

The Zoning Administrator shall convey the final action, in writing, on a zoning decision to the applicant within five business days of the Mayor and City Council making such decision.

**52-404 L. – Records of Final Decisions**

All records concerning proposed zoning decisions, whether approved, denied or withdrawn, shall be maintained by the City Clerk as public records of the city.

**52-404 M. – Reapplying for a Zoning Amendment**

If an application for rezoning is denied by the Mayor and City Council, the same request shall not be reconsidered for six months from the date of such denial. Voluntary withdrawal by the applicant, prior to a vote on final action by the City Council, shall not constitute a denial.

**52-405. - Rezoning Evaluation Criteria.**

All proposed rezonings of property shall be evaluated in light of the following standards used to interpret the balance between an individual's right to the use of their property and the public health, safety or general welfare of the community. In applying these standards, expression of opinions unsupported by objective factual analysis, using the criteria set forth below, should not be considered by the Mayor and City Council.

1. Existing uses and zoning of adjacent properties;
2. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned, although such use may not be its highest and best potential use.
3. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner (applicant) by maintaining the existing zoning;
5. The suitability of the subject property for the purposes for which the applicant seeks to have it rezoned, including availability of existing infrastructure (when required infrastructure is not available, applicant should address the means by which it will be provided – water, sewer, drainage, roads, streets, access to property, etc...);
6. The compatibility of the applicant's proposed use of the property, if rezoned, with surrounding properties and uses (the applicant should address measures to reduce negative impacts of the proposed use, including applicant's position on any conditions attached to a recommendation for rezoning by the Zoning Administrator and/or Planning and Zoning Board);

7. Any environmental, historic, cultural or aesthetic concerns unique to the subject property or proposed use, and how applicant proposes to mitigate any negative impacts on surrounding properties and the community at large;
8. Whether there has been a change in conditions of the subject property or properties in the vicinity of the subject which give supporting grounds for either approval or disapproval of the zoning proposal;
9. If applicable, the length of time the subject property has been vacant or substandard as zoned, when considered in the context of land development in the vicinity of the property.
10. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood so as to adversely affect the health, safety or general welfare of citizens;
11. The proposed use will not constitute a nuisance or hazard or otherwise adversely affect the public interest because of the number of persons who may normally be expected to use such facility or type of physical activity;
12. Other items that may be considered include traffic flow, availability of off-street and on-street parking, protective screening, hours and manner of operation of the proposed use, outdoor lighting, signage and ingress and egress to the property;
13. Is the request a logical extension of a zoning boundary which would improve the pattern of uses in the general area and conform to the comprehensive plan;
14. Is this request an illogical extension of a zone boundary which would intrude a damaging volume of (a) commercial, (b) industrial, (c) high-density apartment use into a stable neighborhood of well-maintained single-family homes, and would be likely to lead to neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature which would expand the problem;
15. Is the request spot zoning and generally unrelated to either existing zoning or the pattern of development of the area, and contrary to the intent of the comprehensive plan;
16. Would granting this request extend to the applicant development rights denied to other[s] similarly situated in the same area;
17. Could a change in zoning classification adversely affect market values and/or tax rates of nearby properties; and
18. The applicant must meet all specific requirements established in this ordinance for the particularized special use requested, including design treatments required by Articles 5 and 6.

**52-406. - Special Uses.**

Special uses are potential compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore are not allowed of right. All proposed special uses of property shall follow procedures for 52 - 404 C., D., and E., and public hearing proceedings 52 - 408.

**52-406 A. – Special Use evaluation standards.**

Special use requests shall be evaluated according to the following standards:

1. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood so as to adversely affect the health, safety or general welfare of citizens;
2. It must not adversely affect existing property and uses and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements for the use;
3. General compatibility of the proposed special use with adjacent properties and other land uses in the general area;
4. The proposed use will not constitute a nuisance or hazard or otherwise adversely affect the public interest because of the number of persons who may normally be expected to use such facility or type of physical activity;
5. Other items that may be considered include traffic flow, availability of off-street and on-street parking, protective screening, hours and manner of operation of the proposed use, outdoor lighting, noise, signage and ingress and egress to the property;
6. The applicant must meet all specific requirements established in this ordinance for the particularized special use requested, including design treatments required by Articles 5 and 6.
7. City Council shall evaluate all special use request using the criteria and standards listed in 52 - 405.

**52-406 B. - Decisions.**

In granting a special use permit, the Mayor and City Council may impose reasonable conditions as are deemed necessary in the particular case for the protection or benefit of existing properties in order to assimilate the proposed development or use into the neighborhood or area with minimal impact. The Mayor and Council's conclusion on the grant of a special use, or the reasons for denial, shall be afforded to the applicant in writing within five days of the decision, by U.S. Mail to the address shown in the application or personally served upon the applicant or the applicant's representative. Aggrieved applicants shall have 30 days from the date of the decision to appeal to the Superior Court of Chatham County, Georgia.

**52-407. - Annexation.**

The Zoning Administrator and Planning and Zoning Board shall make recommendations to the Mayor and City Council on the initial zoning of land proposed to be annexed in the City of Bloomingdale, Georgia. Annexation applications, meeting the requirements of O.C.G.A. Title 36, Chapter 36, shall be submitted to the Zoning Administrator and shall include the following information:

1. A legal description of said property to be annexed;
2. Title opinion of an attorney certifying to ownership of the property as of the date of filing this application;

3. A complete survey showing the property in relation to the present city boundary;
4. A copy of the pertinent Chatham County, Georgia, Tax Map or maps showing where the property to be annexed is located in reference to existing municipal boundaries;
5. Applicant's proposed initial zoning classification for the property under this ordinance;
6. Governmental services currently provided for the property to be annexed, either by Chatham County, municipalities or authorities;
7. County-owned public facilities of the area proposed to be annexed;

Applicant's evaluation of initial zoning requested shall be conducted in accordance the criteria of Section 52-405. A vote by the Mayor and City Council on zoning for an annexation proposal shall not constitute final action on a zoning decision until the annexation is finally approved and effective. No land annexed into the City of Bloomingdale, Georgia, shall be unzoned.

**52-407 A. – Annexation and other adjustments to city limits.**

Where city limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- (1) The land areas incorporated shall be classified R-1 one-family residential until such time as such classifications are changed through normal amendment procedures or unless a different classification is called for in the annexation ordinance.
- (2) In all cases, where additions in the total land area require adjustments in the zoning district boundaries, said adjustment shall be made on the official zoning map.

**52-408. - Public Hearings.**

**52-408 A. – Requirements.**

Public hearings shall be held prior to legislative and certain administrative action, as specified within the Unified Development Code and Georgia law concerning Zoning hearing requirements which are specifically incorporated herein and made a part hereof.

**52-408 B. Hearing required before legislative action.**

Public hearings shall be held by the Mayor and City Council prior to final legislative action which results with:

1. The consideration of an amendment to this ordinance that changes the text of the ordinance;
2. The consideration of any amendment to this ordinance that rezones property from one zoning classification to another;
3. The consideration of any amendment to this ordinance which zones property to be annexed into the City of Bloomingdale;
4. The consideration of a request for a special use of property, request for variance, request for conditional use as provided in this ordinance;
5. When a proposed zoning decision is sought to locate or relocate a half-way house, drug rehabilitation center or other facility for the treatment of drug dependency, an additional public hearing shall be conducted at least six months and not more than nine months before final action

by the City Council; such hearing shall be supplemental to the public hearing required under subsection (A) above. For the supplemental hearing only, the published notice of the public hearing shall be at least two column inches in size and shall not be located in the classified advertising or legal advertising section of the newspaper and shall publish at least 15 and not more than 45 days prior to the hearing. In addition, a sign containing the information required by subsection (C) below shall be posted conspicuously on the property at least 15 days prior to the date of the hearing.

**52-408 C. – Public notice requirements.**

The Zoning Administrator shall cause notice of the public hearing before the Mayor and City Council to be published in the legal notice section of the legal organ of Chatham County, Georgia, at least 15, but not more than 45, days prior to the date of the hearing, stating the time, place and purpose of the hearing, the location of the property by street address and tax map reference, the present zoning classification and, as applicable:

1. For zoning, conditional use, and special use public hearings, the proposed zoning classification or description of other zoning decision sought.
2. For a zoning decision for initial zoning of property to be annexed into the city, in lieu of the present zoning classification, the publication shall state the present zoning or use of the property under the Chatham County Zoning Ordinance.
3. For a variance request, the publications shall state the section(s) of the code applicant requests permission to vary.

**52-408 D. - Notification Signs and Mailings.**

If the action is for the rezoning of property shown on the official zoning map by a party other than the City of Bloomingdale, initial zoning upon annexation of property, conditional use, variances, or a special use permit, a minimum of one sign stating the time, place and purpose of the hearing, the location of the property by street address and tax map reference, the present zoning classification and the proposed zoning classification or description of other zoning decision sought, or in case of variance the ordinance sought to be varied, and the telephone number of the Zoning Administrator's office, shall be placed by the Zoning Administrator or a designee in a conspicuous location on the property not less than 15 days prior to the date of hearing.

The sign will contain the hearing dates before City Council. Where feasible, the sign shall be placed at or near the property boundary adjacent to the public right-of-way in a manner most readily seen by the public.

All adjacent property owners shall be notified in writing by first class U.S. mail of the type of request (rezoning, initial zoning, conditional use, special use, or variance), the date, the time, and the place of the public hearing and the proposed changes.

**52-408 E. - Proceedings.**

At the official public hearing conducted by the Mayor and City Council, the Mayor will announce the proposed request under consideration and that printed copies of the adopted standards governing exercise of the zoning power and procedures governing the hearing are available to the public. The Zoning Administrator shall advise the Mayor and Council of the nature of the decision sought and the recommendation of the Planning and Zoning Board and city staff, when applicable. The applicant or his

attorney may then address the Mayor and Council. Proponents, including the applicant or his attorney, shall have no less than ten minutes for presentation of data, evidence and expert opinions; opponents of the proposed decision shall have an equal minimum period of time, but no less than ten minutes for presentation of data, evidence and expert opinion. The Mayor may grant additional time; provided, however, an equal period of time shall be granted both sides. The Mayor may limit repetitious comments in the interest of time and may call for a show of hands of those persons present in favor or opposed to the proposed decision. It shall be the duty of the Mayor to maintain decorum and to assure the Public Hearing on a proposed decision is conducted in a fair and orderly manner. Zoning and variance request decisions shall be placed on the agenda in the order in which they are filed with the Zoning Administrator.

**52-408 F. – Public access to ordinances.**

Copies of applicable sections of this ordinance shall be available for distribution to the public at all public hearings, without charge. Copies of the entire ordinance may be purchased at City Hall at a reasonable charge.

**52-409. - MEETINGS.**

**52-409 A. – Open meeting requirements.**

All meetings, both regular and called, at which an application filed pursuant to this ordinance is to be discussed, considered, or acted upon by the Mayor and City Council, shall be open to the public. Notice of special meetings shall be given in accordance with the Georgia Open Meetings Law.

**52-409 B. – Hearing notification; notification defect; and waiver.**

Where notice is given in accordance with this ordinance, no further notice to the property owner or any interested party is required. Failure to provide notice as required by this ordinance may constitute grounds for the final action of an application to be declared null and void. Appearance at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property.

**52-410. - VARIANCES.**

**52-410 A. - Limits to Variance Considerations.**

The Mayor and City Council shall not grant variances for the following:

1. To increase the maximum density per acre above that established by the physical requirements for the zone in which the property is located;
2. To permit a use or expansion of a legal non-conforming use in a district in which the use is not permitted by right or special use under this ordinance; or
3. Due to the presence of non-conformities in other existing buildings or structures in the zoning district or adjoining zoning districts.

**52-410 B. - Application Submittal.**

Applicant shall follow submittal requirements described in Section 52-404 C. and D.

**52-410 C. - Public hearing required.**

Prior to taking final action on any variance application, the Mayor and City Council shall conduct a Public Hearing, which shall follow public hearing notification and procedures as provided in Section 52-404, with the following qualifications:

1. The burden of proof and persuasion shall be upon the applicant to demonstrate entitlement to the variance, under the standards set forth below, by clear and convincing evidence. After first hearing from the applicant or his attorney, the city staff and/or any interested parties desiring to participate in the hearing shall be entitled to present evidence. The applicant shall have the right of rebuttal.
2. All hearings shall be recorded and a transcript of the evidence and proceedings at the hearing shall be prepared by the city, upon request of any party, who shall be responsible for the cost of transcription.

**52-410 D. - Variance Evaluation Criteria.**

The Mayor and City Council, upon conclusion of the administrative hearing, shall deliberate upon the evidence, evaluated in light of the following standards:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property in question and not be common to other properties in the district;
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance;
5. The property involved cannot be used in a manner permitted by the ordinance unless the variance is granted;
6. Inability to put the subject property to its most profitable use does not constitute "unnecessary hardship";
7. Mere inconvenience to the applicant is not sufficient grounds for "unnecessary hardship";
8. Value alone is not a proper criterion in determining "unnecessary hardship"; and
9. A literal interpretation of this ordinance would deprive the applicant of any rights that others in the same district are allowed.

**52-410 E. - Variance Decisions and Appeals.**

1. *Approvals.* On all variance applications, after hearing, the Mayor and Council shall determine whether the applicant is entitled to a variance based on the evidence and information as determined by Mayor and Council. In granting a variance, the Mayor and City Council may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this ordinance will be served. The terms of the approved variance shall be fully set forth in a writing signed by the Mayor and made a part of the official record, with a copy mailed to the applicant.
2. *Validity period.* A variance is valid for the period of one year from the date of approval. Prior to the end of the year, if work has not begun, the applicant may request one extension not to exceed one additional year, if approved by city council.
3. *Denials.* If the variance is denied, the findings of the city council upon which the denial is based shall be served upon the applicant, by U.S. Mail at the address shown in the application.
4. *Appeals.* Aggrieved applicants shall have 30 days from the denial in which to petition the Superior Court of Chatham County. Notice of the date, time and location of the Public Hearing shall be given the applicant and any interested party known to the Zoning Administrator, not less than 15 days prior thereto, by U.S. Mail to the address shown in the application or as furnished to the Zoning Administrator. In addition thereto, notice of the Public Hearing shall be published in the legal organ of Chatham County, Georgia, in the legal notice section not less than 15 days before the hearing nor more than 45 days prior to the hearing, advising all interested parties of their opportunity to appear and participate. A telephone number for the Zoning Administrator shall also appear in the notice to allow interested parties to obtain more information.

**52-411. - Revocation of Approval.**

In the case of any variance or special use permit granted in accordance with the provisions of this ordinance, if the Mayor and City Council learns that such variance or special use permit was granted based upon false or misleading representations made by the applicant or his agents to the Mayor and Council, the Mayor and City Council may revoke such special use or variance after giving due notice to all parties concerned and granting full opportunity for hearing. Following revocation, an application for a variance or special use permit shall not be resubmitted for a period of six months.

**52-412. - Records and Minutes of Proceedings.**

The City of Bloomingdale City Clerk shall cause the proceedings of all zoning public hearings to be recorded in the official minutes. A copy of the minutes of the public hearing and all evidence submitted at the public hearing shall also be made a part of the particular zoning decision's file in the office of the Zoning Administrator. Copies of applications, proposed ordinances, supporting documents and plats, any written evaluations and recommendations by the Zoning Administrator and the Planning and Zoning Board and minutes of all related proceedings shall be deemed as the official record.

**52-413. - Developments of Regional Impact.**

Any development or proposed project which is a development of regional impact (DRI), as defined by regulations of the Georgia Department of Community Affairs, must first be submitted to the governing regional Board for review in accordance with the applicable state regulations and statutes before any zoning decision can be made by the city with respect to said project.



**52-414. - Appeal of Decisions by City Administrator, Zoning Administrator, or other City Official.**

Any order, requirement, decision, or determination made by the City Administrator, Zoning Administrator, or any other administrative official of the city in the enforcement of any section or article adopted in this ordinance may be appealed directly to the city council. Such appeal to the city council must be in writing and it must be filed within 30 days after the City Administrator or Zoning Administrator or any other administrative official of the city has rendered its decision.

Upon receipt of such written notice of appeal, the city council shall hold a public hearing on the appeal. The city council may reverse, affirm or modify the orders or requirements, but in any event shall issue a final decision on the appeal.

**52-415. - Appeal of Decisions by Mayor and City Council.**

Any person aggrieved by a decision of the Mayor and City Council shall, within 30 days of such decision becoming final, appeal to the Superior Court of Chatham County, Georgia. A decision in regard to the denial of a rezoning, variance, conditional use, or special use shall be deemed to have been rendered on the date of the document from the Zoning Administrator notifying the applicant of the Mayor and City Councils' decision or action.

**ARTICLE 5. - USE PROVISIONS: PERMITTED, SPECIAL, ACCESSORY, CONDITIONAL, TEMPORARY, AND NONCONFORMING**

**52-501. - General.**

**52-501 A. - Every Use Must Be Upon a Lot.**

No building or structure may be erected, or use established unless upon a lot as defined by this ordinance.

**52-501 B. - Only One Principal Building Per Lot.**

Except as herein after provided, there shall be no more than one principal building or structure upon any lot within the Residential Zoning districts, whether permanent or temporary in nature.

**52-501 C. - Utilities.**

Electric substations, natural gas facilities, cable or other communication facilities are permitted within all zoning districts.

**52-501 D. - Emergency Shelters.**

Emergency shelters for the purpose of protecting individuals from life threatening weather storms or other emergencies shall be permitted as an accessory structure in all zoning districts and shall meet the setback requirements of such structures in the district. Shelters shall be maintained so as not to become a hazard or blight to the community.

**52-501 E. - Temporary mobile home parks.**

During periods of emergency declared by the mayor pursuant to the provisions of this Code as the result of natural or manmade disasters, temporary mobile/manufactured/industrialized homes, travel trailers, recreational vehicles, campers, or mobile/manufactured/industrialized home parks, campgrounds or other living areas may be located on property approved by the mayor and council in any zoning district in the city. The parks, campgrounds or other living areas shall be designed by an engineer and plans must be approved by the Chatham County Health Department as well as the city's zoning administrator and public works department. Permits may be issued by the city's zoning administrator to establish a temporary mobile home park for a period not to exceed 18 months. Such approval may only be extended by the mayor and council beyond 18 months after a public hearing and a demonstrated finding of necessity on behalf of the mayor and council.

**52-501 F. - Site standards for mobile homes used as hardship secondary dwellings on single-family residential lots outside of mobile home parks.**

A mobile home may be utilized as a hardship secondary dwelling on a single-family residential lot outside of mobile home parks provided that the following conditions are met:

1. The city council shall determine if a hardship situation exists because of a medical disability and whether the hardship mobile home unit will not adversely affect the adjoining and surrounding properties. The disability shall be established by a certification of a licensed physician. The definition of "medical disability" for the purpose of this article is a medically demonstrably disability which is permanent and which renders the disabled individual incapable of performing for himself/herself every day essential activities such as dressing, preparing meals, bathing, and taking medication.
2. A permit for the hardship secondary mobile home dwelling maybe be issued by the city council and shall be valid only for one year. Said permit may be renewed by request of the holder in the

form of a petition requesting a one-year extension by the city council. Such requests shall include a statement by a licensed physician that such medical disability continues to exist.

3. The hardship mobile home dwelling must be placed on a tract of land at least 15,000 square feet in size.
4. The hardship mobile home dwelling must be in the rear yard behind the primary single-family detached dwelling unit on the lot and shall house either the disabled individual, a member of the disabled person's immediate family, or a legally appointed guardian for the disabled individual. The disabled person must live in the primary residence or the hardship mobile home.
5. No additions shall be made to any hardship mobile home dwelling except for necessary handicap accessible items.
6. A hardship use mobile home shall be located on the tract of land in a manner consistent with the location of buildings on adjoining lots.
7. The hardship use mobile home shall meet all other requirements of this Unified Development Code.
8. The hardship shall end upon the death of the disabled person and the hardship permit shall terminate.
9. Once the hardship permit ends or is terminated, the hardship mobile home shall be removed within 6 months.
10. If the hardship mobile home is not removed after the 6-month period, the property owner shall be cited with an ordinance violation and ordered to appear in municipal court to respond to the charges.
11. If the hardship mobile home is not removed after the 6-month period, the city may, after giving a 60-day notice by certified mail or personal service, remove and dispose of the mobile home in accordance with Georgia law. The City may assess all of the cost of removal and disposing of the mobile home against the real property that the mobile home was located on. The assessment on the real property shall follow the same procedure as that for filing tax liens under Georgia law. The city may foreclose on the assessment in the same manner as the procedure for foreclosing on tax liens pursuant to Georgia law. The city may sell the real property to satisfy the assessment amount, plus any cost as allowed by Georgia law, in the same manner as the procedure for selling real property at a tax sale pursuant to Georgia law.

**52-501 G. - Parking, storage, or use of boats and recreational vehicles.**

No major recreational equipment such as boats, travel trailers, and recreational vehicles shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

**52-501 H. - Parking and storage of certain vehicles.**

No automotive vehicles or trailers of any kind or type without current license plates and registrations shall be parked or stored on any residentially or commercially zoned property other than in completely enclosed buildings.

**52-502. - Permitted and Prohibited Uses.****52-502 A. - Permitted Land Use.**

The Unified Development Code establishes uses based upon zoning district, as well as certain criteria related to design, infrastructure and other location criteria. See Article 7 for the establishment of zoning districts and associated uses permitted within districts, as identified by Table 52-703.

The determination whether a proposed use is proper in a given zoning district shall be made by the Zoning Administrator or City Administrator. Interpretations concerning the meaning of this Code may be important in a particular case. Persons should not expend money on project development until it has been determined in writing that the proposed use meets city regulations and policies regarding permitted and prohibited uses and criteria for special uses.

**52-502 B. - Uses Prohibited.**

1. If either a use or class of use is not specifically indicated as being permitted in a zoning district, either as a matter of right, conditional use, or as a special use, then, such use, class of use, or structures for such use shall be permitted in the Heavy Industrial zoning district as a special use, if the special use is approved by city council.
2. Uses that are not specifically indicated in a zoning district but resemble other permitted uses may be considered by Mayor and Council for approval. Determination of whether such use clearly resembles other permitted uses shall be made based on (1) uses that share the same subcategory classification code in the North American Industry Classification System (NAICS) or other standardized coding for businesses and (2) whether the proposed use generates equal or less traffic or nuisance than similar uses which are indicated as permitted.

**52-503. - Supplemental Regulations for Special Uses.****[52-503 A. - Reserved.]****52-503 B. - Home Occupations.**

A home occupation is a use conducted within residential premises by a person or family residing therein, which customarily is considered an occupation for gain or profit. A home occupation shall be governed by the following requirements:

1. Only residents of the dwelling shall 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 essential residential character of the building;
3. No display of products shall be visible from the street;

4. No more than 300 s.f. of the residence may be utilized for the home occupation;
5. No external alterations inconsistent with the residential use of the building shall be permitted. If internal alterations are required they shall be permitted and meet all applicable building codes;
6. The occupation shall not constitute a nuisance in the neighborhood;
7. No outside storage shall be used in connection with the occupation;
8. Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the home occupation. Only one business-related vehicle at the residence;
9. There shall be no off-street or on-street parking for employees or customers.
10. No equipment used in any commercial business such as landscaping equipment, lawn care, or machinery or materials associated with construction, grading, auto parts, or transportation/hauling shall be stored or parked on the property, with the following exceptions:
  - One Diesel Road tractor is allowed on parcels which are at least 2 acres in size; and
  - Equipment may be stored on a trailer that measures no more than 25 feet in length or smaller. This shall be limited to one trailer per residence.
11. The following, including but not limited to, are uses that shall be considered home occupations: addressing service, artist, drafting, dressmaking, insurance agent, notary public, photographer, real estate agent, private consultant, on-line businesses, or any other home office consisting of a personal computer, fax machine, phone or any other accessory office equipment used to establish a home office, day care for no more than six children; licensed family day care home, provided such home is located in a single-family residential district;
12. All home occupations must have a current occupational tax certificate
13. Is conducted entirely out-of-sight of neighboring properties within the principal building or customarily accessory structure;
14. Is not visibly evident from outside the dwelling except for a sign no larger than one square foot in size; and
15. Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, parking problem, voltage fluctuation, radio or television interference, open storage of materials or stock, unhealthy or unsightly condition.

Applications for a home occupation business shall be submitted to the city clerk. City council shall make a determination whether or not the impact of the business on the residential area requires a public hearing. If council requires a public hearing, the city clerk shall set a date for a public hearing by the city council. The notice for the public hearing shall be published in the legal organ of the county at least ten days in advance of the hearing.

#### **52-503 C. - Kennels.**

Because of the potential impact of noise and nuisance upon surrounding and adjacent properties, the following criteria apply for commercial kennels:

1. A minimum lot size of three acres for kennels with no more than ten dogs at any one time
2. A minimum lot size of five acres for kennels with 11 or more dogs at any one time. If a property is smaller than the minimum acreage, the conditional use cannot be approved. There shall also be minimum setback requirements from lot lines for structures and outdoor pens and runs which shall be determined by city council on a case by case review.
3. Veterinarian offices that provide kennel services may board no more than 10 animals at a time, for no more than three days per stay.

**52-503 D. - Day Care Standards.**

1. *Family day care home standards.* This family day care home standards section applies to all districts. Family day care is a home-based care provided for a portion of the day in a private family home for compensation. The home must be inhabited by the family/individual that is providing care, and the provider's hours of operation may not exceed eighteen (18) hours in a 24-hour period. Each family day care home shall be subject to the following requirements, when located within a residential zoning district or residential dwelling:
  - a. All regulated facilities shall comply with the state regulation and acquire applicable state licenses for operation.
  - b. All facilities shall comply with the adopted Building Code for the State of Georgia.
  - c. Each family day care home shall provide not less than 35 square feet of indoor play area for each child, based on maximum permissible enrollment.
  - d. Each family day care home shall provide not less than 100 square feet of outdoor play area for each child, based on maximum permissible enrollment.
  - e. All required outdoor play/recreation areas shall be enclosed by a fence or wall not less than six feet in height.
  - f. The exterior appearance of any residential structure for which a family day care home is approved, shall be maintained as a residential structure and no signs larger than one square foot shall be erected, and no cut-outs, animals, characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises.
  - g. No family day care home shall be located within 1,500 feet of another day care facility.
  - h. All facilities must be inspected by the City of Bloomingdale and provide a copy of all state licenses and documentation.
  - i. All facilities must apply for and receive a City of Bloomingdale Business License.
2. *Group day care home standards.* This group day care home standards section applies to all districts. Each group day care home shall be subject to the following requirements:
  - a. All regulated facilities shall comply with the state regulation and acquire applicable state licenses for operation.
  - b. All facilities shall comply with the adopted Building Code for the State of Georgia.
  - c. Each child day care facility shall provide not less than 35 square feet of indoor play area for each child, based on maximum permissible enrollment.
  - d. Each child day care facility shall provide not less than 100 square feet of outdoor play area for each child, based on maximum permissible enrollment.
  - e. All required outdoor play/recreation areas shall be enclosed by a fence or wall not less than six feet in height.
  - f. No day care facility shall be located within 1,500 feet of another day care facility.
  - g. All facilities must be inspected by the City of Bloomingdale and provide a copy of all state licenses and documentation.
  - h. All facilities must apply for and receive a City of Bloomingdale Business License.

**52-503 E. - Personal Care, Boarding, and Group Home.**

Adult care facilities in the City of Bloomingdale are listed and defined into three major classes: family personal care homes, group personal care homes, and congregate personal care homes. The requirements for these uses are as follows:

- (A) *Family personal care home.* This use is limited to six or fewer persons including supervisory personnel and staff and must meet the following requirements:
  - (1) Such use shall comply with all federal, state and local requirements.
  - (2) The parking layout and design shall be characteristic of the neighborhood within which such use is located.
  - (3) The use shall only be established in a building designed as a one- or two-family dwelling structure.
  - (4) All required outdoor recreation areas shall be enclosed by a fence or wall not less than six feet in height.
- (B) *Group and congregate personal care homes.* This use allows around-the-clock operation. The following requirements apply to all personal care homes regardless of the zoning district for which they are located:
  - (1) Such use shall provide the number of off-street parking spaces required by City of Bloomingdale regulations, off-street parking and off street unloading, plus safe and functional off-street patron pick-up and delivery spaces.
  - (2) Visiting hours must be limited to hours of 6:30 a.m. until 9:00 p.m. when such use is located in a residential neighborhood.
  - (3) Such use shall only be permitted on a lot which abuts and has vehicular access to a collector street, major arterial or secondary arterial. The City Council may waive this requirement if, on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards to the neighborhood served by such streets.
  - (4) The parking layout and design shall be characteristic of the neighborhood within which such use is located.
  - (5) Where the use abuts a lot occupied by a one- or two-family dwelling, visual buffers shall be provided so as to shield all parking areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the City Council or of an appropriately designed fence or wall or a combination thereof as approved by City Council.
  - (6) All required outdoor recreation areas shall be enclosed by a fence or wall not less than six feet in height.
- (C) The exterior appearance of any residential structure for which a personal care home, group home, or congregate care home is approved, shall be maintained as a residential structure and no signs larger than one square foot shall be erected.
- (D) The facilities must meet all regulations as identified in the adopted building and fire codes.
- (E) All facilities must apply for and be eligible for a City of Bloomingdale Business License.

**52-503 F. - Drive-Through Facilities (Eating Establishments or Other).**

Drive-through facilities and service windows shall be located in a manner to avoid conflict with pedestrian traffic.

**52-503 G. - Gas Station, Car Washes, and Automobile Services.**

Operations such as pumps, vacuum stations and finishing for such services may be located to the rear, side, or front of the structure on the site.

**52-503 H. - Cemeteries.**

The construction of all new cemeteries shall be subject to the following requirements:

1. The lot shall be a minimum of five acres in area;
2. No crematorium or dwelling, other than a single-family dwelling for a caretaker, shall be permitted;
3. No building or gravesite shall be located within 25 feet of any adjacent property boundary;
4. The lot shall have direct access to an arterial or major collector road.

**52-504. - Accessory Uses and Structures; Temporary Uses.****52-504 A. – Requirements.**

Accessory uses (swimming pools, outdoor play structures or play sets), structures, (garages, storage buildings, etc.) or any accessory structure on residential lots shall not be located in the front setback. Within a rear yard, an accessory building on a residential lot shall be located at least 10 feet from all property lines, except in the case of corner lots, accessory buildings shall be set back from the property line a distance equal to the front yard setback established for the zoning district on both streets. All accessory structures 500 square feet or more shall be constructed of the same building material as the principal dwelling unless city council allows other building materials based on the building material used to construct accessory structures located in the same area.

**52-504 B. – Requirements in non-residential.**

Accessory structures on non-residential lots shall not be permitted in the front yard and must comply with the side and rear-yard setback requirements established for the zoning district in which such accessory buildings or uses are located. Accessory structures on non-residential lots shall be finished using materials comparable to the principal structure.

**52-504 C. – Location requirement.**

The location of all accessory buildings used for storage or non-residential purposes must comply with all building setback requirements of this chapter, including all building setback and all other provisions of this section as follows:

- (A) Accessory buildings are allowed in rear and side setback areas, if located not less than 10 feet from any corresponding lot line.
- (B) Must be located behind the front of the primary structure.
- (C) Must meet all applicable setback and building area requirements.
- (D) A building permit is required for all accessory structures to any commercial or industrial building or development.



- (E) All accessory buildings over 500 square feet in residential districts must meet all applicable building codes and permits.
  - (1) The total square footage of all accessory buildings on a lot that is less than one acre shall not exceed more than 50 percent of the square footage of the principal structure on the lot unless allowed by city council.
  - (2) The total square footage of all accessory buildings on a lot that is one to three acres shall not exceed more than 100 percent of the square footage of the principal structure on the lot.
  - (3) The total square footage of all accessory buildings on a lot that is more than three acres shall not exceed more than five percent of the square footage of the lot unless allowed by city council.
  - (4) Any accessory building over 500 square feet shall adhere to the site plan approval process.
- (E) No detached accessory building shall be more than 20 feet in height unless allowed by city council.
- (G) *Temporary use of accessory structures.* An approved re-locatable structure may be used for a temporary office for use on a commercial or industrial construction site provided the following criteria are met and a permit is issued by the City of Bloomingdale:
  - (1) At no time shall the re-locatable structure be used for living purposes.
  - (2) The re-locatable structure must connect to the city's water and sewer system if the structure has restroom and/or water facilities installed; a well and/or septic system may be installed if city services are not available and if approved by city council. Also, plumbing and electrical services must be approved by the City of Bloomingdale prior to occupying the premises.
  - (3) Said re-locatable structure shall be removed from the site within 15 days after completion of the project.
  - (4) If work stops on said project for more than 120 days, structure shall be removed within 15 days.
  - (5) The re-locatable structure is not allowed on a site for more than 12 months.
  - (6) A temporary structure utilized as a sales office must meet the requirements of the latest edition of the Georgia Accessibility Code.
  - (7) For good cause shown, the City of Bloomingdale Mayor and Council may extend the termination date for a temporary structure.

**52-504 D. – Permitted accessory uses.**

Permitted accessory uses and structures include the following:

1. Private garage;
2. Pool houses and guest houses
3. Storage structure for equipment and supplies in maintaining the principal dwelling and grounds;
3. Private swimming pool, which shall be enclosed by a fence a minimum height of four feet;
4. Decks, patios, gazebos, grills or similar facilities;
5. Private tennis court, basketball court, volleyball court or similar outdoor sport facility, provided that lights are not used which would in any way be a nuisance to neighbors or the community;

6. Non-commercial garden, greenhouse, or similar structure;
7. Pump and well houses for on-site irrigation and potable water;
9. Ground-based satellite dish antennas shall be placed in a side or rear yard only and shall be a minimum of five feet from all property lines.

**52-504 E. – Reserved.**

Reserved.

**52-504 F. – Outdoor display of goods for sale.**

Permanent sales or displays of goods for sale are allowed in the commercial district as long as it is contained within the parcel in which the principal business structure holding the sales event is situated and is limited to goods normally used in the outdoors. Outside sales of goods not meeting the above regulations are prohibited, unless permitted in accordance with Article 5, Section 52-504 C.

**52-505. - Nonconforming Uses and Structures.**

**52-505 A. – Restrictions and abandonment after one year.**

A legal non-conforming structure may not be enlarged or extended unless a special use permit is issued in accordance with Section 52-406. A legal non-conforming structure may be maintained, repaired or structurally altered, under permit, in accordance with all pertinent building codes and ordinances. Failure to maintain a non-conforming structure in minimal compliance with applicable codes and ordinances, such that the general condition of the structure constitutes dilapidation or significant disrepair, shall create a rebuttable presumption of the owner or occupier's intent to abandon the non-conforming structure. Revocation of a structure's certificate of occupancy for a period in excess of one year shall also evidence the owner or occupier's intent to abandon the non-conforming structure.

**52-505 B. – Intentional relinquishment of non-conforming use.**

A legal non-conforming use, in active existence on the effective date of this ordinance, may be continued without interference until such time as the property owner or occupier intentionally relinquishes their right to maintain such use, as evidenced by an overt act, or failure to act, sufficient to support a finding of such intent. For purposes of this ordinance, discontinuance of the use for a period of one year or more shall create a rebuttable presumption of the owner or occupier's intent to abandon the non-conforming use. A legal, non-conforming use may not be enlarged or expanded to a less restrictive use (i.e. residential to commercial) unless a special use permit is issued in accordance with Article 4 of this ordinance.

**52-505 C. – Permitting Rebuild of non-conforming use after destruction within six months.**

Discontinuance of a legal non-conforming use or structure following its destruction by fire or other natural hazard shall not evidence intent to abandon if the owner applies for a permit to rebuild the structure or otherwise reactivate the use, within six months of the occurrence; provided, however, this period may be extended for an additional six months by the City Administrator, but not to exceed a total of one year from the date of the occurrence, if the owner demonstrates substantial progress, time, effort and money in renovation of the structure.

**52-505 D. – Special use permits for non-conforming uses and structures.**

It shall be the objective of the city that whenever feasible, legal non-conforming uses and structures be rendered conforming through the issuance of special use permits in accordance with Section 52-406. Conditions imposed on such permits shall be designed to upgrade the impact of the use or structure on adjacent or nearby properties and uses permitted by the zoning classification.

**52-505 E. – Zoning Administrator written notification of non-conforming use.**

Where the Zoning Administrator determines a use or structure was rendered non-conforming by the adoption of this ordinance or any amendment thereto, they shall notify the property owner, in writing, that the use or structure constitutes a legal non-conforming use or legal non-conforming structure and inform the owner of the consequences of the abandonment of such use or structure under the provisions of this ordinance. An owner may appeal the determination of the Zoning Administrator to the Mayor and City Council.

**52-505 F. – Continuation of illegal non-conforming uses and structures and illegal non-conforming uses and structures are public nuisance.**

Notwithstanding any other provision of this ordinance, any existing non-conforming use or structure which was illegal under any prior zoning ordinance shall continue to be an illegal non-conforming use or structure under this ordinance unless the use or structure is expressly permitted by this ordinance and meets all criteria for a permitted use or structure within its assigned zoning classification. Illegal non-conforming uses and structures are hereby declared to be a public nuisance, subject to abatement in accordance with the Nuisance Ordinances of Bloomingdale, Georgia.

**52-506 - Conditional Uses.**

Conditional uses, as listed in Table 52-703, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

**52-506 - A. - Definition**

A use which is called a "special exception" that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, relation to the neighborhood, or other conditions would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, or general welfare. Such uses may be permitted only in zoning districts listed in Table 52- 703, upon conditional use permits being granted by the city council.

**52-506 - B.**

Conditional uses are potential compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration. All proposed special uses of property shall follow procedures for 52 - 404 C., D., and E., and public hearing proceedings 52 – 408.

**52-506 – C.**

The application for a Condition Use shall be accompanied by detailed plans showing exact lot size; location and size of buildings; structure or improvements to be placed on site; the specific use of each building, structure, property or part thereof; detailed arrangement of required parking spaces; location of means of ingress and egress and, when necessary, topographical information to indicate status of the complete site. The same detailed information shall be required where existing structures are to be used or altered under the terms of this Development Code.

**52-506 – D. Consideration of use effect.**

Before the issuance of a conditional use permit, Mayor and Council shall make a decision regarding the effect of a conditional use or building upon the character of the neighborhood (in which it is proposed for location), traffic conditions, public utility facilities and other matters pertaining to the public health, safety and general welfare. Other factors to be considered and remediated are as follows:

- (a) The special exception or conditional use will not be injurious to the use and enjoyment of the environment or of other property in relation to cost of servicing or maintaining neighboring properties;
- (b) The proposed conditional use will not increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;
- (c) The establishment of the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and
- (d) The location and character of the proposed conditional use as considered shall be consistent with a desirable pattern of development for the locality in general.

**52-506 – E. Conditional use restrictions and conditions.**

In addition to the conditional use requirements provided in this article and in district regulations and where deemed necessary by the Mayor and Council to permit the proposed use to be in harmony with the existing development and other matters essential to the public interest, health and welfare, the Mayor and Council may require as part of its approval, certain other performance or design considerations including, but not limited to the following:

- (a) Planted or wooden screen buffers, to include berms, to reduce adverse or potentially adverse effects on adjoining properties.
- (b) The location, design or limitation of street access ways, parking areas and loading docks.
- (c) Increases in the district requirements for lot size and building line setbacks, but not a reduction of these requirements.
- (d) The rearrangement of structures on the development site.
- (e) Limitations on the hours of business operation when the proposed operational times would cause adverse effect on adjoining existing uses.
- (f) Specified distances from existing residential, public or institutional developments.
- (g) Public safety requirements.
- (h) Light illumination restrictions.
- (i) Noise restrictions.
- (j) Restrictions protecting the air, soil, and ground water.

Must comply with all requirements that are required in the zoning district where the conditional use is approved.

**52-507 Temporary Zoning Uses.**

*Temporary uses.* The city administrator is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:

- (a) Carnival, circus, rodeo, or fair, for a period not to exceed 21 days.
- (b) Religious or worship meeting in a tent or other temporary structure in C-2, LI, AR, R-A, and R-1 districts, for a period not to exceed 60 days.
- (c) Open lot sale of Christmas trees, fruit and vegetables and other harvested products in the R-A, RA-1, R-1, C-1, C-2, and LI districts for a period not to exceed 45 days.
- (d) Real estate sales office, in any district, for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure.
- (e) Contractor's office and equipment sheds, in any district, for a period of one year, provided that such office is placed on the property to which it is appurtenant.

All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will not increase traffic congestion and will not create a nuisance to surrounding uses.

**ARTICLE 6. - SITE DESIGN AND ARCHITECTURAL STANDARDS****52-601. - Yards and Streetscape.****52-601 A. - Permitted Modification of Front Yard Setback Requirements.**

When a building is proposed on a lot, and when on either or both lots which adjoin such lot at the street right-of-way there exists a principal building which does not conform to the setback requirements of this ordinance, the required setback for such building shall be as follows: (1) where only one said adjoining lot contains a principal building with a non-conforming setback, the setback shall be the computed average of the normal setback requirements with the non-conforming setback; or (2) where both adjoining lots contain a principal building each with a non-conforming setback, the minimum setback shall be the computed average of the two non-conforming setbacks.

**52-601 B. - Lots with Multiple Frontage: Side and Front Yards.**

Front yard building setback requirements shall apply to all corner lots and yards having multiple road frontage. One of the other lot sides must conform to the minimum side yard setback, and one lot side must conform to the minimum rear yard setback.

**52-601 C. - Permitted Encroachments of Yards and Setbacks.**

Architectural features such as cornices, eaves, steps, gutters, porches, decks and fire escapes may project not more than three feet beyond any required setback line, except where such projections would obstruct driveways used for access to service and/or emergency vehicles. For service stations, motels, restaurants, medical offices, churches and similar commercial uses, which serve the motoring public, canopies shall be allowed over a driveway or walkway within the front yard setback, not to exceed a point further than 5 feet beyond the setback but not any closer than five feet from the right-of-way or property line.

**52-602. - Location of Loading Docks (Rear or Side).**

Loading docks and dumpsters shall not be visible from a public street and located within the rear yard or side yard with sufficient screening material to meet the intent of this Code.

**52-603. - Interparcel Connectivity Requirement.**

Nonresidential and mixed-use parcels shall provide interparcel connectivity with adjacent nonresidential and/or mixed-use parcels, unless topographic or other design constraints can be demonstrated.

**52-604. - Buffers, Landscaping, And Open Space.****52-604 A. - Screening Required.**

Whenever a buffer or screening is required by this ordinance, sufficient opacity by a fence shall be provided in conjunction with vegetation to create a visual blind aesthetically compatible with the character of adjoining properties. A solid fence constructed of vinyl or wood; or a decorative wall shall be provided.

The buffer requirements.

In order to provide adequate protective screening for residential districts near or abutting non-residential areas or more intensive residential uses, the following minimum regulations shall apply to all new commercial, industrial, and multi-family residential development:

	<i>Single-family Residential</i>	<i>Multi-family Residential</i>	<i>Office Professional</i>	<i>General Commercial</i>	<i>Industrial</i>	<i>Agricultural</i>	<i>Manufactured Housing</i>
<b>Single-family Residential</b>	NA	25 ft w/ berm	25 ft w/ berm	25 ft w/ berm	50 ft w/ 25 ft berm	20 ft	25 ft w/ berm
<b>Multi-family Residential</b>	25 ft w/ Vegetative Berm	NA	20 ft vegetative	20 ft vegetative	50 ft w/ 25 ft berm	20 ft	20 ft
<b>Office Professional</b>	25 ft w/ Vegetative Berm	20 ft w/ Vegetative buffer	NA	20 ft vegetative	50 ft w/ 25 ft berm	20 ft vegetative	20 ft Vegetative
<b>General Commercial</b>	25 ft w/ Vegetative Berm	20 ft w/ Vegetative buffer	20 ft Vegetative buffer	NA	50 ft Vegetative 25 ft berm	20 ft vegetative	20 ft Vegetative
<b>Industrial</b>	50 ft 25 ft, berm	50 ft w/ 25 ft. berm	50 ft w/ 25 ft. berm	50 ft Vegetative buffer	NA	50 ft w/ 25 ft berm	50 ft w/ 25 ft berm
<b>Agricultural</b>	20 ft	20 ft w/ Vegetative buffer	20 ft w/ Vegetative buffer	20 ft Vegetative buffer	50 ft w/ 25 ft. berm	NA	20 ft
<b>Manufactured Housing</b>	25 ft w/ Vegetative Berm	20 ft w/ Vegetative buffer	20 ft w/ Vegetative buffer	20 ft Vegetative buffer	50 ft w/ 25 ft. berm	20 ft Vegetative berm	NA

- (A) Where a commercial, industrial, or multi-family district abuts directly upon a residentially zoned district, a landscaped greenbelt shall be provided and properly maintained by the property owner along its entire length by the users of the non-residential property. Such greenbelt shall be planted with evergreens, flowering trees, ornamental trees, or any combination of the same not set further than ten feet apart at any given point along the greenbelt. An approved 8 foot privacy fence shall be required in the buffer area, in addition to the landscape buffer, unless waived by Mayor and Council.
- (B) The area beneath and between the planted trees shall be well-kept lawn free of foreign debris. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.
- (C) All planting plans shall be submitted during the site plan review process for approval of the planting materials and arrangement thereof in accordance with the provisions of this chapter.
- (D) In no case shall a grease trap, garbage dumpsters, containers, or cans be placed within the buffer area abutting a residential land use.

- (E) Berms for industrial properties shall be 50 feet wide and 25 feet high and constructed along all boundaries, and industrial projects shall have berms 50 feet wide and 25 feet high along all public streets or roads.
- All remaining berms shall be at least 20 feet wide and 10 feet high, and shall be heavily landscaped

Upon request and after consideration of the information presented with the request, city council may modify or change the requirements listed in this section.

- (F) If there is an existing, 20 ft landscaped buffer to the adjacent property and it meets or exceeds the existing regulations, Mayor and Council may approve the existing buffer for the project.
- a. The buffer shall consist of a stand of trees of such variety that an average height of at least six feet can be expected by normal growth within no more than two years from the time of planting.
  - c. Plant materials in such planted buffers shall consist of 50 percent evergreen and established undisturbed natural buffers shall be retained.

**52-604 B. - Screening of Dumpsters.**

Dumpsters shall have three-sided 8-foot enclosure of brick, stucco or other material compatible with principal structure primary facade.

**52-604 C. - Screening of Outdoor Storage.**

Where outdoor storage is allowed, screening shall be provided with decorative fencing and plantings.

**52-604 D. - Open Space Not to Be Encroached Upon.**

No open spaces shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs and planted buffer strips shall not be considered encroachments of yards.

**52-604 E. - Required open space may not be used by another building.**

No part of any yard, other open space, off-street parking or loading space required or in connection with any building, structure or use by this ordinance shall be considered to be part of a required yard or other open space or off-street parking or loading space for any other building structure or use.

**52-604 F. - Encroachment into open space or on public rights-of-way.**

1. No open space shall be encroached upon or reduced in any manner except in conformity to the yard setback, off-street parking spaces and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs and planted buffer strip shall be construed not to be encroachments of open spaces.
2. No privately owned building, service area, required off-street parking and/or loading facility other than driveways, access walkways and mailboxes shall be permitted within a public right-of-way. Signs and other structures belonging to the State of Georgia, City of Bloomingdale, or Chatham County or for the purposes of railroad or private utility use are exempt from this provision.



**52-605. - Manufactured and Industrialized Buildings.**

This ordinance is not intended to discriminate against modular or industrialized buildings in favor of conventionally constructed structures. All structures erected or located within the City of Bloomingdale shall be constructed, erected or installed on a permanent foundation and meet the physical requirements of the zoning district in which it is constructed including, but not limited to, setbacks, minimum square footage, etc.

1. Where a modular or industrialized building (residential, commercial or industrial) is to be installed, the unit must bear the insignia of the Georgia Department of Community Affairs (DCA) or the Southern Building Code Congress International (ICC). All such structures shall be affixed to the foundation in accordance with minimum standards of the certifying agency. All manufactured housing shall be considered for ad valorem tax purposes as real property. All such modular and industrialized buildings shall meet the following standards:
  - a. The pitch of the roof shall have a minimum vertical rise of six feet for each 12 feet of horizontal run; and shall be finished with a type of shingle commonly used in conventional residential construction;
  - b. The exterior siding of the structure shall consist of wood, hardboard, vinyl, brick, or masonry comparable in composition, appearance and durability to the exterior siding commonly used in conventional residential construction;
  - c. A curtain wall, not pierced except for required ventilation and access and constructed of masonry, shall be installed so it encloses the area under the manufactured home to the ground level;
  - d. The tongue, axles, transporting lights and towing apparatus are removed after placement on the lot and before a certificate of occupancy is issued;
  - e. All modular homes shall be installed in accordance with O.C.G.A. §§ 8-2-110—8-2-121 et seq., of the Official Code of Georgia Annotated.

**52-605 B. - Residential In-Fill Regulations.**

3. *Design standards.* The following design standards shall control construction regulated by this section:
  - a. *Architectural style.* Notwithstanding other provisions of this ordinance regulating lot size, lot width, yard setbacks or other development standards, residential in-fill development shall conform to the maximum extent practicable with existing residential development in the neighborhood. Such conformance shall include but not be limited to, adherence to existing architectural style, as much as practicable, building height and scale, roof pitch, siding materials, dwelling size and setbacks.
  - b. *Maximum floor area.* The maximum enclosed floor area of any building regulated by this section shall not exceed 200 percent of either (a) the minimum floor area of the zoning district in which the lot is located, as indicated in Table 1 below, or (b) the average enclosed floor area of all single family detached dwellings on the same street as the proposed building within 400 linear feet of the nearest corner of such lot, in both directions, based upon floor areas as they exist on the date of adoption of this article. The maximum enclosed floor area for corner lots shall be determined as stated above, except that the average enclosed floor area of all single family detached dwellings on both streets as the proposed building shall be used. For purposes of this subsection, applicants need only comply with one of the foregoing options. For additions, this limitation shall apply to

the entire building based on the sum of the amount of existing square footage and the amount of proposed additional square footage.

- c. *Minimum floor area* . The minimum enclosed floor area of a dwelling shall not be less than 750 square feet, unless allowed by Bloomingdale City Council.

<i>District</i>	<i>Minimum Floor Area (Square Feet)</i>	<i>Minimum Floor Area Two Story (Square Feet)</i>	<i>Maximum Floor Area (Square Feet)</i>
<b>R-1</b>	1,600	1,050	3,600
<b>R-2</b>	1,500	950	3,200
<b>R-3</b>	1,520	900	3,000

- d. *Building height*. Maximum building height shall not exceed 50 feet and shall be subject to the further provisions of this section. Building height shall be the highest point along a roof or highest ridgeline, as measured from the average, natural, undisturbed, adjacent grade as it exists on the date of enactment of this ordinance.
- e. *Consistent building setbacks*. On building lots for which the front yard setback of single family detached dwellings on the two adjoining lots on the same block face is less than that required for that zoning district, the average setback of the four adjoining dwellings on the same block face shall be used to determine the minimum setback applicable to the lot proposed for development. In no case shall the front yard setback be less than ten feet as measured from the front property boundary.
- f. *Roof pitch*. Minimum roof pitch shall be consistent with the roof pitch of single family detached dwellings on the same street as the proposed building within 400 linear feet of the nearest corner of such lot, in both directions. Any building to be built on a corner lot must be consistent with single family detached dwellings on both streets of the proposed building.
- g. *Building materials*. Siding materials shall be natural wood, or an approved masonry product, as long as such product does not destroy the design standards of the neighborhood. Cementitious siding (such as "Hardie plank") and vinyl siding may be used to replace wood or asbestos panel siding. Prefabricated metal buildings, synthetic stucco, exterior insulation and finish systems, other materials found to be other than durable products are specifically prohibited.
- h. *Application*. Applicants proposing development regulated under this section shall submit a site plan, architectural plans or other documentation sufficient for illustrating the architectural style, exterior finishing materials, enclosed floor area, building height, building setback and roof pitch of the proposed construction and all appropriate certifications required by this section.
- i. *Review process*. All applications shall be subject to review as outlined in Article 4 Submittal Requirements for all Building, Development and Zoning Applicants.
- j. *Zoning conflicts*. Whenever the provisions of this section require development which would exceed building standards for the zoning district in which the lot is located, and such increased building standards cannot be accommodated while maintaining yard or setback requirements under applicable district standards, the requirements of this section shall be followed only to the maximum extent possible in conformity with applicable yard or

setback requirements unless such yard or setback requirements are reduced by the grant of a variance.

- k. *Reconstruction of damaged buildings.* The rebuilding of a building damaged by fire, wind, flooding or other causes may be accomplished to the same specifications as the original building without regard to any limitations imposed by this section, as long as such reconstruction does not violate local zoning laws.
4. Whenever the provisions of this section require construction on a lot that renders conformance to the side yard impractical, the requirements of this section governing the size of the structure and compatibility of the structure shall control.

#### **52-605 C. - Violations and Penalties.**

Any person intentionally violating any of the provisions of this ordinance shall be subject to citation before the Municipal Court, and upon conviction punished in the manner provided by the Code of Bloomingdale, Georgia, Section 1-11. Each day's continuance of a violation shall be considered a separate offense.

The owner of any building, premises or parts thereof, where anything in violation of this ordinance shall be constructed, placed or shall exist and any builder, architect, contractor or agent of the owner who knowingly assists in the violation may be cited for separate offenses. Any person in possession or control of a building or structure in which a use in violation of this ordinance is found to exist or is being exercised may be cited for a separate offense.

**52-605 D. - General Architectural Design Standards.**

The intent of this section is to provide minimum aesthetic standards for exterior architectural design for all new construction.

1. *Residential:*
  - a. All new single-family residential dwelling construction shall be sodded and stabilized on the front and side yards, and at least 10 feet from the house in the rear yard.
  - b. All new residential construction air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by utilizing landscaping or fencing.
  - c. All exterior finish elevations that front along a public right-of-way of all new single-family residential dwellings shall be constructed of brick, stone, wood, stucco, vinyl, or cement board.
  - d. All residential subdivision developments shall include 10 percent greenspace, which shall be landscaped and accessible by all residents of the development; this space shall not include required fenced stormwater management areas.
2. *Commercial:*
  - a. All new commercial developments' air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and adjacent properties by utilizing walls, fencing, roof elements, or landscaping.
  - b. The exterior finish of all elevations visible from a public street for all new structures shall be constructed of brick, stucco, cement board, glass and metal, decorative block or similar brand application of similar durable architectural materials. Awning materials shall be limited to canvas or metal.
  - c. All solid waste containers shall be screened from all public streets and adjoining properties in an enclosure comparable to the architecture of the primary structure.
3. *Industrial:*
  - a. All new industrial developments' air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and adjacent properties by utilizing walls, fencing, roof elements, or landscaping.
  - b. The exterior finish of all elevations visible from a public street and/or adjacent properties, for all new structures, shall be constructed of brick, stucco, cement board, glass and decorative metal, tilt up decorative concrete, decorative block or similar brand application of similar durable architectural materials. Awning materials shall be limited to canvas or metal.
  - c. All solid waste containers shall be screened from all public streets and adjoining properties in an enclosure comparable to the architecture of the primary structure.
4. *Institutional:*
  - a. All new institutional developments' air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and adjacent properties by utilizing walls, fencing, roof elements, or landscaping.
  - b. The exterior finish of all elevations visible from a public street for all new structures shall be constructed of brick, stucco, cement board, glass, decorative block or similar brand

application of similar durable architectural materials. Awning materials shall be limited to canvas or metal.

- c. All solid waste containers shall be screened from all public streets and adjoining properties in an enclosure comparable to the architecture of the primary structure.

5. *Multi-Family:*

- a. All new multi-family developments' air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and adjacent properties by utilizing walls, fencing, roof elements, or landscaping.
- b. The exterior finish of all elevations visible from a public street and/or adjacent properties, for all new structures, shall be constructed of brick, stone, stucco, or cement board; vinyl can be utilized in eaves and soffit areas only.
- c. All solid waste containers shall be screened from all public streets and adjoining properties in an enclosure comparable to the architecture of the primary structure.

**52-605 G. – Commercial, Retail, and Industrial Sites Reuse Agreement.**

1. *Applicability.* The standards of this section apply to all commercial and industrial sites that have buildings with more than 9,999 square feet of gross floor area (in aggregate).
2. *Development agreement.* Prior to the issuance of building permits, the property owner must enter into a development agreement with the city. The agreement must include at least the following:
  - a. Provisions preventing the property owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other uses allowed in the subject zoning district.
  - b. Provisions requiring long-term maintenance of the property if the building is vacated.
  - c. Provisions requiring the preparation of an adaptive reuse plan and/or a demolition plan acceptable to the city.
  - d. Other provisions deemed necessary by the city to address the particular circumstances related to the project.

**52-606. - Regulations of Fences.**

**52-606 A. - Chain Link Fences.**

In all zoning districts, chain link or other woven wire fences are prohibited in a front yard.

**52-606 B. - Fences.**

1. *Intent.* This section is intended to promote the general health, safety and welfare of the residents of the city by regulating the height, location, design, construction and maintenance of fences within the city limits.
2. *Definitions.* For purposes of administering this section, the following interpretations and definitions shall apply; words and terms not explicitly defined in this section shall have the meanings given in Article 2, Interpretations and Definitions, and words and terms not explicitly defined in this section or in Article 2, Interpretations and Definitions shall have the meanings given by common use.
  - a. *Fence.* A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire or rails.

- b. *Fence height.* The vertical dimension from the natural ground level to the top of the fence measured at any point along the length of the fence.
  - c. *Natural ground level.* The level of the ground prior to any recent manmade changes in the elevation of the ground. For purposes of administering this section, "natural ground level" shall also include the level of the ground established on any site plan or landscape plan approved in accordance with the city's review process for site plans and subdivision plats.
  - d. *Yard, front.* An unoccupied area extending the full width of the lot located between the front line and the front yard setback line.
3. *General standards, Residential.*
- a. No fence located in a front yard shall exceed four feet in height above the ground level on property.
  - b. No fence located in the rear yard shall exceed eight feet in height above the adjoining residentially zoned ground level.
  - c. No fence shall encroach into the public right-of-way or easements.
  - d. Corner lots have two front yards and the same regulations and restrictions on fences in the front yard apply to the yard areas adjacent to both streets.
  - e. Materials used for fences in the front yard must be ornamental in design and constructed with materials such as brick, masonry, picket or split rail. Materials shall not restrict the view through such fence by more than 50 percent of the total barrier as viewed from the street.
  - f. It shall be the responsibility of the owner of the property on which a fence is located to maintain the fence in good and proper repair so that at all times it presents a neat and orderly appearance to surrounding property owners and to the general public.
  - g. All fences shall be constructed of Cypress, Cedar, or pressure treated Pine. Fence shall be constructed of 1-inch by 4-inch panels. If a wooden fence has only one finished face, then the finished side shall face the exterior property line.
  - h. Electric aboveground fences shall be prohibited in residential zoning districts.
  - i. All swimming pools shall be completely enclosed by a fence of at least three feet in height or a screen enclosure. Openings in the fence shall not permit the passage of a six-inch diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates. Walls and fences erected for the specific purpose of providing security for accessory recreational uses, such as swimming pools and tennis courts, may be ten feet in height provided such fence shall be set back at least one foot from the property line for each foot it exceeds six feet in height, and provided such accessory recreational use is located within a rear yard.
  - j. No wall or fence may be constructed of exposed concrete block, tires, roofing tin, junk or other discarded materials.

4. *General standards, Commercial and Industrial.*

- a. Whenever screening is required by this ordinance, a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind designed to be compatible with the character of adjoining properties, shall be provided. Such fences and/or walls shall be at least six feet in height, but no greater than six feet in height for commercial and ten feet in height for industrial, measured from the ground along the common lot lines of the adjoining properties.
  - b. Barbed wire or Concertina (razor) wire may only be used for security purposes in commercial and industrial zoning districts along the top (width can be no more than two feet) of a fence, if such fence is six feet or greater in height. Otherwise, barbed wire and concertina (razor) wire are prohibited.
  - c. Corner lots have two front yards and the same regulations and restrictions on fences in the front yard apply to the yard areas adjacent to both streets.
  - d. No wall or fence may be constructed of exposed concrete block, tires, roofing tin, junk or other discarded materials.
  - e. If fences are constructed of wood other than cypress or cedar, the fence surfaces shall be painted a neutral earth-tone color or stained. If a wooden fence has only one finished face, the finished side shall face the exterior property line.
  - f. All swimming pools shall be completely enclosed by a fence at least six feet in height. Openings in the fence shall not permit the passage of a six-inch diameter sphere. The fence enclosure shall be equipped with self-closing and self-latching gates. Walls and fences erected for the specific purpose of providing security for recreational uses, such as swimming pools and tennis courts, may be ten feet in height provided such fence shall be set back at least one foot from the property line for each foot it exceeds six feet in height, and provided such recreational use is located within a rear yard.
  - g. If a fence is constructed of metal, the metal shall be of an ornamental or decorative type which has been approved by city council.
  - h. *Temporary fences.* This section shall not prohibit the erection of temporary fences for construction sites or similar activities where approved by the zoning administrator for a specified period not to exceed 12 months.
  - i. It shall be the responsibility of the owner of the property on which a fence is located to maintain that fence in good and proper repair so that at all times it presents a neat and orderly appearance to surrounding property owners and to the general public.
5. *Permits.* A building permit shall be required for the construction or alteration of any fence. Every application for a fence permit shall be on forms provided by the City and shall be accompanied by a nonrefundable fee as set forth in the schedule of fees and charges on file in the office of the city clerk. As a part of the permitting process, the Zoning Administrator shall review plans, issue permits, inspect installations, and secure compliance with the requirements of this section. All fences in the city must comply with the provisions of this section.

**52-607. – Underground Utilities.**

All new residential, commercial, and industrial developments and subdivisions are required to install underground utilities and implement decorative poles/streetlights in accordance with city policies unless waived by city council.

## Article 7. - Zoning Districts

### 52-701. - Establishment of Districts.

In order to accomplish the purposes of this ordinance as stated in Article 1, the following zoning district classifications are established within the incorporated area of the City of Bloomingdale, Georgia:

Code	Abbreviation	District Name	Description
52-705	RA	Agricultural	General farming, raising of farm animals and poultry, Single-family dwellings
52-706	RA-1	All uses in RA, plus recreation	All uses permitted in RA, plus churches, RV campgrounds, recreation parks (not to include amusements parks)
52-707	I	Institutional	Parks, recreation, public and private schools, hospitals, private day care centers, clinics, cemeteries, government buildings
52-708	R-1	One-family residential	Low-density single-family residential
52-709	R-2	One- and two-family residential	Medium-density, one- and two-family dwellings, R-1 uses
52-710	R-3	Multiple-unit residential	Medium- and high-density residential, multiple-family units, R-1 and R-2 uses
52-711	PUD	Planned Unit Development includes (PRD, PCD, PID)	All planned combinations of residential family units, agricultural, group housing, commercial, office, industry, mobile homes, and institutional uses
52-714	O-C	Office - Commercial	professional commercial, public or semi-public use, related nonretail use
52-715	C-1	Central Business District	Shops, services and offices
52-716	C-2	General Commercial	Retail, wholesale, light storage and services, C-1 O-C, R-2, and R-1 uses
52-717	LI	Light Industrial	Heavy commercial, warehousing for retail under 8,000 sq. ft., small equipment repair
52-718	I-1	Intensive Industrial	Warehousing, container yards, heavy equipment maintenance and repair, chassis storage
52-719	I-2	Heavy Industrial	General manufacturing, junk yards
52-720	MHP	Mobile Home Park	Manufactured housing

### 52-702. - Zoning To Apply When Lot Is Divided By District Boundary Line.

In the event that a district boundary line on the zoning map divides a lot of record held in one ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which each such parcel is located. If the property owner or such a lot desires, he may extend the use allowed on the greatest portion of said lot beyond the district boundary line in accordance with setbacks and yard requirements for the district into which he is encroaching.



**52-703. - Permitted Uses for All Zoning Districts.**

Except for use provisions as specified by Article 5 and other sections pertaining to infrastructure criteria, location criteria and/or overlay regulations, Table 52-703 establishes permitted, conditional, and special uses for all zoning districts. See Article 5 regarding interpretations of uses.

**52-703. LIST OF PERMISSIBLE AND CONDITIONAL USES**

On the following table, an open circle “O” means that the use will be permitted in that district only if a conditional use permit is granted by city council. An “S” means that the use will only be permitted in that district if city council approves the use as a special use in that district. An “X” means that the use is permitted in the zone district subject to the general provisions of the zoning ordinance. For uses not included on this list, where the Zoning Administrator is unable to determine placement, application shall be made to the Mayor and City Council for interpretation.

PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES		R-A	R-A1	I	R-1	R-2	R-3	OC	C-1	C-2	L-I	I-1	I-2	PUD
(1)	Accessory Structures, Agricultural - See Accessory Uses	X	X											
(2)	Accessory dwelling unit - See Accessory Uses	S	O		O									S
(3)	Accessory Uses and structures as provided in Section 504	S	S		S	S								S
(4)	Adult bookstore, movie rental, movie theater												S	S
(5)	Adult day care center						O		O	O				S
(6)	Adult entertainment facilities where adult entertainment is sponsored, allowed, encouraged, condoned, presented, sold, or offered to members of the public over 18 years of age (Sec 52-722)												S	S
(7)	Advertising display, Associated manufacturing, and sales									S	S	S	X	O
(8)	Aeronautical related uses											S	X	O
(9)	Agricultural produce stands	X	X						X	X	S	S		O
(10)	Agricultural, general	X	X						O	O	O			O
(11)	Agricultural, special	X	X		O		S							O
(12)	Airport related accessory uses								S	S	S	O	X	O
(13)	Ambulance service	S	S	S	S	S	S	S	S	X	X	X	X	O
(14)	Amusement or recreational activity carried on wholly within a building		S						X	X	X	X		O
(15)	Amusement Park									O	O	O		O
(16)	Animal hospital, veterinary clinic or animal boarding place	S	O						S	S	X	X	X	O
(17)	Animal hospital, veterinary clinic or animal boarding place (small animals/ short term)	S	O		S				X	X	X	X	X	O
(18)	Antique shops								X	X	O	O		O
(19)	Art shows, carnival rides, festivals, parades and special events of community interest	S	S						X	X	O	O		
(20)	Assisted living, retirement center, and nursing home			S			X		S	S	S			O
(21)	Athletic field	O	O	S	S		O		S	S	O	O	O	O

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PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES		R-A	R-A1	I	R-1	R-2	R-3	OC	C-1	C-2	L-I	I-1	I-2	PUD
(22)	Automobile repair								O	X	X	X	X	O
(23)	Automobile service station, including automobile washeteria/convenient store	S	S			S	O		O	X	X	X	X	O
(24)	Automotive Tire Dealers								O	X	X	X	X	O
(25)	Bakery	S	S						S	S	X	X	X	O
(26)	Banks and offices, including credit unions						O	O	X	X	X	X	X	O
(27)	Barbershop, beauty parlor	S	S			S	S		X	X	O			O
(28)	Bed & Breakfast	S	S		S		X		X	X				O
(29)	Bicycle and moped sales and service								X	X	X			O
(30)	Boarding home, group home, and personal care home having 5 or less persons	S	S		S		X		O					O
(31)	Boarding home, group home, and personal care home having 6 or more persons						X		O					O
(32)	Bowling alley								O	X	X			O
(33)	Brewery and Distilleries	S	S						O	X	X	X	X	O
(34)	Broadcasting studio (radio, TV)								X	X	X	X	X	O
(35)	Building, facility, or land for the distribution of utility services	S	S		S				S	S	O	X	X	O
(36)	Building facility or land for non-commercial park or non-industrial recreation; Thoroughfares; Open space, or Public body of water and similar purposes	S	S	S							O	O	O	O
(37)	Building, Facility, Land for Parking							S	S	S	O	X	X	O
(38)	Building, heating, plumbing or electrical contractors and related construction contractors								S	S	O	X	X	O
(39)	Building, heating, plumbing, electrical and related supplies, and materials									S	O	X	X	O
(40)	Café, restaurant, supper club								X	X	X	O		O
(41)	Motor vehicle wash								O	O	X	X	X	O
(42)	Carnivals	S	S						S	O	O	O		
(43)	Cemeteries and Crematorium	S	S	S					S	S	X	X		
(44)	Central Trash Collection Dumpsters	S										X	X	
(45)	Childcare center	S	S		S		X		X	O				O
(46)	Churches and other places of worship	O	O	S	O	O	X		X	X				O
(47)	Clinics, medical and dental			S					X	X	O			O
(48)	Clothing stores and dry goods								X	X				O
(49)	Clubs or lodges	S	S	S	S		S		X	X	O			O
(50)	Cocktail lounges, nightclubs, and taverns								S	X	X	S	S	O
(51)	Coin-operated games or devices								O	X	O			O
(52)	Community center		S	S	O	O	O		X	X	X			O

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PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES		R-A	R-A1	I	R-1	R-2	R-3	OC	C-1	C-2	L-I	I-1	I-2	PUD
(53)	Commercial Kennel		S						S	X		O		
(54)	Commercial recreation, Indoor								X	X	X			O
(55)	Commercial recreation, Outdoor		S						O	X	X			O
(56)	Commercial Trade or Vocational school			S					O	X	X	O	O	O
(57)	Community Garden		O		S				O					
(58)	Condominium development created in accordance with the Georgia Condominium Act				S	S	X							O
(59)	Consumer Fireworks Retail Sales Facility or Store								O	X	X			
(60)	Consumer Fireworks Retail Sales Stand								O	O	O			
(61)	Container, trailer, chassis, storage yard & repair, Diesel truck repair										S	S	S	S
(62)	Convenience Store with gasoline and diesel fuel		S		S	S	S		O	O	X	X	X	O
(63)	Convenience Store without gasoline or diesel fuel		S		S	S	S		X	X	X	X	X	O
(64)	Costumes and theatrical props rental businesses								X	X	X			O
(65)	Cultural facilities, including art galleries, legitimate theater, libraries and similar facilities			S			O		X	X	O			O
(66)	Day nurseries and kindergartens		S		S		X		X	O				O
(67)	Department store								X	X				O
(68)	Dog/Animal Grooming		S						O	X	O	O	O	O
(69)	Drive-in restaurants								X	X	O	O	O	O
(70)	Driving range, golf course		S		S		O		O	O	O	O	O	O
(71)	Drugstores						O		X	X				O
(72)	Dry cleaning plants									S	X	X	X	O
(73)	Dwelling, Single-Family Low Density		X		X	X	X		S					O
(74)	Dwelling, Single-Family Medium Density					X	X		S					O
(75)	Dwelling, two-family		S		S	S	X		S					O
(76)	Dwelling, multifamily, group, senior housing		O				X			O				O
(77)	Electrical repair and similar activities								O	X	X	X	X	O
(78)	Enclosed commercial storage								S	S	O	X	X	O
(79)	Extended Stay Hotel/Motel						O		X	X	O			O
(80)	Fair/Rodeo		S				O		O	O	X	O	O	O
(81)	Family personal care homes		S		S	S	O		X					O
(82)	Farm vehicles and implement sales and similar activities		S						S	O	X	X	X	O
(83)	Farm Operations		X		S									
(84)	Farmers' market		S						X	X	O			O

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PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES		R-A	R-A1	I	R-1	R-2	R-3	OC	C-1	C-2	L-I	I-1	I-2	PUD
(85)	Farm stand	X	O						X	X	O	O	O	O
(86)	Fast food restaurants								X	X	O	O	O	O
(87)	Feed, Seed and Fertilizer Sales	S	S							S	X	X	X	
(88)	Flea market		S						O	O	O	O	O	O
(89)	Florist, Flower Shop								X	X	O			O
(90)	Food stores, meat markets, bakery products, dairy products, produce and confectionery shops and stores of a similar nature	S	S						X	X				O
(91)	Funeral parlor								O	X				O
(92)	Gas, bottle, storage and distribution *PROPANE	S								S	O	X	X	O
(93)	Gasoline, bulk storage tank											S	X	O
(94)	Gasoline, service station	S	S		S	S	O		X	X	X	X	X	O
(95)	Glass sales and installation								O	X	X			O
(96)	Go-Kart, motorbike track, ATV Sales and repair								O	X	X			O
(97)	Golf course	S	S		S	S	O		O	O	O	O	O	O
(98)	Government uses	O	O	O	O	O	O	O	O	O	O	O	O	O
(99)	Gravel pit, Dirt pit, Mining	S	S									S	S	
(100)	Greenhouse and plant nursery	X	O						X	X	X	X	X	
(101)	Grocery store (under 12,000 sf)	S	S		S	S	O		X	X	O			O
(102)	Grocery stores or other retail establishments over 12,000 sf								X	X	O			O
(103)	Health Club						O		X	X				
(104)	Heavy industrial and heavy manufacturing												S	S
(105)	Heavy truck (trucks weighing over two tons) and heavy truck & trailer sale dealerships and repair service										O	S	S	S
(106)	Home Occupation as provided in Section 503	S	S		S	S	S							
(107)	Furniture and hardware sales	S	S						X	X	O			O
(108)	Homes for the aged or children	S	S				O		O	O				O
(109)	Hospital and clinics						O		X	X	X			O
(110)	Hospital related out-patient services (Ambulatory and Diagnostic Clinics)						O		X	X	X			
(111)	Hotel and motel	S	S				O		X	X	X			O
(112)	Ice (Sales or Manufacturing)	S	S						S	S	O	X	X	O
(113)	Indoor pistol range	S	S						S	S	O	O	O	O
(114)	Interior decorating business and sales								X	X				O
(115)	Junkyard – Open storage												S	S

CITY OF BLOOMINGDALE, GA

PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES		R-A	R-A1	I	R-1	R-2	R-3	OC	C-1	C-2	L-I	I-1	I-2	PUD
(116)	Keeping of Bees	O	O		S				S	O	X			O
(117)	Keeping of Chickens	X	X		S	S								
(118)	Laboratories, Medical and Dental								O	O	X	X	X	O
(119)	Landfill (permit required by DNR)												S	
(120)	Laundromat				S	S	O		X	X				O
(121)	Light machine shop										O	X	X	O
(122)	Live/Work, Efficiency or Loft apartment over ground floor level (Vertical Mixed Use)						O		O	O				O
(123)	Livestock, See Farm Operations	S	S		S									S
(124)	Locksmith shop								X	X	O			O
(125)	Machine shop, heavy										S	X	X	O
(126)	Manufacturing, heavy & heavy industrial											S	S	S
(127)	Manufacturing, light & light industrial	S	S								X	X	X	O
(128)	Manufactured home park		S											S
(129)	Manufactured home - on individual lots		S											S
(130)	Mass Transit Station Bus or Train								S	O	O			
(131)	Massage parlors								S	S			O	O
(132)	Massage Therapist						S		O	O				
(133)	Medical, dental or optical laboratories						S		S	O	X	X	X	O
(134)	Metals salvage yard											S	S	S
(135)	Miniature golf course, trampoline or similar activity		S						O	X				O
(136)	Motels and tourist centers								X	X	X			O
(137)	Motor Vehicle Parts (Used) Merchant Wholesalers									S	O	X	X	O
(138)	Motor Vehicle Towing and storage of no more than 50 vehicles on property									S	O	X	X	O
(139)	Motorcycle and motor scooter sales and service								X	X	O			O
(140)	Multifamily dwelling		S				X		S					O
(141)	Museum, historical display	S	S	O	S	S	O		X	X	O			O
(142)	Neighborhood recreation center				S	S	X		X	X				O
(143)	New automobile, light truck (pickup truck weighing two tons or less) dealership, and boat dealerships								X	X	O			O
(144)	Newspaper publishing, printing and letter shops								S	O	X	X	X	O
(145)	Office space for governmental, business, professional: including but not limited to construction contractors, general contractors, heavy equipment contractors, special trade contractors, engineers, architects, and land surveyors			S				X	O	O				O

CITY OF BLOOMINGDALE, GA

PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES		R-A	R-A1	I	R-1	R-2	R-3	OC	C-1	C-2	L-I	I-1	I-2	PUD
(146)	Office, professional							X	O	O				O
(147)	Office, temporary for on-site construction functions	S	S	S	S	S	S	S	S	S	S	S	S	S
(148)	One-family dwelling	X	X		X		X		O	O				O
(149)	On-premises catering						X		X	X				O
(150)	Open, Outside Storage of Materials, Vehicles, and Other Goods	S	S							S	S	S	S	S
(151)	Outdoor recreation entertainment facilities	S	S						S	X	O			O
(152)	Pawnshop or pawnbroker								O	O				O
(153)	Personal service shops – Hair & Nail						X		X	X				O
(154)	Pest control								X	X	O			O
(155)	Pharmacy						X		X	X				
(156)	Photography/Video development and studio								X	X	O			O
(157)	Places of Worship	S	S		S	S	S		X	X				O
(158)	Prefabricated structures sales lot/utility storage building sales								S	S	S			S
(159)	Private or Public Club, Lodge, Social Center, or Meeting Room	S	S	S			S		X	X	O			O
(160)	Privately owned and/or operated solid waste transfer stations												S	S
(161)	Production of nude adult films and photography												S	
(162)	Publicly owned building, facility, land	O	O	O	O	O	O	O	O	O	O	O	O	O
(163)	Radio and/or television and/or transmission tower	S	S								O	O	X	
(164)	Recreational vehicle park	S	S						S	S	S			S
(165)	Recreational vehicle sales								S	X	O			O
(166)	Recycling collection center										S	O	X	O
(167)	Removal or extraction of any natural material or deposit	S	S										S	
(168)	Rental of tools, rental of equipment, tool sales, equipment sales and businesses of a similar nature								S	O	O	X	X	O
(169)	Repair, accessory structure or service facility incidental to the primary use								S	S	S	S	S	S
(170)	Repairing trucks, manufactured homes, recreational vehicles, and trailers										S	S	S	S
(171)	Residential manufactured home sales								S	S	O	X	X	O
(172)	Restaurants with or without curb service						O		X	X	X			O
(173)	Retail automobile parts and tire stores								S	O	X	X	X	O
(174)	Retail general commercial								O	X	X			O
(175)	Retail Business, Heavy Equipment								S	S	O	X	X	O
(176)	Retail Tobacco, vape, cigar Stores								S	O	X			O

CITY OF BLOOMINGDALE, GA

PERMISSIBLE, SPECIAL USES, AND CONDITIONAL USES		R-A	R-A1	I	R-1	R-2	R-3	OC	C-1	C-2	L-I	I-1	I-2	PUD
(177)	Retail or wholesale sale of liquor, malt beverages and wine								O	X	O			O
(178)	Riding Stables	O	O		S					S	O			
(179)	Rooming houses, boardinghouses, and tourist homes	S	S		S	S	S		S					S
(180)	Sale and display of monuments and stones								O	X	X			O
(181)	Sale of fishing and boating supplies								X	X	X			O
(182)	Salvage yard and motor vehicle salvage yard											S	S	
(183)	School, public/private	S	S			S	X		O	O				O
(184)	Self-storage mini warehouse		S				O		S	O	X	X		O
(185)	Septic tank sales and service	S	S						S	O	S	S	S	
(186)	Signs, off-site advertisement (billboards)	S	S							S	S	S	S	
(187)	Signs, on-site advertisement for business located at site.	X	X	X	S	S	X	X	X	X	X	X	X	O
(188)	Solar Power Field Supply	S	S								X	X	X	
(189)	Specialty shops						S		X	X	O			O
(190)	Storage yards	S	S								S	S	O	
(191)	Studio—Art, music, dance, or other						O		O	O				O
(192)	Swimming pool, private	X	X		X	X	X		X	X	O			O
(193)	Swimming pool, public	S	S				O		O	X	O			O
(194)	Tattoo parlors										S		X	
(195)	Taxidermist	S	S						O	X				O
(196)	Teaching of music, voice, dance, and gymnastics	S	S		S	S	O		X	X	O			O
(197)	Telephone, cable, fiber optic substation	O	O		O	O	X		X	X	X	X	X	O
(198)	Temporary day labor centers								S	S	S			S
(199)	Temporary Structures (to be removed) (Concrete Plant)												S	
(200)	Movie Theatre, Live Theatre						S		O	X	X			O
(201)	Tire recapping, regrooving										O	X	X	O
(202)	Truck terminal, Trucking Company											S	S	S
(203)	Truckstop										S	S	S	S
(204)	Tires recycle, grinding facility											S	X	
(205)	Used car sales lots (limit of 50 vehicles on standard commercial lot 15,000'sq.ft.)								X	X	X			O
(206)	Used motor vehicle storage or shipping facility												S	
(207)	Welding shop									S	O	X	X	O
(208)	Wholesaling and warehousing of chemicals										S	S	S	S

**52-705. – RA (AGRICULTURAL/RESIDENTIAL).****52-705 A. - Intent.**

It shall be the intent of this zoning district to provide for the conservation and maintenance of land resources of the City of Bloomingdale, Georgia, used for farming, agriculture, livestock, husbandry, timber and related purposes. The regulations, which apply within this district, are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for farming uses. These regulations are also intended to reduce traffic congestion, provide adequate off-street parking, avoid the development of "strip" type business areas and discourage encroachment by other uses capable of adversely affecting the farming character of the district.

**52-705 B. - Permitted and prohibited uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special use, and conditional uses.

**52-705 C. - Special uses.**

The following uses shall be permitted, if approved by the Mayor and City Council as provided in 52 -406:

1. Feed, seed and fertilizer retail sales;
2. Kennel;
3. Radio and television tower;
4. Nursery (landscape materials, plants, etc.).

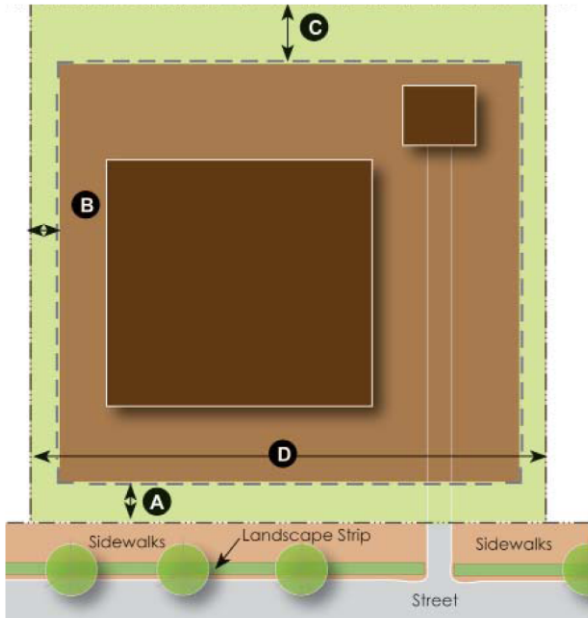
**52-705 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within Figure 52-705 - RA. Lot size requirements shall not be required of lots originally laid out in the original map of Bloomingdale Pierce tract. Map located at City Hall. However, as part of the development plan, the city council may require any other development standards which are required for agricultural or residential zoning districts which are contained within the Unified Development ordinance.



**Figure 52-705 – RA.**

**Agricultural/Residential**



**Example: Building placement**

Building Placement	
Minimum front yard	100 ft. <b>A</b>
Minimum side yard	30 ft. <b>B</b>
Minimum rear yard	30 ft. <b>C</b>
Lot Dimensions	
Lot area	Min. 3 acres
Lot width	Min. 150 ft
Street frontage	Min. 150 ft
Dwelling units per acre	Max. 1
Dwelling floor area	Min. 1,800 sq ft.
Building Configuration	
<b>Maximum Building Height</b>	<b>35 ft</b>
Lot coverage (Principal Structure)	Max. 25%

**Architectural Controls**

Solid waste containers must be screened from all public streets and adjoining properties

Install utilities as well as associated poles and street lights in accordance with city policies

Air conditioning and HVAC systems must be screened from view from the public right-of-way and adjacent properties

**Prohibited Exterior Materials:**

Metal Panels	Metal Sheathing
Gray Concrete block	

**Single-family dwellings**

Minimum Roof Pitch of 6 to 12

Sodded and stabilized on the front and side yards

**Exterior Materials (Front Elevation):**

Brick	Stone
Stucco	Hardy Plank

**Manufactured and Industrialized buildings see Sec. 605**

**Accessory Structures (Sec. 504)**

Materials identical to the principal dwelling

Structure located in front yard

Comply with front and side yard setbacks

Structure located in rear yard

Located at least 5 ft from all property lines

Structures within Corner Lots shall be setback a distance from both streets equal to the front yard setback

Structures 200 sq ft or more must be constructed of the same building material as the principal dwelling

Structures' floor area must be no larger than 50% of the principal structure floor area

For Specific Use requirements reference sec. 504

**Parking**

For specific use requirements, reference Article 8

**52-706. – RA – 1 (AGRICULTURAL/RECREATION)**

**Reserved.**

**52-707. – I (INSTITUTIONAL).****707 A. - Intent.**

It shall be the intent of this zoning district to reserve land for institutional uses only. The regulations, which apply within this district, are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for institutional uses that are located so as to provide nearby areas with convenient facilities. These regulations are also intended to reduce traffic congestion, provide adequate off-street parking, avoid the development of "strip" type business areas and discourage encroachment by other uses capable of adversely affecting the public/semi-public character of the district.

In most instances, Institutional uses are not for profit, government buildings, government structures, and buildings and structures that are exempt from ad-valorem taxation.

**52-707 B. - Permitted and prohibited uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special use, and conditional uses.

**52-707 C. - Special uses.**

The following uses shall be permitted, if approved by the Mayor and City Council as provided in Section 52-406 of this ordinance:

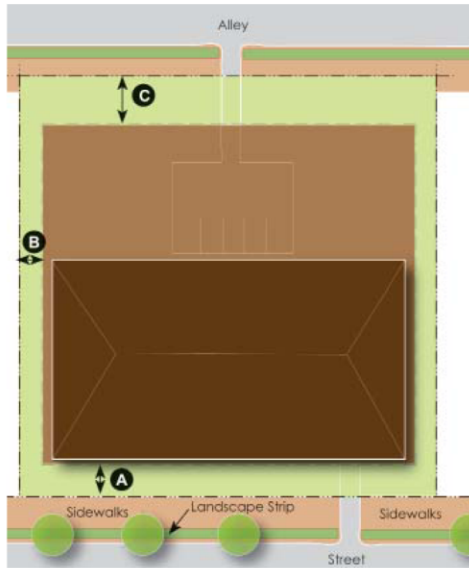
1. Hospital, clinic or care home, provided that: the lot has an area of a minimum of three acres (130,680 square feet); no building is constructed within 75 feet of the property line of any adjoining residential lot; the lot shall front an arterial or collector street; no automobile parking will be permitted within the front yard setback or within 30 feet of the property line of any adjoining residential lot; parking and/or service areas are separated from adjoining residential lots by a suitable planted screen, fence or wall a minimum of six feet in height above finished grade and which provides for a reasonable visual separation between the properties.

**52-707 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within Figure 706-INST. Lot size requirements shall not be required of lots originally laid out in the original map of Bloomingdale Pierce tract. Map located at City Hall. However, as part of the development plan, the city council may require any other development standards which are required for Institutional or commercial zoning districts which are contained within the Unified Development ordinance.

**Figure 706-INST.**

**Institutional**



**Example: Building placement**

**Building Placement**

**Single-family detached dwellings and duplexes**

Minimum front yard	30 ft	<b>A</b>
If hospital, clinic or care home	50 ft	
Minimum side yard	15 ft	<b>B</b>
If hospital, clinic or care home	50 ft	
Minimum rear yard	30 ft	<b>C</b>
If hospital, clinic or care home	50 ft	

**Lot Dimensions**

Lot area	Min. 1 acre
Lot width	Min. 90 ft
Street frontage	Min. 100 ft
Lot coverage (Impervious Surface)	Max. 80%

**Building Configuration**

**Maximum Building Height 35 ft**

Excludes spires, belfries, cupolas, domes, monuments, water towers, forest towers, chimneys, steeples, flag poles, masts, antennas and similar objects or structures

**Screening**

**Vegetated buffer sec. 604**

when contiguous with single-family residential	30 ft
when contiguous with multi-family or duplexes	20 ft
Established undisturbed natural buffers shall be retained	
Planted buffers must consist of 50% evergreen plants	
Trees must be at least 6 ft tall within 2 years of planting	

**Fence or Wall sec. 604**

Applicable whenever Vegetated Buffer is required  
 Visual blind aesthetically compatible with adjoining properties in conjunction with vegetation

**Architectural Controls**

Solid waste containers must be screened from all public streets and adjoining properties

Install utilities as well as associated poles and street lights in accordance with city policies

**Prohibited Exterior Materials:**

Metal Panels	Metal Sheathing
Gray Concrete block	

Air conditioning and HVAC systems must be screened from view from the public right-of-way and adjacent properties

**Exterior Materials (visible from a public street):**

Solid Wood	Hardy Plank
Decorative Concrete Block	Brick
Stucco	Glass

**Manufactured and Industrialized buildings see sec. 605**

**Accessory Structures**

**Structure location**

Structure prohibited in front yard

Placement in side or rear yard must comply with rear and side yard setbacks

Structure must be finished using materials comparable to the principal structure

Structures' floor area must be no larger than 25% of the principal structure floor area

For Permitted Uses reference sec. 504

**Parking**

For specific use requirements, reference Article 9

**52-708. – R -1 (Low Density Residential).****52-708 A. - Intent.**

It shall be the intent of this zoning district to be reserved for development of low-density residential uses only, which is intended to provide and encourage a stable, healthy environment for single-family dwellings situated on lots having an area of no less than one acre or more. The provisions which apply to this district are designed to discourage encroachment of development that may adversely affect the residential integrity and character of the district.

**52-708 B. - Permitted and Prohibited Uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special use, and conditional uses. Shipping containers are not permitted in Residential Zoning Districts.

**52-708 C. - Physical Requirements.**

Unless otherwise specified in this ordinance, principal dwellings permitted in the R-1 district shall conform to the following standards:

1. *Minimum lot area* 15,000 square feet or more.
2. *Minimum heated floor area per dwelling unit:* 1,800 square feet for single story; minimum building footprint for two or more story dwellings shall be 1,180 square feet.
3. *Minimum street frontage:* 100 feet for non-cul-de-sac lots; 35 feet for cul-de-sac lots.
4. *Minimum lot width:* 100 feet as measured at building line.
5. *Minimum front yard:* 50 feet.
6. *Minimum side yard:* 25 feet.
7. *Minimum rear yard:* 50 feet.
8. *Maximum building height:* 35feet.
9. *Maximum lot coverage by impervious surface:* 25 percent.
10. All dwellings shall be provided with a paved driveway accommodating a minimum of two automobiles and a garage or carport for a minimum of two automobiles.
11. *100-year Floodplain.* No permanent structure shall be constructed within the boundary of the 100-year floodplain unless the structure meets minimum floodplain ordinance requirements as established in Chapter 38, Flood Control, of the Bloomingdale Code of Ordinances.

Lot size requirements shall not be required of lots originally laid out in the original map of Bloomingdale Pierce tract. Map located at City Hall. However, as part of the development plan, the city council may require any other development standards which are required for residential districts which are contained within the Unified Development ordinance.

**52-708 D. - Special Uses.**

The following uses shall be permitted, if approved by the Mayor and City Council, as provided in 52 - 406 of this ordinance:

1. Reserved.

**52-709. – R -2 (Medium Density Residential)****52-709 A. - Intent.**

It shall be the intent of this zoning district to be reserved for development of medium density residential uses, which is intended to provide a transition between low-density and high-density residential development districts. The provisions which apply to this district are designed and intended to encourage the formation and continuation of a stable, healthy environment for the residents of medium density residential developments. The provisions are also intended to discourage encroachment of uses that could adversely affect the intended residential character and integrity of this district.

**52-709 B. - Permitted and Prohibited Uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special use, and conditional uses. Shipping containers are not permitted in Residential Zoning Districts.

**52-709 C. - Physical Requirements.**

Unless otherwise specified in this ordinance, uses permitted in the R-2 district shall conform to the following standards:

1. *Minimum lot area:* One-fourth of an acre or 10,890 square feet.
2. *Minimum floor area per dwelling unit:* 1,500 square feet for single story; with a minimum building footprint of 900 square feet for two or more story dwellings.
3. *Minimum street frontage:* 60 feet for single-family dwellings on non-cul-de-sac lots; 35 feet for cul-de-sac lots.
4. *Minimum lot width:* 60 feet as measured at building line for single-family dwellings.
5. *Minimum front yard:* 35 feet.
6. *Minimum side yard:* 10 feet.
7. *Minimum rear yard:* 25 feet.
8. *Maximum building height:* 35 feet.
9. *Maximum lot coverage by impervious surface:* 45 percent.
10. *Buffer requirements:* See Section 52-604.
11. *Driveways:* All single-family dwellings shall be provided with a paved driveway accommodating a minimum of two automobiles. Garages or carports shall be provided for a minimum of one automobile. No parking shall be permitted on the street.
12. *100-year Floodplain:* No permanent structure shall be constructed within the boundary of the 100-year floodplain unless the structure meets minimum floodplain ordinance requirements as established in Chapter 50, Floods, of the Bloomingdale Code of Ordinances.

Lot size requirements shall not be required of lots originally laid out in the original map of Bloomingdale Pierce tract. Map located at City Hall. However, as part of the development plan, the city council may require any other development standards which are required for residential districts which are contained within the Unified Development ordinance.

**52-709 D. - Special Uses.**

The following uses shall be permitted, if approved by the Mayor and City Council, as provided in 52- 406 of this ordinance:

1. Reserved.

**52-710. – R – 3 (High Density Residential).****52-710 A. - Intent.**

It shall be the intent of this zoning district to be reserved for development of high-density residential uses only. The provisions which apply to this district are designed and intended to encourage the formation and continuation of a stable, healthy environment for the residents of multi-family dwellings and to prevent developments that may adversely affect the intended character or integrity of the district.

**52-710 B. - Permitted and Prohibited Uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special uses, and conditional uses. Shipping containers are not permitted in Residential Zoning Districts.

**52-710 C. - Special Uses.**

The following uses shall be permitted, if approved by the Mayor and City Council, as provided in 52- 406 of this ordinance:

1. Neighborhood retail, service or office uses primarily for use of residents of the R-3 district provided they are conducted entirely within a wholly and permanently enclosed building or buildings which shall be of an architectural design compatible with the dwellings within the R-3 development.
2. Single-family detached dwelling units that will provide for the utilization of vacant or underserved parcels of land within existing neighborhoods.
  - a. *Minimum lot size:* 4,800 square feet.
  - b. *Minimum front yard:* 25 feet.
  - c. *Minimum side yard:* Ten feet.
  - d. *Minimum rear yard:* 25 feet.
  - e. *Minimum heated space:* 1,100 square feet.

**52-710 D. - Physical Requirements.**

Unless otherwise provided in this ordinance, uses permitted in the R-3 district shall conform to the following standards:

1. *Minimum initial tract size:*
  - a. *Duplexes:* One-fourth acre or 10,890 square feet.
  - b. *Cluster development, single-family attached and multi-family developments:* Three acres; provided, however, the net minimum individual lot size shall not be less than 4,800 square feet for cluster developments or less than 2,460 square feet for single-family attached units.

2. *Maximum density per acre:*
  - a. *Duplexes:* Eight units per acre.
  - b. *Cluster development:* Six units per acre.
  - c. *Single-family attached and multi-family developments:* 12 units per acre.
3. *Minimum heated floor area per dwelling unit for duplexes:* 1,250 square feet with a minimum building footprint of 850 square feet for two or more story dwellings; cluster development, single-family attached and multi-family developments—900 square feet for one-bedroom units; 1,000 square feet for two-bedroom units and 1,100 square feet for three-bedroom units.
4. *Minimum street frontage:* 200 feet.
5. *Minimum lot width:* 200 feet as measured at building line.
6. *Minimum front yard:* 25 feet.
7. *Minimum side yard:* 20 feet, except that the side yard for interior, attached units shall be zero.
8. *Minimum rear yard:* 25 feet.
9. *Minimum distance between buildings:*
  - a. *Front to front:* 50 feet.
  - b. *Front or rear to side:* 50 feet.
  - c. *Side to side:* 20 feet.
10. *Maximum building height:* 35 feet.
11. *Maximum number of units per building:* Eight.
12. *Maximum lot coverage by impervious surface:* 50%.
13. *Minimum common open space:* Cluster development, single-family attached and multi-family developments shall preserve a minimum of 15 percent of the gross acreage common open space.
14. *Parking requirements:* All single-family, attached, two-family (duplex) and cluster dwellings shall be provided with a paved driveway accommodating a minimum of two automobiles. No parking shall be permitted on the street.
15. *Buffer requirements:* See 52 - 604.
16. *Ownership requirements:* All of the land in single-family attached (townhouse and condominium) and cluster developments shall be owned initially by an individual, a corporation or other legal entity. Individual properties may be sold after a final plat has been approved by the City of Bloomingdale Mayor and City Council and recorded in the Office of the Superior Court Clerk of Chatham County. These developments shall also be subject to approval of restrictive homeowner's covenants providing for the maintenance of common open space, required stormwater management infrastructure, establishment, and management of a homeowner's association.
17. *100-year Floodplain:* No permanent structure shall be constructed within the boundary of the 100-year floodplain unless the structure meets minimum floodplain ordinance requirements as established in Chapter 50, Floods, of the Bloomingdale Code of Ordinances.

Lot size requirements shall not be required of lots originally laid out in the original map of Bloomingdale Pierce tract. Map located at City Hall. However, as part of the development plan, the city council may require any other development standards which are required for residential districts which are contained within the Unified Development ordinance.

**52-711. – PUD (PLANNED UNIT DEVELOPMENT).**

**Please See 52-712. - PLANNED RESIDENTIAL DEVELOPMENT (PRD); 52-713. - PLANNED COMMERCIAL DEVELOPMENT (PCD); and 52-714. - PLANNED INDUSTRIAL DEVELOPMENT (PID).**

**52-712. - PLANNED RESIDENTIAL DEVELOPMENT (PRD).****52-712 A. - Intent.**

It shall be the intent of this zoning district to encourage the best possible site plans and building arrangements under a plan of development rather than under lot-by-lot regulations. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The city gains the advantage of a variety in building types, compatibility of use and optimum community development. The planned residential development is intended to encourage ingenuity and resourcefulness in land planning including a variety of housing types in a mixed-use environment of residential and commercial services, to assure the provision of open space such as parks and recreational land and other facilities for the use of the occupants of the development, to provide for a more efficient and imaginative development of property and to facilitate efficient housing.

**52-712 B. - Ownership control.**

All of the land in a planned residential development shall be owned initially by an individual, corporation or some other legal entity. Individual properties may be sold after a final plat has been approved by the City of Bloomingdale Mayor and City Council and recorded in the Office of the Superior Court Clerk of Chatham County. Such developments may be subject to approval of restrictive homeowner's covenants providing for the maintenance of common open space, required stormwater management infrastructure, establishment, and management of a homeowner's association.

**52-712 C. - Permitted and prohibited uses.**

Table 52 -703 PUD shall govern the use of this zoning district, including permitted, prohibited, special uses, and conditional uses. Shipping containers are not permitted in Residential Zoning Districts.

**52-712 D. - Special uses.**

The following uses shall be permitted in the PRD district upon approval by the Mayor and City Council as provided in 52- 406 of this ordinance. No commercial uses shall be approved on the perimeter of a PRD district so as to adjoin property identified on the future land use map as R-1 low density residential, unless allowed by city council. The architectural style of all commercial structures shall be compatible and consistent with the character of the surrounding residential neighborhood.

1. Licensed day care center, nursery, private school;
2. Professional offices;
3. Convenience store with or without gasoline or diesel fuel;
4. Government office or facility;
5. Branch bank;
6. Laundromat;
7. Other neighborhood retail, service business or office use, primarily for the use of residents of the PRD district.



**52-712 E. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within Figure 712-PRD. However, as part of the development plan, the city council may require any other development standards which are required for residential zoning districts and commercial districts which are contained within the Unified Development ordinance.

**52-712 F. - Open space requirements.**

A minimum of 25 percent of the total development shall be reserved for open space, parks, recreation or other similar uses; provided the following criteria are met:

1. The required yards, parking areas, stormwater infrastructure (detention pond), wetlands, utility easements and other non-buildable areas shall not be credited toward the minimum open space requirements. The required open space shall be developed and landscaped by the developer in accordance with an approved site plan. Open space shall consist of contiguous property, where possible to allow connectivity of open areas.
2. If requested by the city, the owner of the planned residential development may deed to the city the land set aside as required open space.
3. If the city does not request that the land be deeded to it, then, the open space shall be deeded to a property owner's association for the benefit of the residents. The organization of a property owner's association and its adequate financing for the discharge of its responsibilities shall be assured through acceptable private deed covenants running with the land.
4. In the event the property owner's association fails to maintain the open space properly, the city may serve written notice upon the property owner's association and upon the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice.
5. If the deficiencies are not corrected within the said 30 days, the city, in order to preserve the taxable values of the properties within the planned residential development and to prevent the open space from becoming a public nuisance, may enter upon said open space and maintain the same until the property owner's association is prepared to provide proper maintenance.
6. The cost of such maintenance by the city shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment and of the open space and shall become a tax lien upon said properties. The city, at the time of entering upon said open space for the purpose of maintenance, shall file a notice of such lien in the office of the clerk of superior court upon the properties affected by such lien within the planned residential development.

**52-712 G. - General deed covenants.**

The entire planned residential development shall be included with private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development.

**52-712 H. - Structures for commercial and office uses.**

Retail sales, services and offices may be conducted entirely within a wholly and permanently enclosed building or buildings, which shall be of an architectural design and scope compatible with the residential structures within the planned residential development. City council may require additional development standards required in office and commercial districts.

**52-712 I. - Development in stages.**

The entire planned residential development may be divided into logical geographical sections with specific and reasonable periods within which the development of each section must be commenced and completed subject to approval of the City of Bloomingdale Mayor and City Council.

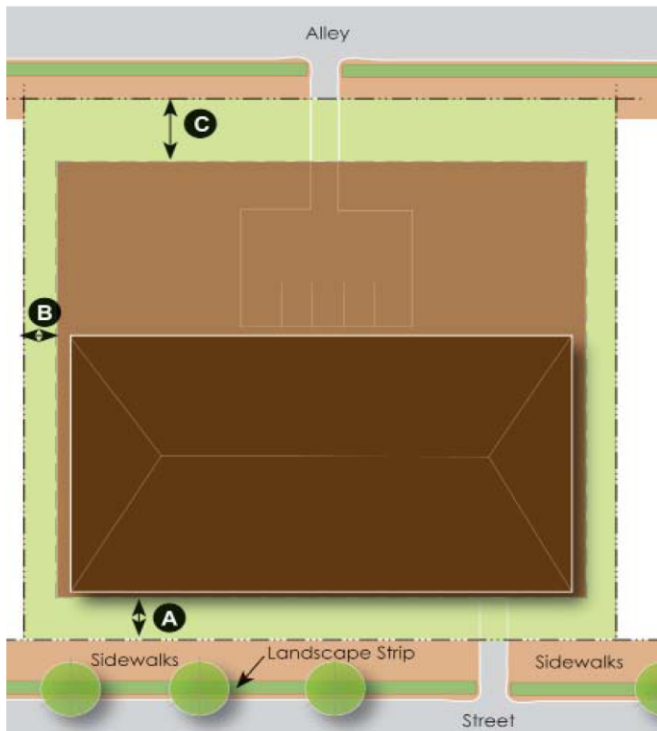
**52-712 J. - Architectural standards.**

Architectural standards are established for residential and commercial development within a PRD district.

1. *Residential construction.* The following standards pertain to residential construction:
  - a. Roof pitch in residential developments shall be a minimum of 6/12. Roof materials shall consist of asphalt or composite shingles, terra cotta, slate, cedar or standing seam metal. "Rolled" asphalt roofing materials shall not be used.
  - b. Brick, stone, concrete stucco, wood, hardy plank, vinyl or any combination thereof, shall be the only acceptable exterior finish materials.
  - c. Side and rear building elevations of attached residential developments shall be substantially consistent with the front building elevation.
  - d. Accessory structures shall be finished using materials identical to the principal dwelling.
2. *Commercial construction.* The following standards pertain to commercial construction:
  - a. Building materials used for exterior finishes shall consist of glass, brick, stone, concrete stucco, decorative concrete block, solid wood, hardy plank, vinyl or similar brand applications or similar, durable architectural materials. Awning materials shall be limited to canvas or metal.
  - b. Architectural style within one block or other contiguous development unit shall be compatible and shall adhere to a single, consistent architectural theme compatible with the character of the surrounding neighborhood.
  - c. Side and rear building elevations of all commercial structures shall be substantially consistent with the front building elevation.
  - d. Placement of air-conditioning units and other mechanical systems and equipment shall be accomplished without detracting from the architectural integrity of the building or site. Generally, such equipment must be installed to the rear of the building or on the side, provided the view is partially obstructed through either the use of screening compatible with the building such equipment serves or landscaping. Rooftop equipment shall be completely screened from view from the public right-of-way as well as adjoining properties.

Figure 712 - PRD.

Planned Residential Development



Example: Building placement

Building Placement

Single-family detached dwellings and duplexes

Minimum front yard	10 ft	A
Minimum side yard	10 ft	B
Minimum rear yard	20 ft	C

Single-family attached and multi-family

Minimum front yard	10 ft
Minimum side yard (Interior Units)	0 ft
Minimum side yard (End Units)	10 ft
Minimum rear yard	10 ft

Commercial uses

Minimum front yard	15 ft
Minimum side yard (Storefront)	0 ft
Minimum side yard (End buildings)	10 ft
Minimum rear yard	20 ft

Distance between buildings

Front to front	50 ft
Front or rear to side	50 ft
Side to side	20 ft

Architectural Controls

Solid waste containers must be screened from all public streets and adjoining properties

Install utilities as well as associated poles and street lights in accordance with city policies

Residential Construction. Exterior Materials:

Brick	Stone
Concrete	Stucco
Wood	Hardy Plank
Vinyl (eaves and soffits only)	

Residential Construction. Roof Guidelines:

Minimum roof pitch of 6 to 12

Roof Materials

Asphalt/Composite shingles	Terra Cotta
Slate	Cedar
Standing Seam Metal	

Commercial Construction. Exterior Materials:

Glass	Metal
Brick	Stone
Concrete Stucco	Hardy Plank
Vinyl (eaves and soffits only)	Solid Wood
Decorative concrete block	

Architectural style shall be compatible with the surrounding neighborhood

Side and rear elevations shall be consistent with front elevation

Single-family dwellings

Sodded and stabilized on the front and side yards

Exterior Materials (Front elevation)

Brick	Stone
Stucco	Hardy Plank

Residential in-fill design guidelines see sec. 605

Manufactured and Industrialized buildings see sec. 605

Building Configuration

Maximum Building Height 35 ft

Single-family detached

Heated floor area per unit	Min. 1,350 sq ft
Building footprint for 2 or more stories	Min. 850 sq ft

Duplexes

Heated floor area per unit	Min. 1,250 sq ft
Building footprint for 2 or more stories	Min. 850 sq ft

Single-family attached and multi-family

Heated floor area per unit (1 BR)	Min. 800 sq ft
Heated floor area per unit (2 BR)	Min. 950 sq ft
Heated floor area per unit (3 BR)	Min. 1,100 sq ft

Planned Residential Development



Example: Development plan

Lot Dimensions	
<b>Initial Development Size:</b>	<b>5 contiguous acres</b>
<b>Lot Coverage (Impervious Surface)</b>	<b>Max. 50%</b>
<b>Single-family detached (including cluster development)</b>	
Lot area (adjoins common open space)	Min. 4,000 sq ft
Lot area (all other lots)	Min. 6,000 sq ft
Maximum density per acre	6 units
Lot frontage	Min. 50 ft.
<b>Duplexes</b>	
Lot area	Min. .25 acres or 10,890 sq ft
Maximum density per acre	8 units
Lot frontage	Min. 80 ft
<b>Single-family attached and multi-family developments</b>	
Lot area	Min. 5 acres
Net minimum individual lot size shall not be less than 2,460 sq ft for single-family attached and 1,850 sq ft for multi-family developments	
Maximum density per acre	16 units
Lot frontage	Min. 24 ft
<b>Commercial Uses</b>	
Lot frontage	Min. 100 ft

Buffer requirements	
Width when adjoining low density residential	min. 50 ft
Landscaped in accordance with sec. 604	
Width may be reduced to 35 ft if a 3 ft high earthen berm is provided	
When commercial uses within the PRD adjoin a residential use a 30 ft landscaped buffer must be provided	
<b>Subdivision buffer (sec. 605 E 9)</b>	<b>Min. 50 ft</b>
Between new subdivision and all adjacent residential subdivisions	
Landscaped in accordance with sec. 604	
Open Space	
<b>Reserved for Open Space, Parks, Recreation</b>	<b>Min. 25%</b>
Up to 25% of land within a flood plain may be credited	
Must be either deeded to the City or to a property owner's association	
Consists of contiguous property	
<b>All residential subdivision developments shall include at least 25% greenspace (sec. 605 I)</b>	
Must be landscaped	
Must be accessible to all residents	
Does not include required fenced stormwater management areas	

## Planned Residential Development

### Accessory Structures

Materials identical to the principal dwelling (sec. 605)

Structure located in front yard

Comply with front and side yard setbacks

Structure located in rear yard

Located at least 5 ft from all property lines

\*Corner lots reference sec. 504

Structures 200 sq ft or more must be constructed of the same building material as the principal dwelling

Structures' floor area must be no larger than 50% of the principal structure floor area

Additional requirements reference sec. 504

### Parking

Single-family detached, attached and two-family (duplex) dwellings shall have a paved driveway accommodating a minimum of 2 automobiles

Single-family detached dwellings must have a garage or carport for 1 automobile

On-street parking is prohibited

## **52-713. - PLANNED COMMERCIAL DEVELOPMENT (PCD).**

### **52-713 A. - Intent.**

It shall be the intent of this zoning district to promote and encourage the clustering of commercial uses which occur along arterial thoroughfares; to promote and encourage the infill of commercial uses between existing commercial uses along arterial thoroughfares; to limit the number of access points from PCD to an arterial thoroughfare; to limit commercial development which occurs outside the commercial districts to areas on an arterial thoroughfare adjacent to existing commercial development.

The regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for commercial and service uses that are located so as to provide the city with convenient, safe, attractive and efficient shopping and service facilities. These regulations are also intended to reduce traffic congestion, provide adequate off-street parking, prohibit the expansion of "strip" type business areas beyond existing "strip" development, and to discourage encroachment by other uses capable of adversely affecting the commercial character of the district.

The PCD district is also intended to encourage the best possible site plans and building arrangements under a plan of development rather than under lot-by-lot regulations. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The city gains the advantage of variety in building types, compatibility of use and optimum community development. The planned commercial development is intended to encourage ingenuity and resourcefulness in land planning and to assure the provision of adequate land facilities for the use of the occupants of the development.

**52-713 B. - Ownership control.**

All of the land in a planned commercial development shall be owned initially by an individual, by a corporation or some other legal entity. Individual properties may be sold after a final plat has been recorded with the properties subject to private deed covenants that assure the continuance of the Planned Development as originally approved and developed.

**52-713 C. - Permitted and prohibited uses.**

Table 52 - 703 PUD shall govern the use of this zoning district, including permitted, prohibited, special use, and conditional uses.

**52-713 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within Figure 713-PCD. However, as part of the development plan, the city council may require any other development standards which are required for commercial zoning districts which are contained within the Unified Development ordinance.

**52-713 E. - Storage.**

Outdoor storage is not permitted on lots unless the storage area is enclosed in a building, a privacy fence, or screened decorative foliage.

**52-713 F. - Parking.**

No automobile parking or service areas will be permitted within the required front yard setback or within 30 feet of the property line of an adjoining residential zoning lot. Parking and services areas must be separated from adjoining residential lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above-required screen, fence or wall must provide for a reasonable visual separation between the properties.

**52-713 G. - Loud speaking systems.**

No outside loud speaking system shall be utilized prior to 7:00 a.m. or after 9:00 p.m. if directly adjacent to a residential zoned use.

**52-713 H. - Lighting.**

All lights or lighting arrangements for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

**52-713 I. - General deed covenants.**

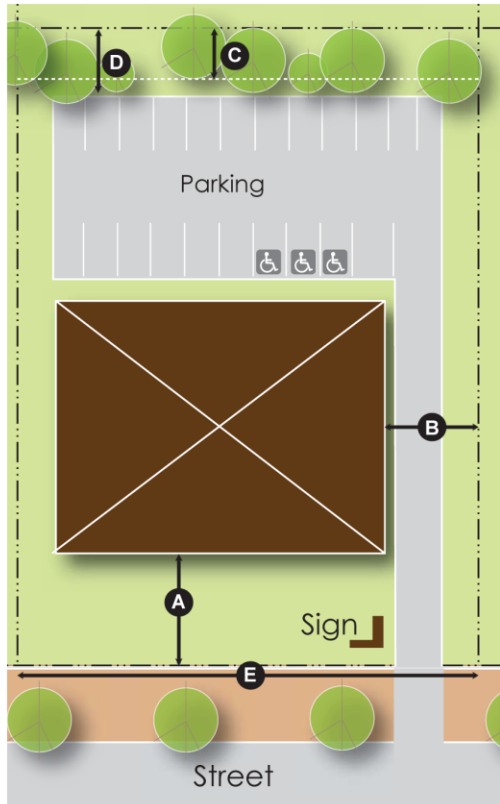
The entire planned commercial development shall be included within private deed covenants running with the land to assure the continuance of the planned commercial development in accordance with approved plans and development, unless waived by the Zoning Administrator.

**52-713 J. - Development in stages.**

The entire planned commercial development may be divided into logical geographical sections with specific and reasonable periods within which the development of each section must be commenced and completed subject to approval of the City of Bloomingdale Mayor and City Council.

Figure 713-PCD

Planned Commercial District



Example: Building placement

Building Placement	
Minimum front yard	15 ft <b>A</b>
Minimum side yard	15 ft <b>B</b>
Minimum rear yard	30 ft <b>C</b>
Lot Dimensions	
Lot width	Min. 100 ft <b>E</b>
Lot coverage (Impervious Surface)	80%
Location Criteria and Density	
Infrastructure	
Transit	
Character area policy	
Building Configuration	
<b>Maximum Building Height</b>	<b>35 ft</b>
*if above 35 ft a fire control plan must be approved in writing by the Fire Chief or their designee	

Architectural Controls

Prohibited Exterior Materials:

Gray Concrete block

Air conditioning and HVAC systems must be screened from view from the public right-of-way and adjacent properties

Exterior Materials (visible from a public street):

Solid Wood	Hardy Plank
Decorative Concrete Block	Brick
Stucco	Glass
Metal	

Manufactured and Industrialized buildings see sec. 605

Screening

Vegetated buffer **D**

when contiguous with single-family residential	30 ft
when contiguous with multi-family or duplexes	20 ft
Established undisturbed natural buffers shall be retained	
Planted buffers must consist of 50% evergreen	
Trees must be at least 6 ft tall within 2 years of planting	

Fence or Wall

- Applicable whenever Vegetated Buffer is required
- Visual blind aesthetically compatible with adjoining properties in conjunction with vegetation

Accessory Structures

Structure location

- Structure prohibited in front yard
- Placement in side or rear yard must comply with rear and side yard setbacks
- Structure must be finished using materials comparable to the principal structure
- Structures' floor area must be no larger than 25% of the principal structure floor area
- For Permitted Uses reference sec. 504

Parking

- Parking prohibited within the required front yard setback
- Parking prohibited within 30 ft of the property line of an adjoining residential lot
- Parking and service areas must be separated from adjoining residential lots by a planting screen, fence or wall at least 6 ft in height
- For specific use requirements, reference Article 9

Additional Regulations

- No **Storage** on the lot unless in a fully enclosed building
- Loud Speaking Systems** shall not be used between 7:00 am and 9:00 pm if adjacent to residentially zoned use
- Lighting** for advertising, security or night operations must be directed away from nearby residential lots

**52-714. - PLANNED INDUSTRIAL DEVELOPMENT (PID).****52-714 A. - Intent.**

It shall be the intent of this district to establish and protect sites for industrial uses which are not significantly objectionable in terms of appearance, noise, odor, fumes, etc. to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses of an industrial nature, to protect and preserve undeveloped areas of the city which are suitable for such industries and to discourage encroachment by other uses which are capable of adversely affecting the limited industrial character of the district.

It is also the intent of this district to locate PIDs at or adjacent to existing industrial land. In all cases the establishment of a new PID or the expansion of an existing PID shall be as close as possible to existing industrial uses.

The PID district is also intended to encourage the best possible site plans and building arrangements under a plan of development rather than under lot-by-lot regulations. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The City gains the advantage of variety in building types, compatibility of use and optimum community development. The planned industrial development is intended to encourage ingenuity and resourcefulness in land planning and to assure the provision of adequate facilities for the use of the occupants of the development. Review of the development plan by the City of Bloomingdale Mayor and City Council is required to assure that the development is in compliance with all applicable codes, ordinances and design regulations.

**52-714 B. - Ownership.**

All of the land in a planned industrial development shall be owned initially by an individual, by a corporation or some other legal entity. Individual properties may be sold after a final plat has been recorded with the properties subject to private deed covenants that assure the continuance of the planned industrial development as originally approved and developed.

**52-714 C. - Permitted and prohibited uses.**

Table 52 - 703 PUD shall govern the use of this zoning district, including permitted, prohibited, special use, and conditional uses.

**52-714 D. - Special uses.**

The following uses shall be permitted upon approval by the Mayor and City Council as provided in 52-406 of this ordinance:

1. Retail business on the following conditions:
  - a. The business is incidental to a permitted use;
  - b. The business is located on the same premises as a permitted use; and
  - c. The business involves no open storage of any type.
2. Restaurants where the use is intended to serve the food needs of the industrial area.
3. Watchman's or caretaker's single-family dwelling on the following conditions:
  - a. The dwelling is located on the premises of a permitted use;
  - b. There is only one dwelling on a zoning lot; and
  - c. A member of the family residing in the dwelling must be employed by the industry as a watchman or caretaker.
4. Publicly owned building, facility or land.



**52-714 E. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within Figure 714-PID. However, as part of the development plan, the city council may require any other development standards which are required for industrial zoning districts which are contained within the Unified Development ordinance.

**52-714 F. - Storage.**

No storage shall be permitted on the lot unless provided such use is properly screened from view from adjoining streets and properties by a suitable fence or wall a minimum of six feet in height above finished grade. The required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.

**52-714 G. - Parking.**

No automobile parking or service areas will be permitted within the required front yard, side yard or rear yard setbacks.

**52-714 H. - Loud speaking systems.**

No outside loud speaking systems shall be utilized prior to 7:00 a.m. or 9:00 p.m. if directly adjacent to a residential zoned use.

**52-714 I. - Lighting.**

All lights or lighting arrangements for purposes of advertising, security, or night operations must be directed away from adjoining or nearby residential zoning lots.

**52-714 J. - General deed covenants.**

The entire planned industrial development shall be included within private deed covenants running with the land to assure continuance of the planned industrial development in accordance with approved plans and development.

**52-714 K. - Development in stages.**

The entire planned industrial development may be divided into logical geographical sections with specific and reasonable periods within which the development of each section must be commenced and completed subject to approval of the City of Bloomingdale Mayor and City Council.

**52-714 L. - Other required standards.**

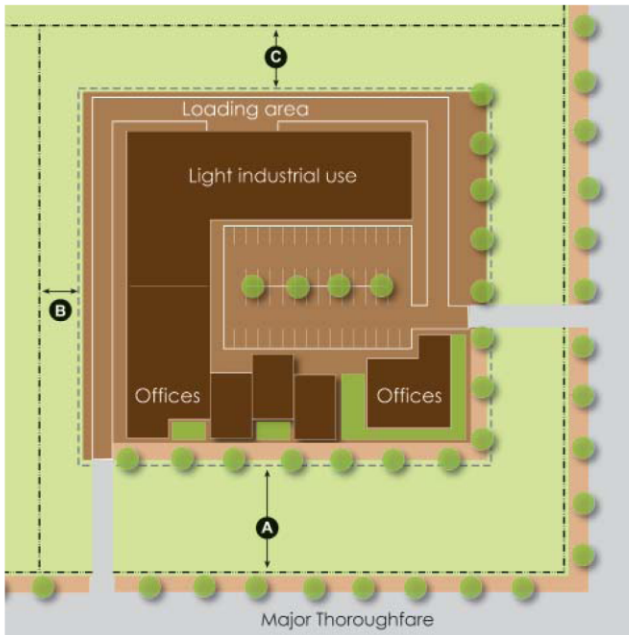
No use shall be permitted in a planned industrial development that exceeds state and federal guidelines for allowance emissions and discharge of effluents into the air, water or soil.

No use shall be allowed in a planned industrial development that creates unabated noise creating a nuisance as defined under Georgia Law.

The development must comply with the berm screening requirements listed in 52 – 604A in addition to the screening requirements contained in Figure 714-PID, unless waived by city council.

Figure 714-PID

Planned Industrial Development



Example: Building placement

Building Placement	
Minimum front yard	30 ft <b>A</b>
Minimum side yard	20 ft <b>B</b>
if adjoining Residential Zone	100 ft
*provide adequate screening (sec. 604)	
Minimum rear yard	20 ft <b>C</b>
if adjoining Residential Zone	100 ft
*provide adequate screening (sec. 604)	
Lot Dimensions	
Lot width	Min. 90 ft
Lot coverage (Impervious Surface)	Max. 80%
Building Configuration	
<b>Maximum Building Height</b>	<b>50 ft</b>
*if above 35 ft a fire control plan must be approved in writing by the Fire Chief or their designee	

Architectural Controls

Prohibited Exterior Materials:

Metal Panels	Metal Sheathing
Gray Concrete block	

Air conditioning and HVAC systems must be screened from view from the public right-of-way and adjacent properties

Exterior Materials (visible from a public street):

Solid Wood	Hardy Plank
Decorative Concrete Block	Brick
Stucco	Glass
Metal	

Manufactured and Industrialized buildings see sec. 605

Screening

Vegetated buffer

when contiguous with single-family residential	30 ft
when contiguous with multi-family or duplexes	20 ft
Trees must be at least 6 ft tall within 2 years of planting	
Established undisturbed natural buffers shall be retained	
Planted buffers must consist of 50% evergreen	

Fence or Wall

Applicable whenever Vegetated Buffer is required
Visual blind aesthetically compatible with adjoining properties in conjunction with vegetation

Accessory Structures

Structure location

Structure prohibited in front yard
Placement in side or rear yard must comply with rear and side yard setbacks

Structure must be finished using materials comparable to the principal structure

Structures' floor area must be no larger than 25% of the principal structure floor area

For Permitted Uses reference sec. 504

Parking

No parking within the front, side or rear yard setbacks

For specific use requirements, reference Article 9

Additional Regulations

No **Storage** unless screened from view from adjoining streets and lots by a wall or fence at least 6 ft in height

**Loud Speaking Systems** shall not be used between 7:00 am and 9:00 pm if adjacent to residentially zoned use

**Lighting** for advertising, security or night operations must be directed away from nearby residential lots

**52-715. – O-C (OFFICE - COMMERCIAL).****52-715 A. - Intent.**

It shall be the intent of this zoning district to promote and encourage the development and continued use of businesses located in and around the various neighborhoods of the city of Bloomingdale. These regulations are also intended to reduce traffic congestion, provide adequate off-street parking, prohibit the expansion of "strip" type business areas beyond existing "strip" development, and to discourage encroachment by other uses capable of adversely affecting the residential character of the district.

**52-715 B. - Ownership.**

All of the land in an office - commercial district shall be owned initially by an individual, by a corporation or some other legal entity.

**52-715 C. - Permitted and prohibited uses.**

**Table 52 -703** shall govern the use of this zoning district, including permitted, prohibited, special uses, and conditional uses for O-C (Office Commercial).

**52-715 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within Figure 715. However, as part of the development plan, the city council may require any other development standards which are required for commercial zoning districts which are contained within the Unified Development ordinance.

**52-715 E. - Storage.**

Outdoor storage is not permitted on lots unless the storage area is enclosed in a building, a privacy fence, or screened decorative foliage.

**52-715 F. - Parking.**

No automobile parking or service areas will be permitted within the required front yard setback or within 15 feet of the property line of an adjoining residential zoning lot. Parking and service areas must be separated from adjoining residential lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above-required screen, fence or wall must provide for a reasonable visual separation between the properties.

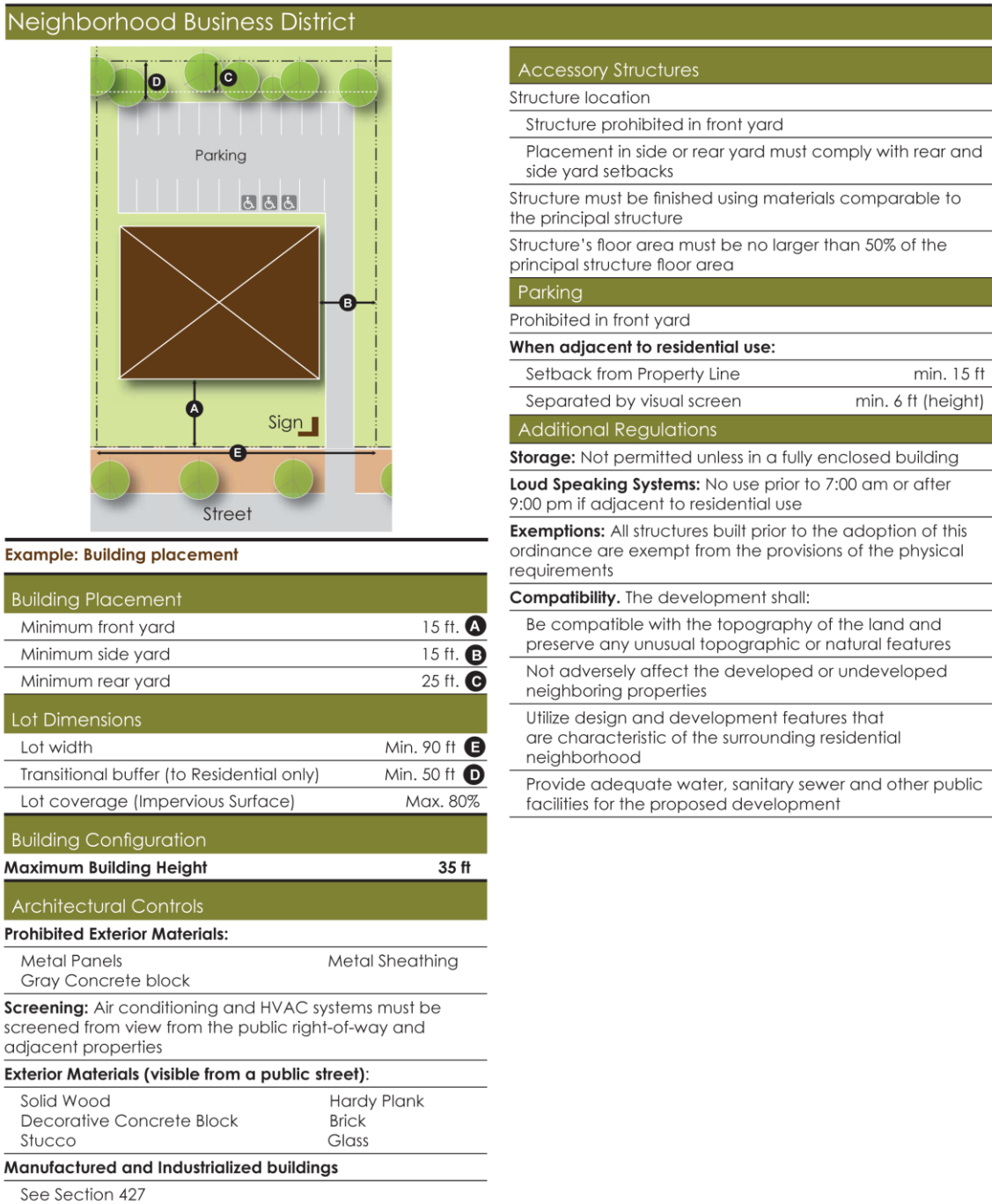
**52-715 G. - Loud speaking systems.**

No outside loud speaking system shall be utilized prior to 7:00 a.m. or after 9:00 p.m. if directly adjacent to a residential zoned use.

**52-715 H. - Lighting.**

All lights or lighting must be downcast lighting; arrangements for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

Figure 715.



**52-716. - CENTRAL BUSINESS DISTRICT (CBD).****52-716 A. - Intent.**

It shall be the intent of this zoning district to promote and encourage the development and protect the viability of the downtown commercial area of the city. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for a mixture of commercial, (wholesale and retail), office, government services and residential uses that are located so as to provide the city convenient shopping and service facilities. These regulations are also intended to reduce traffic congestion, provide adequate off-street parking and avoid the development of "strip" type business areas capable of adversely affecting the basic commercial and office character of the district. It is also the intent of this section to limit the extent of the CBD as appearing on the original zoning map of this ordinance.

**52-716 B. - Permitted and prohibited uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special uses, and conditional uses for C-1 and C-2 districts.

**52-716 C. - Special uses.**

The following uses shall be permitted upon approval by the Mayor and City Council as provided in 52 - 406 of this ordinance:

1. Licensed day care center, nursery or private school;
2. High-rise apartment building.

**52-716 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within Figure 716-CBD. However, as part of the development plan, the city council may require any other development standards which are required for commercial zoning districts which are contained within the Unified Development ordinance.

**52-716 E. - Storage.**

Outdoor storage is not permitted on lots unless the storage area is enclosed in a building, a privacy fence, or screened decorative foliage.

**52-716 F. - Access.**

All lots in the CBD district shall have access to an arterial or collector street, either directly or indirectly via local street.

**52-716 G. - Parking.**

No automobile parking or service areas will be permitted within the required buffer of the property line of any adjoining residential lot.

Parking and service areas must be separated from adjoining residential lots by a suitable buffer or screen as provided in 52 - 604 of this ordinance.

**52-716 H. - Loud speaking systems.**

No outside loud speaking system shall be utilized prior to 7:00 a.m. or after 9:00 p.m. if directly adjacent to a residential zoned use.

**52-716 I. - Lighting.**

All lights or lighting arrangements for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

**52-716 J. - New construction.**

New construction located within the Central Business District shall be subject to architectural standards of existing buildings or those standards established by the City of Bloomingdale Mayor and City Council.

**52-716 L. - Security bars.**

1. *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:  
  
*SECURITY BARS.* Metal bars, including, but not limited to, wrought iron guards and sliding scissor gates, attached to or covering a window or glass door which are intended to provide additional protection against vandalism and burglaries.
2. *Prohibited use.* The installation of security bars shall be prohibited on windows and doors in the front of buildings within the commercial business district unless allowed by city council.

**Figure 716-CBD.**

**Central Business District (CBD)**



**Example: Building placement**



**Example: Desired facade treatment and First floor to Upper floor relationship**

**Building Placement**

Minimum front yard	0 ft <b>A</b>
Hospital, clinic or care home	10 ft
Minimum side yard	0 ft <b>B</b>
Hospital, clinic or care home	10 ft
Minimum rear yard	0 ft <b>C</b>
Hospital, clinic or care home	10 ft

**Lot Dimensions and Coverage**

Lot width	Min. 30 ft
Maximum lot coverage (Impervious Surface):	
- within Griffin Historic Commercial District	100%
- undeveloped CBD zoned property	80%
- directly adjacent to residential zoned property	50%

**Building Configuration**

**Maximum Building Height 100 ft**

\* if above 35 ft a fire control plan must be approved in writing by the Fire Chief or their designee

**Architectural Controls**

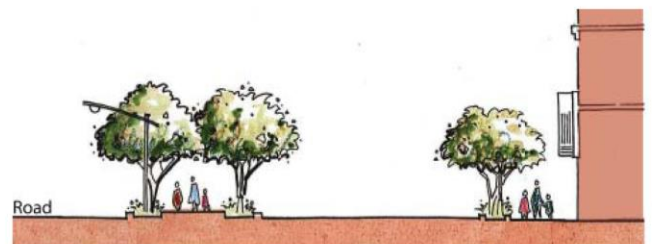
**Prohibited Exterior Materials:**

Metal Panels, Metal Sheathing, Gray Concrete block  
 Air conditioning and HVAC systems must be screened from view from the public right-of-way and adjacent properties

**Exterior Materials (visible from a public street):**

Solid Wood	Hardy Plank
Decorative Concrete Block	Brick
Stucco	Glass

**Manufactured and Industrialized buildings see sec. 605**



**Example: Desired Streetscape Treatment**

## Central Business District (CBD)

### Accessory Structures and Storage

Structure location

Structure prohibited in front yard

Conform to side or rear yard setbacks

Materials shall be comparable to the principal structure

Floor area must be no larger than 50% of the principal structure floor area

No outdoor storage allowed

Additional requirements reference sec. 504

### Parking

No vehicular parking in buffers adjacent to residential lots

No parking requirements for projects in the Downtown Commercial Historic District

Parking and loading must be screened with planted 10 ft buffer if adjacent to residential use

For specific use requirements, reference Article 8

### Additional Regulations

**Loud Speaking Systems** are prohibited

Ground-based **satellite dishes** are prohibited within the Downtown Commercial Historic District

**Lighting** must be directed away from nearby residential lots

Construction within the Downtown Commercial **Historic District** shall be subject to architectural standards of existing buildings or those established by the City of Griffin Historic Preservation commission

### Security bars:

Metal bars used to protect windows or glass doors against vandalism and burglaries shall be prohibited on windows and doors in the front of buildings within the CBD

## 52-717 L-I – Light Industrial

### 52-717 A. - Intent.

It shall be the intent of this zoning district to promote and encourage the development and continued use of light industrial businesses in the City of Bloomingdale. This district is intended to provide areas for industries that manufacture, fabricate, change, or alter materials to form a product or subassemblies. Uses that in the normal course of business may store materials outdoors, have vehicles, equipment, and liquids parked or stored in containers or that the nature of the industry necessitates outdoor assemblage of all or part of the goods produced.



**52-717 B. - Permitted and prohibited uses.**

All of the land in an industrial district shall be owned by an individual, by a corporation or some other legal entity.

The L-I District excludes manufacturing or industrial uses that emit noxious odors, dust, fumes, gas, noise or vibration outside of any building on the premises. It also excludes hazardous materials such as that involving bulk storage of gasoline, toxic chemicals, or other items.

The industries locating in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas than are heavy manufacturing uses. Light industrial districts are intended to permit only those light industrial and other uses that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics.

This district is designed for industrial uses that do not have a detrimental effect upon adjoining residential or commercial developments.

**52-717 C. - Permitted and prohibited uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special uses, and conditional uses.

**52-717 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within this Development Code.

**52-717 E. - Storage.**

No storage shall be permitted on the lot unless in a fully enclosed building.

**52-717 G. - Loud speaking systems.**

No outside loud speaking system shall be utilized prior to 7:00 a.m. or after 9:00 p.m. if directly adjacent to a residential zoned use.

**52-717 H. - Lighting.**

All lights or lighting must be downcast lighting; arrangements for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

**52-718 I-1-Intensive Industrial****52-718 A. - Intent.**

It shall be the intent of this zoning district to promote and encourage the development and continued use of Intensive industrial businesses in the City of Bloomingdale. This district is intended to provide for the location of primarily warehousing, trucking companies, truck terminal, container yards/storage, chassis yards/storage, heavy truck repair, heavy equipment repair, and generally a support zone for the uses associated with the Georgia Ports.

**719 B. - Permitted and prohibited uses.**

All of the land in an industrial district shall be owned by an individual, by a corporation or some other legal entity.

Intensive industrial districts may be appropriate at the single lot level of development; however, Intensive industrial uses are encouraged to locate in planned industrial districts. Vehicular activities in intensive industrial districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. Provisions for pedestrians may not be required, although pedestrian access to such districts is possible.

Intensive industrial districts are intended to provide suitable areas for non-manufacturing activities, storage, warehousing and trucking. The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, or other undesirable conditions.

Conditional uses or special uses permitted in this district are primarily those known to create a safety hazard or produce particulate matter, thus being subject to various state and/or federal environmental laws. Intensive industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals. Therefore, uses involving human activity such as dwellings, care centers, and certain commercial uses are not permitted. Conditional uses and special uses require impact statements to determine their compatibility with adjacent and nearby uses. The impact statement shall address those external effects determined by the city to be likely to exist if said use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, air quality, and water table protection.

The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement shall be considered conditions of approval unless otherwise specified by action of the City of Bloomingdale. At the option of the Mayor and City Council at the developer's expense, an independent impact statement may be secured prior to its taking action on a conditional use or special use in the I-1 district to review the impact statement submitted by the applicant or to otherwise address probable adverse impacts of the proposed development; provided that an application process for a conditional use or special use in the I-1 district shall be extended no more than 90 days beyond normal processing times for the purposes of securing an independent impact statement.

**718 C. - Permitted and prohibited uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special uses, and conditional uses.

**718 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within this Development Code.

**718 E. - Storage.**

No storage shall be permitted on the lot unless it is screened from the view of a road and/or adjacent property.

**718 G. - Loud speaking systems.**

No outside loud speaking system shall be utilized prior to 7:00 a.m. or after 9:00 p.m. if directly adjacent to a residential zoned use.

**718 H. - Lighting.**

All lights or lighting must be downcast lighting; arrangements for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

**52-719 I-2 – Heavy Industrial****52-719 A. - Intent.**

It shall be the intent of this zoning district to promote and encourage the development and continued use of heavy industrial businesses in the City of Bloomington. This district is intended to provide for the location of primarily heavy manufacturing uses with restrictions on noxious odors, dust, fumes, gas, noise or vibration.

**52-719 B. - Permitted and prohibited uses.**

All of the land in an industrial district shall be owned by an individual, by a corporation or some other legal entity.

Heavy industrial districts may be appropriate at the single lot level of development; however, heavy industrial uses are encouraged to locate in planned industrial districts and be designed in a campus-style setting. Vehicular activities in heavy industrial districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. Provisions for pedestrians may not be required, although pedestrian access to such districts is possible.

Heavy industrial districts are intended to provide suitable areas for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions.

Conditional uses or special uses permitted in this district are primarily those known to create a safety hazard or produce particulate matter, thus being subject to various state and/or federal environmental laws. Heavy industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals. Therefore, uses involving human activity such as

dwellings, care centers, and certain commercial uses are not permitted. Conditional uses and special uses require impact statements to determine their compatibility with adjacent and nearby uses. The impact statement shall address those external effects determined by the city to be likely to exist if said use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust, air quality, and air particulates, illumination, truck traffic, and water table protection.

The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement shall be considered conditions of approval unless otherwise specified by action of the City of Bloomingdale. At the option of the Mayor and City Council at the developer's expense, an independent impact statement may be secured prior to its taking action on a conditional use or special use in the I-2 district to review the impact statement submitted by the applicant or to otherwise address probable adverse impacts of the proposed development; provided that an application process for a conditional use or special use in the I-2 district shall be extended no more than 90 days beyond normal processing times for the purposes of securing an independent impact statement.

**52-719 C. - Permitted and prohibited uses.**

Table 52-703 shall govern the use of this zoning district, including permitted, prohibited, special uses, and conditional uses. See 52-722 for Adult entertainment facilities and businesses regulations.

**52-719 D. - Physical requirements.**

All development shall conform to the dimensions, design, and other standards identified within this Development Code.

**52-719 E. - Storage.**

No storage shall be permitted on the lot unless it is screened from the view of a road and/or adjacent property.

**52-719 G. - Loud speaking systems.**

No outside loud speaking system shall be utilized prior to 7:00 a.m. or after 9:00 p.m. if directly adjacent to a residential zoned use.

**52-719 H. - Lighting.**

All lights or lighting must be downcast lighting; arrangements for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

**52-720. RESERVED**

**52-721. - SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS (SPIOD).****52-721 A. - Intent.**

The intent of the special public interest overlay districts established in the following sections is to protect and enhance specific lands, uses and structures that, by virtue of their type or location, have characteristics that are distinct from the lands and structures outside such overlay districts. It is the intent of the Mayor and City Council to permit, insofar as possible, those uses and structures that would otherwise be permitted, provided that reasonable and necessary conditions are met that insure the protection and enhancement of said lands, uses and structures.

**52-721 B. - General.**

1. The provisions of this section apply to all lands, uses and structures in areas approved by the Mayor and City Council as Overlay Districts. Such lands, uses and structures are also subject to the provisions of their underlying zoning designation; provided, however, that where the provisions of this section are more restrictive than the provisions of the underlying designation, the provisions of this shall section shall apply.
2. The special public interest overlay districts established in this section generally operate by establishing performance standards to effectuate the purposes of the district. Except as otherwise provided, they do not supersede the regulations of the underlying district.
3. Land lying within special public interest overlay districts shall remain part of the underlying zone district(s) established by other provisions of this ordinance, and may, in addition, lie in one or more overlay districts in accordance with the designation of each.
4. Unless otherwise specified in this ordinance creating the special public interest overlay districts, when any lot or use is partially located within a special public interest overlay district, the remainder of the lot or use shall not be subject to the provisions of this section.

**52-721 C. - Creation of special public interest overlay districts.**

1. Amendments to this section shall be adopted in accordance with the provisions of 52 - 404 upon the recommendation of the Mayor and City Council.
2. Every recommendation for creation of a special public interest overlay district or addition of land thereto shall address the following as applicable:
  - a. A statement of purpose and intent shall specify the nature of the special and substantial public interest involved and objectives to be promoted by the creation of the special public interest overlay district and imposition of the regulations proposed therefore;
  - b. Proposed district boundary shall be depicted on one or more maps that shall also display all other zoning districts applicable to the property proposed for inclusion in the district;
  - c. Regulations proposed to promote the special purposes of the district.
3. Regulations proposed with any special public interest overlay district shall be designed to reasonably promote the purposes of the district and may require or address any of the following, in addition to or in lieu of other regulations affecting property within the district:
  - a. Submission of specifically detailed site plans, building plans, elevations and maps showing the relation of proposed development to surrounding or otherwise affected property in terms of location, scale or intensity, character and continuity;
  - b. Protection of features designated as being of special concern within the district;

- c. Mixtures or limitations of permitted uses;
- d. Special performance standards and development regulations;
- e. Other matters as appropriate to promote the special public interests of the district.

**52-721 D. - Mapping of special interest overlay districts.**

Upon approval of a special public interest overlay district, by adoption of an ordinance by the Mayor and City Council amending the zoning ordinance, a map of the district boundaries shall be incorporated into the ordinance, by reference, and constitute an integral part thereof, overlaying the official zoning map of the city.

**52-722. - Adult entertainment facilities and businesses.**

(1) *Findings; public purpose.* Based on the experiences of other urban counties and municipalities, which experiences are relevant to the problems faced by Bloomingdale, Georgia, we take note of the notorious and self-evident conditions attended to the commercial exploitation of human sexuality; which do not vary greatly among generally comparable communities within our country. Moreover, it is the finding of the mayor and council that public nudity (either partial or total) under certain circumstances begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity are disorderly conduct, prostitution, drug trafficking and drug use. Among the undesirable community conditions identified with nudity are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein above described and acceleration of community blight by the concentration of such establishments in particular areas. Accordingly, it is in the best interests of the health, welfare, safety and morals of the community to reduce the adverse impacts of adult entertainment facilities by avoiding the concentration of such uses, so as to reduce the negative impacts of adult entertainment facilities or adult uses upon other business uses, neighborhood property values, residential areas and public and semipublic uses; to ensure that adult uses and adult entertainment facilities do not impede development, redevelopment and neighborhood revitalization efforts; and so as to avoid allowing adult entertainment and adult uses in heavily used public pedestrian areas. Therefore, the limitation of adult uses and adult entertainment to certain prescribed areas of Bloomingdale is in the public welfare and it is a matter of governmental interest and concern to minimize the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which provide or establish adult entertainment or adult uses. To that end, this ordinance is hereby adopted.

(2) *Special use in district I-2.* Adult entertainment facilities where adult entertainment is sponsored, allowed, encouraged, condoned, presented, sold or offered to members of the public over 18 years of age shall be a special use in district I-2.

**52-722 - A. Adult entertainment means:**

1. Permitting, performing, or engaging in acts of or acts which simulate:
  - (a) Sexual intercourse, masturbation, bestiality, or copulation, flagellation, or any sexual acts which are prohibited by law.

- (b) The touching, caressing or fondling of the breasts, buttocks, anus, or genitals.
  - (c) The displaying of the pubic hair, anus, vulva, or genitals.
2. Showing or permitting the showing of films, still pictures, electronic reproduction or other visual reproductions depicting:
    - (a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
    - (b) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.
    - (c) Scenes wherein a person displays the vulva or the anus or the genitals.
    - (d) Scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the activities described above.
  3. Permitting any person to appear unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the male or female pubic hair, anus, cleft of buttocks, vulva, or genitals; provided, however, that random acts of patrons or employees, whose actions do not constitute actions taken pursuant to encouragement or acquiescence of the management of the establishment and are not for the purposes of entertainment, promotion, publicity, or notoriety for the establishment shall not constitute adult entertainment as defined in this section; provided further that nothing herein shall be deemed to make legal any conduct that may otherwise be prohibited by law.

**52-722 B.** Notwithstanding the above, adult entertainment shall not include:

1. Permitting any patron or customer to touch, caress or fondle the breasts, buttocks, anus, genitals, or any part of the body or clothing of a performer.
2. Permitting any performer to bring into contact with any patron, customer, or member, any part of the body or clothing of the performer.
3. Permitting any employee or other person to appear nude or seminude where there is an individual payment offer or solicitation of money occurring between a patron and employee.
4. Permitting any employee or patron to use artificial devices or inanimate objects to depict any activity prohibited hereunder.
5. Permitting an employee or other person to insert an object into a woman's vagina or a man or woman's anal orifice.
6. Permitting an employee or any person to engage in actual genital masturbation or, in the case of females, fondling of the breasts.
7. Permitting a male employee or any person on the premises to exhibit an unclothed erect penis.
8. Permitting an employee or any person to engage in bestiality.

9. Permitting an employee or any person to be exposed to public view with less than full opaque covering his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, in a lewd and obscene way.
10. Permitting an employee or person to dance or perform nude or seminude in such a manner as to simulate sexual activity with any patron or spectator or touch any patron or spectator while nude or seminude.
11. Permitting any areas of the facility to be used for sexual contact or private dancing performance or entertainment.

Any such conduct shall not be permitted in any zoning classification under this ordinance and such conduct shall be unlawful.

**52-722 - C.** *Adult entertainment facility* means any commercial establishment in the City of Bloomingdale, Georgia, where adult entertainment is sponsored, allowed, encouraged, condoned, presented, sold, or offered to the public.

**52-722 - D.** An adult entertainment facility shall be located no closer than 2,000 feet to another adult entertainment facility. The measurement of distances for purposes of this paragraph shall be from structure to structure along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies."

**52-722 - E.** An adult entertainment facility shall not be located on property which is within 2,000 feet of a residential use or district. The measurement of distances for purposes of this paragraph shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies."

**52-722 - F.** An adult entertainment facility shall be located no closer than 2,000 feet from any governmental facility, church, residence, park, library, school ground, or college campus. The measurement of distances for purposes of this paragraph shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies."

**52-722 - G.** The minimum lot area for an adult entertainment facility shall be four acres.

**52-722 - H.** Adult entertainment facilities shall be required to be on lots that have a minimum of 200 feet of road frontage on a public road, street or highway. Such facilities shall have a minimum of two driveways, which shall provide access to a public road, street or highway.

**52-722 - I.** In addition, an adult entertainment facility shall be required to meet all to development standards governing I-2 zoning districts, including set back and berm requirements.

**52-722 - J.** Adult entertainment facilities shall be required to provide one automobile parking space for each 25 square feet of gross building area or for every three customer seats, whichever results in the greater number of parking spaces.



**52-722 - J.** Adult entertainment facilities shall not be allowed to serve alcohol on the premises. Nor shall the employees, patrons, customers, or spectators consume alcohol on the premises.

## **ARTICLE 8. - PARKING AND LOADING**

### **52-801. - SCOPE OF ARTICLE.**

Except as provided in this article, no application for a building permit shall be approved unless there is included with the plan for such building, improvements or use, a site plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

### **52-802. - PARKING PLAN REQUIRED.**

#### **52-802 A.**

Before any building permit is issued, the parking lot layout and area must be found by the Zoning Administrator to be in compliance with all requirements of this article. The building inspector shall not allow occupancy or use of a building until advised by the Zoning Administrator that parking facilities meet the requirements of this article.

#### **52-802 B.**

No permit shall be issued for any parking area, except those for detached, single-family residences, until the plans and specifications, including required location, entrances, exits, aisles, landscaping, screening, surface materials and drainage, have been submitted to the Zoning Administrator, and are in compliance with this section. Plans shall include proper drainage and stormwater management, surface materials, curbing and screening as may be required, and with handicapped and loading or other special (i.e., compact, porous material) spaces also designated when required.

### **52-803. - PARKING AREA DESIGN.**

Parking spaces shall have a minimum width of nine feet and a length of 20 feet.

#### **52-803 A. - Interior drives.**

There shall be provided adequate interior driveways to connect each parking space with a public right-of-way.

1. Interior driveways shall be a minimum of 24 feet wide where used with 90 degree angle parking; a minimum of 18 feet wide where used with 60 degree angle parking; and a minimum of 12 feet wide where used with 45 degree angle parking and a minimum of 12 feet wide where used with parallel parking or where there is no parking.
2. Interior driveways shall be a minimum of 12 feet wide for one-way traffic movement and a minimum of 24 feet wide for two-way traffic movement.

#### **52-803 B. - Location of parking: non-residential and multi-family districts.**

1. Redevelopment on lots with existing structures and nonconforming sites must strive to comply with standards herein but may qualify for administrative infill variances as provided in Article 6.
2. A 2 feet wide landscape shoulder is required between the paved parking lot and the property line.
3. Parking shall not be permitted in required buffer areas.

4. Parking on lots adjacent to residential lots may not be located within 10 feet of the property line of an abutting residentially zoned lot.
5. Parking may be permitted in side and rear setbacks, provided it does not violate C (3) above related to distance of parking from adjacent residential property lines.
6. Only customer and employee parking shall be allowed in the front of industrial buildings. Industrial equipment, trucks, and loading areas shall be located in the rear or side of industrial buildings.
7. Driveways shall have a minimum width of 24 feet.

**52-804. - ACCESSIBLE PARKING.**

Access aisles adjacent to accessible spaces shall be a minimum of five feet wide making the total space 13 feet wide. One in eight accessible parking spaces, but not less than one, shall be served by an access aisle a minimum of eight feet wide and shall be designated "van accessible." Two accessible spaces may share one aisle.

Accessible parking shall be located as close as possible to an accessible entrance, walkway, elevator or ramp and where feasible shall be located at the main entrance used by the majority of the public. All accessible parking spaces shall be identified by above-grade signs as being reserved for physically handicapped persons.

<b>Table 8.1 Accessible Parking</b>	
Total Spaces in Lot	Required Number of Accessible Spaces
Up 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 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000

**52-805. - JOINT PARKING FACILITIES.**

**Joint parking facilities.** Two or more neighboring uses of the same or different type, may provide joint parking facilities, provided that the number of off-street parking spaces is not less than the sum of the individual requirements. These spaces must be provided on a lot a substantial portion of which is within 800 feet of such building structure or use. This provision shall require submittal of written evidence of ownership or a valid agreement to lease the parking area off-site that is intended to be used to comply with this section.

**52-806. - PAVEMENT MARKINGS AND SIGNS.**

Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained by the property owner to ensure their maximum efficiency.

**52-807. - NUMBER OF PARKING SPACES.**

In order to assure proper and uniform development of parking areas, to relieve traffic congestion on the streets, to lessen the amount of impervious surface in the city and to minimize any detrimental effects on adjacent properties, off-street parking spaces shall be provided and maintained as called for in the following schedule. The requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is non-conforming.

No existing or future off-street parking area shall be reduced in capacity to less than the minimum required number of spaces or increased to more than the maximum permitted number of spaces or altered in design or function to less than the minimum standards, unless provided by this section.

Use	Minimum Parking Required
Veterinary service; kennel	One per 400 square feet
Art studio	One per 400 square feet
Automated teller machine, no drive-through	Two per machine
Auto parts store	One per 500 square feet
Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office
Garage, major/minor	One per 250 square feet
Financial institution	One per 300 square feet (also see stacking requirements for drive-through facilities)
Personal service—Barber shop or beauty parlor	One per 300 square feet
Home stay bed and breakfast	Two for the owner-operator plus one per guest bedroom
Car wash	Two stacking spaces for each car wash lane plus four drying spaces per lane
Office—Contractor's establishment	One per 300 square feet of office space and one per 2,000 square feet of outdoor storage
Convenience store with gasoline or diesel fuel	One per 200 square feet
Convenience store without gasoline or diesel fuel	One per 200 square feet
Day care center	One per 400 square feet

Funeral home or mortuary	One per four seats in largest chapel Or one per 500 square feet (whichever is greater)
Furniture and home furnishing store	One per 600 square feet
Grocery store	One per 300 square feet
Hardware store	One per 400 square feet
Health or fitness club	One per 200 square feet
Hotel, extended stay	1.5 per unit lodging unit
Hotel or motel	One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	One for each three washer/dryer combinations
Nursery or garden center	One per 400 square feet plus one per 1,500 square feet outdoor sales or display area
Office	One per 300 square feet
Open air sales	One per 300 square feet of indoor floor space plus one per 600 square feet of outdoor sales
Personal service establishment	One per 300 square feet
Photofinishing laboratory	One per 300 square feet
Photographic studio	One per 300 square feet
Restaurant, bar, or tavern	One per 3 seats
Retail store	One per 300 square feet
Self-storage facility (mini warehouse)	One per 30 storage units
Service station	One per 300 square feet of office space plus two per service bay
Shopping center	One per 300 square feet
Manufacturing, processing, assembling	One per 1,300 square feet
Warehouse	One per 4,000 square feet for storage area and One per 400 square feet office area
Wholesale	One per 1,000 square feet
Assembly hall; auditorium; nonprofit club or lodge	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating
Church, temple, synagogue, and place of worship	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating
Government office	One per 300 square feet
Hospital	2 per bed
Library	One per 400 square feet
Museum	One per 500 square feet

Nursing home	One per three beds
Post office	One per 200 square feet
School	One per 300 square feet
School for the arts	One per 300 square feet
School, trade or business	One per 300 square feet
Multi-family, one bedroom	1.5 per unit plus 0.1 per unit for guest space
Multi-family, two or greater bedroom	1.5 per unit plus 0.1 per unit for guest space
<b><u>Home occupation</u></b>	
Residence within building containing a non-residential use	One per unit
Single-family detached or attached	Two per unit
Two-family dwelling	Two per unit
<b><u>Amusement Park</u></b>	
Athletic field	20 spaces per baseball field 40 spaces per each other field
Billard hall/amusement arcade	One per 300 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/amusement arcade and restaurant if provided)
Community center	One per 300 square feet
Golf course	2.5 per hole
Golf driving range, principal use	0.75 per tee
Ice- or roller-skating rink	One per 300 square feet
Miniature golf	Two per hole
Stadium or sport arena	One per twelve feet of bench seating
Swimming pool—Subdivision amenity	One per 150 square feet of surface water area
Swimming pool—Public	One per 125 square feet of surface water area
Tennis or racquet ball court	2.5 per court
Theater, cinema, auditorium, stadium, assembly hall, gymnasium, community recreation center	One per four fixed seats, or one space for each 40 square feet of floor area available for the accommodation of moveable seats, plus one space for each employee

**52-808. - MINIMUM NUMBER OF LOADING SPACES REQUIRED.****52-808 A.**

Industrial, wholesale and retail operations shall provide loading spaces as follows:

1. *Spaces appropriate to functions.* Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual groups of buildings and uses.
2. *Design of loading spaces.* Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way.
3. *Ingress and egress.* Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations as required by the Georgia Department of Transportation and the City of Bloomingdale Ordinances.
4. Industrial and wholesale operations with a gross floor area of 10,000 square feet or over shall conform to the following schedule:

<b>Gross Floor Area</b>	<b>Required Loading Berths</b>
10,000—49,000 square feet	1
49,000—100,000 square feet	2
100,000—160,000 square feet	3
160,000—240,000 square feet	4
240,000—320,000 square feet	5
320,000—400,000 square feet	6
Each 90,000 above 400,000 square feet	1

## **ARTICLE 9. - PARKING LOT LANDSCAPE AND DESIGN**

### **52-901. - SCOPE OF REQUIREMENTS AND STANDARDS.**

The requirements and standards for installation and maintenance shall apply to landscape planting areas in off-street parking facilities and service areas. Such requirements and standards shall apply to all new development and redevelopment in the city. Applications for review of preliminary site plans, minor site plans or final site and subdivision plans shall include the required space reserved for off-street parking and service purposes. The purpose of landscaping parking facilities is to enhance the quality of life by minimizing impacts of noise, dust, pollution, sun, heat, air pollution, Stormwater runoff, motor vehicle headlight glare and other activities associated with parking lots. No certificate of occupancy shall be issued until all requirements for off-street parking and service facilities have been met in accordance with this ordinance.

### **52-902. - DRAINAGE, CONSTRUCTION AND MAINTENANCE.**

1. Parking lots, loading and service areas, and driveways shall be constructed with asphalt, concrete, or pervious pavers.
2. All off-street parking, loading and service areas shall be drained, stabilized, and paved to prevent damage to adjacent properties and/or public streets and shall be constructed of materials, which, will assure an environmentally safe impervious surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof in a clean, orderly and dust-free condition to the extent that it does not create a nuisance.

### **52-903. - SEPARATION FROM WALKWAYS, SIDEWALKS AND STREETS.**

All off-street parking, loading and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective devices and approved landscaping.

### **52-904. - PARKING LOT AND OTHER VEHICLE USE AREAS.**

Off-street multi-family, commercial, industrial, and institutional parking lots and other vehicle use areas shall contain landscaping and plantings, with the exception of approved or permitted driveways. The minimum total lot area to be landscaped shall be 8 percent for tracts of five acres or less and 15 percent for tracts of 5.1 acres or more of the total available net area of the development site. This amount of land shall be devoted to landscaping which includes but is not limited to grass, shrubs, vines and trees.

#### **52-904 A. - Interior landscaping.**

Interior landscaping of parking lots shall contain planter islands located at both ends of each single and double parking rows and one planter island every 20 parking spaces in a row. Planter islands shall be a minimum of 160 square feet in area for single parking rows and 320 square feet in area for double parking rows. Planter islands shall contain at least one tree for single parking rows and two trees for double parking rows. All trees shall have a minimum height when planted of ten feet and a mature height of a minimum of 20 feet. The remaining area in the planter islands shall be landscaped with appropriate materials.

#### **52-904 B. - Border landscaping.**

Each parking lot or vehicular use area must have a planted landscape strip not less than ten feet in width parallel to right-of-way lines and planted borders not less than five feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

#### **52-904 C. - Access ways.**

Landscape border areas and landscape strips may be interrupted to provide vehicular and/or pedestrian ingress and egress.



**52-904 D. - Encroachment.**

Landscaped areas shall require protection from vehicular encroachment. Wheel stops or curbing shall be located so as to prevent damage by vehicles to any tree, fence, shrub or other landscaping.

**52-904 E. - Off-street parking lots.**

In off-street parking lots, when the city has determined that the strict application of this ordinance will interfere with the function of the vehicle use area, the required interior landscaping may be located near the perimeter of the paved area, subject to the approval of Mayor and City Council.

**52-904 F. - Driveway.**

When a driveway (ingress) intersects with public right-of-way the city public works department shall review proposed landscaping to ensure unobstructed visibility for vehicular traffic entering or leaving the site.

**52-905. - PLANT MATERIAL STANDARDS.****52-905 A. - Trees.**

Trees shall be subject to the following:

1. *Height.* Trees shall have a minimum height of ten feet at the time of planting and a mature height minimum of 20 feet.
2. *Planting area.* The planting area for each tree shall be maintained with an approved landscape material.

**52-905 B. - Shrubs and hedges.**

Shrubs and hedges shall be subject to a minimum height of 18 inches.

**52-905 C. - Vines, ground cover, etc.**

Vines, ground cover, lawn grasses and architectural planters shall be subject to the following:

1. Vines shall be 12 inches in length within one calendar year from the time of planting.
2. Ground covers other than lawn grasses shall be planted so as to provide 75 percent coverage within one calendar year from the time of planting.
3. Lawn grasses shall be perennial species capable of thriving in the city. They shall be planted so as to achieve complete coverage within two calendar years from the time of planting. Grass areas may be sodded, sprigged, plugged or seeded. Sod shall be used in swales or other areas subject to erosion.
4. Architectural planters for shrubs shall have a planting area of not less than ten square feet and a depth of not less than 18 inches. Architectural planters for trees shall have a planting area of not less than 12 square feet and a depth of not less than four feet.

**52-905 D. - Maintenance, preservation and use standards.**

1. All required plant material and nonliving landscape material shall be maintained in good condition at all times and is the responsibility of the property owner.
2. Dead plant material shall be replaced within a time period appropriate to the growing season of the species in question, not to exceed 90 days.

3. All required landscape areas shall be protected from unpermitted vehicular encroachment by use of wheel stops, curbing or other suitable methods. Vehicles may overhang no more than two feet into the landscape areas.
4. No required landscape area, buffer or setback shall be used for parking, driveways, service areas or any functional uses contrary to the intent and purpose of this ordinance.

**52-905 E. - Recommended trees for parking lots and buffers.**

<b>Table 8.4 Recommended Trees</b>	
Crepe myrtle	Persian Parrotia
Maple, amur	Maple, trident
Elm, Chinese	Hornbeam, European
Maple, Japanese	Maple, red
Pistache, Chinese	Planetree, London
Oak, Shumard	White fringe tree
Oklahoma Redbud	Flowering dogwood
Japanese dogwood	American smoke tree
Washington Hawthorne	Nellie R. Stevens holly
Japanese crabapple	Southern wax myrtle
Willow oak	Pin oak
Overcup oak	Chaste tree
Japanese zelkova	Chinese fringetree

**52-906. - MAINTENANCE.**

Landscaping shall be fully completed prior to issuance of a final certificate of occupancy. If it is not feasible to complete the landscaping due to weather conditions or other extenuating circumstances; the owner shall post a performance or landscaping bond, in the form of cash, letter of credit or commercial surety bond, in accordance with this ordinance. The owner shall maintain all landscaping in good condition and replant, as necessary, all diseased or dead plants and/or trees.

**ARTICLE 10. - MAPS**

**52-1001. - ESTABLISHMENT OF OFFICIAL ZONING AND OTHER MAPS.**

In order to implement this ordinance, the Official Zoning Map is established to facilitate the administration of this ordinance and is made an integral part of this ordinance. The official zoning map shall be on display at all times in the Zoning Administrator's office, during regular business hours of the

planning and development department. This map shall be available to the public for inspection and copying in accordance with the Georgia Open Records Law. The Zoning Administrator shall assist any interested person in obtaining an accurate reproduction of this map.

**52-1002. - OFFICIAL ZONING MAP.**

**52-1002 A. - Zoning district boundaries.**

All zoning district boundaries shall be shown on the official map. All amendments to the zoning map shall follow the guidelines established in Article 4 of this ordinance.

**52-1002 B. - Centerlines as district boundaries.**

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.

**52-1002 C. - Boundaries following platted lot lines.**

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

**52-1002 D. - Boundaries following corporate limit line.**

Where district boundaries are indicated on the zoning map as approximately following the corporate limit line of the city, then, such corporate limit lines shall be construed to be such district boundaries.

**52-1002 E. - Boundaries parallel to setbacks.**

Where district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad or river and parallel thereto, then, such district boundaries, unless specifically indicated, shall be construed as being at the scaled distance from the centerline of such street, road, highway, railroad, stream or river as being parallel thereto.

**52-1003. - OTHER MAPS.**

For convenience in showing zoning district classifications to individual tracts of property, a series of Chatham County Tax Maps may be color-coded. These maps may be kept in the office of the Zoning Administrator for public reference; provided, however, only the official zoning map should be relied upon in determining how a particular property is validly zoned.

## ARTICLE 12. - SIGNS

### 52-1201. - FINDINGS AND PURPOSE.

#### 52-1201 A.

The City of Bloomingdale finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

#### 52-1201 B.

Regulation of the size, height, number, and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens. To the extent regulation of signs affects speech protected by the First Amendment to the U.S. Constitution and Art. 1, Sec. 1, Par. 5 of the 1983 Constitution of Georgia, the regulation should be content-neutral on its face; otherwise, the need to regulate must be justified by a compelling government interest and narrowly tailored to be the least intrusive imposition on free speech.

#### 52-1201 C.

The city further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected on public rights-of-way for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs or wayfinding signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public.

### 52-1202. - LEGAL AUTHORITY.

This article is enacted pursuant to Article IX, Section II, Paragraph IV of the 1983 Georgia Constitution, express powers in the Charter of the City of Bloomingdale, the general police powers of Georgia municipal corporations, and other authority provided by federal, state or local laws applicable hereto.

### 52-1203. - DEFINITIONS.

As used in this article, the following terms shall have the meanings respectively ascribed to them.

**A-frame sign** or **easel sign**: A portable sign consisting of two sign faces placed back-to-back and hinged together at the top in such a manner that each sign face leans toward the other, connecting at the top and forming a self-supporting structure.

**Awning**: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame and may be retracted into the face of the building.

**Banner:** A sign other than a flag, made of paper, cloth, thin plastic, or similar lightweight material and usually containing a message or logo.

**Billboard:** An outdoor advertising sign or structure which is designed, intended, and used to advertise businesses, goods, products, or services which are not confined to those available, sold, manufactured, or distributed on the premises where the billboard is located, and to inform, as well as non-commercial messages. Generally, billboards are distinguishable from freestanding signs by their purpose, size, placement, and type of construction.

**Building sign:** A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, or door of a building. This includes lettering, pictures or other attention-getting devices attached or affixed to windows.

**Business premises:** A building, suite, office or other unit used for nonresidential purposes. In the case of businesses licensed by the city, the area occupied by a certificated occupation taxpayer shall be deemed as one business premises. For the purpose of this article, business premises shall include nonresidential space occupied by charitable organizations, political organizations, institutions or other noncommercial entities.

**Business day:** Any weekday (Monday through Friday) except for City of Bloomington holidays or when the Offices of the City of Bloomington are closed due to weather or other emergency.

**Canopy:** A roof-like structure supported by columns or projecting from a building and open on at least three sides.

**Changeable copy sign:** A sign that is capable of changing the position, format, words, numbers, or pictures displayed on the sign face manually or mechanically, or which changes the display of words, numbers, symbols, or graphics by electronic means, including the streaming of a video over the Internet; such manual or mechanically-controlled signs also known as "reader boards", and such electronic signs also being known as "multiple message signs".

**Easel sign:** See "A-frame sign."

**Feather banner:** A banner made from lightweight material and attached to a pole and designed to wave in the wind.

**Flag:** A sign consisting of any fabric containing distinctive colors, patterns, logos, or symbols.

**Freestanding sign:** A sign which is supported by one or more columns, uprights, or braces, in or upon the ground, is not attached to a building, and is not mobile or temporary. A freestanding sign may only identify a business, person, thing, or event located on the premises and advertise goods, products or services sold, manufactured, or delivered on the premises where the sign is located, as well as any non-commercial message. The term "freestanding sign" includes but is not limited to the following:

- a. **Pole sign.** A sign that is mounted on a freestanding pole or similar support such that the bottom of the sign face is at least six feet above the ground.
- b. **Ground sign.** A freestanding sign, other than a pole sign, in which the bottom of the sign face is less than six feet above the ground but not directly in contact with the ground.
- c. **Monument sign:** A freestanding sign in which the entire bottom of the sign face is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign upon which background the sign face is mounted.

**Frontage or street frontage:** The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

**Fronts or fronting on a street:** A parcel "fronts" on a street when the lot line on the property on which the business is located also forms the line marking the edge of a publicly dedicated right-of-way.

***Illuminated signs:***

- a. ***Internally-illuminated sign.*** Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.
- b. ***Externally-illuminated sign.*** Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

***Industrial or commercial activity:*** Those properties on which activities commonly or generally recognized as commercial (includes office and non-profit uses) or industrial, and vacant land under common ownership adjoining such property, except that none of the following shall be considered commercial or industrial:

- a. Outdoor advertising structures;
- b. Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to wayside fresh produce stands;
- c. Transient or temporary uses;
- d. Activities of a primary residential nature; and
- e. Railroad tracks and sidings.

***Official signs and notices:*** Signs and notices erected, generally within the public right-of-way or on other public property, by public officers or public agencies and in accordance with direction or authorization contained in federal, state, or local law for the purpose of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local agencies or non-profit historical societies shall be considered official signs.

***Parcel:*** The unit identified on county tax maps as a single lot for purposes of ad valorem taxation; provided, that two or more adjoining lots owned by one person or entity shall be deemed to be one parcel for the purpose of these regulations.

***Permanent subdivision sign:*** Signs that advertise residential, commercial and industrial sites developed as one project.

***Portable sign:***

- a. Any sign:
  1. That is capable of being moved or intended to be moved from one location to another; or
  2. That is considered a portable sign in the normal course of commerce, even though the sign may be temporarily affixed to the ground; or
  3. That the design of which indicates it is capable of being moved or intended to be moved from one location to another: or
  4. That is not permanently affixed to a building or the ground; or
  5. That is used in such a manner as to be portable.
- b. Signs meeting the standards of the following categories shall not be considered portable signs:
  1. Freestanding signs;
  2. Building signs;
  3. Monument signs;

4. Billboards;
  5. Changeable copy sign;
  6. Standard informational sign; and
  7. Temporary sign.
- c. Removal of wheels, chassis or frame from a portable sign shall not result in a change of its classification.
  - d. Vehicles regularly used in the course of business or that are driven to and from a place of business may contain information identifying the business on the vehicle and may be parked in lots serving the identified business, provided that such vehicle is regularly used for transportation. Vehicles parked in commercial lots or on property located in the city for indefinite periods of time and not regularly used in the course of business that contains identifying information about a business shall be considered portable signs.

**Roof sign:** A sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall also constitute any signage placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

**Shared sign:** A sign that serves as common or collective use for a group of persons or businesses operating on the same parcel, such as, but not limited to, a shopping center or business park. Ownership of and responsibility for a shared sign shall remain with the owner of the building or buildings served by the sign.

**Sign:** Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

***Sign area (for freestanding signs and billboards):***

- a. The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and forming an integral part of the sign face. Portions of the sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature are not included in the computation of sign area.
- b. Any open space contained within the limits of the rectangle delimiting the sign face or sign face modules shall be included in the computation of the area of such sign face or sign face module.
- c. For multi-faced signs, when the sign face surfaces are parallel (back-to-back), or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

***Sign area (for building signs):***

- a. The area of a sign shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign face module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

- b. The computation of the area of a sign face shall not include the structure, supports or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the rectangle that delimits the sign face or a sign face module.
- c. For any sign on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

**Sign area (for monument signs):** The computation of the sign area of a monument sign shall include only the surface area upon which any word, letters, figures, symbols, logos, fixtures, colors or other design elements occur as measured from the top to bottom and side to side (sign face).

**Sign face:** That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

**Sign height:** The vertical distance to the highest point of a sign structure. The height is measured from the surface of the nearest adjacent street at a point on the roadway centerline nearest the sign.

**Sign plaza:** A kiosk placed by the city on the right-of-way at intersections of the municipal street system to direct the traveling public to places and events.

**Special event sign:** A temporary sign utilized in conjunction with and for the same time period as a valid special event permit.

**Spectacular sign or device:** Spectacular sign or device includes, but is not limited to, (i) any piece or strip of cloth, paper, canvas, plastic or similar material, including banners, but excluding flags, on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped for the purpose of advertising or drawing public attention; (ii) any advertising display, sign or copy that is animated; (iii) balloons, air and gas filled devices; (iv) streamers; or (v) other similar attention-getting devices.

**Standard informational sign:** A sign with an area not more than 16 square feet, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 48 inches, and with a thickness or diameter not greater than one and one-half inches.

**Temporary sign:** A sign with an area not greater than six square feet made for short-term use, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 30 inches, and is mounted on a stake or metal frame with a thickness or diameter not greater than one-half inch.

**Zoning Administrator:** The officer or other designated authority charged with the administration and enforcement of this Code, or duly authorized representative.

## 52-1204. - APPLICABILITY.



**52-1204 A.**

The requirements of this article shall apply to all private properties in the City of Bloomingdale.

**52-1204 B.**

The requirements of this article shall apply to all signs on private property that are visible from a street or public right-of-way. Except for those special event signs and devices authorized by Section 52-1213 of this article, no sign shall be installed within a building in such a manner that is intentionally visible from a street or public right-of-way.

**52-1204 C.**

No provision of this article shall be intended to regulate the posting on private property of official signs and notices required by law, such as notices of zoning hearings, condemnations of land, etc.

**52-1205. - PROHIBITED SIGNS.**

The following types of signs are prohibited:

1. Signs imitating warning signals; signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles; signs using words, slogans, dimensional shape or size, or colors of governmental traffic signs in such a manner as to be confused with official traffic signs.
2. Signs with lights flashing in series, lines, or rows, or otherwise animated; other than fixed changeable copy signs permitted by this article.
3. Beacons, flashing, blinking, or fluctuating signs; other than fixed changeable copy sign permitted by this article.
4. Signs painted on or attached to trees, rocks or other natural objects within the public right-of-way, or affixed to utility poles or utility boxes within the right-of-way; and signs painted or attached to fences at or facing public right-of-way.
5. Signs emitting or utilizing in any manner sound capable of being detected on a public road by a person of normal hearing.
6. Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape.
7. Signs which obstruct the sight of motorists or pedestrians so as to create safety hazards.
8. Banners, feather banners, fringe, pennants, twirling, A-frame, easel, sandwich-type, sidewalk or curb-type signs, balloons, tethered balloons, streamers, portable signs (as defined herein), air or gas filled figures, awning/canopy signs, trailer signs, and other similar signs and devices, except as expressly permitted in this article.
9. Roof signs.
10. Signs displaying any statement, word, character or illustration of an obscene nature, as defined by O.C.G.A. § 16-12-80.
11. Illuminated signs from or to which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.
12. Portable changeable copy signs which are designed to display messages that can be changed electronically (LED) or manually.

13. Any signage erected on public property, public easements, or public right-of-ways other than official signs and notices, as defined herein, and/or posted without official authorization or consent.

#### **52-1206. - PERMITS; PROCEDURES.**

##### **52-1206 A.**

Unless specifically exempted from obtaining a permit under provisions of this article, no person shall erect, construct, replace, relocate or structurally alter any sign within the city without first obtaining a sign permit from the Zoning Administrator. No permit shall be required to repaint or change the lettering of an existing conforming sign, provided that no change of ownership of the entity displaying the message thereon has been made.

##### **15-1206 B.**

Applications for permits shall be made upon forms provided by the city and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Address of building, structure, or lot to which or upon which the sign is to be attached or erected.
3. One accurate drawing showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features (survey not required).
4. One accurate drawing of the plans, specifications and method of construction and attachment of the sign to the building or ground. Such drawings shall include the size of the sign area, overall height of the sign, location of the sign installation and its relation to existing rights-of-way and all driveways, and, if a freestanding or monument sign, any protective devices or landscaping around the base of the sign.
5. Name, address and telephone numbers of person erecting the sign.
6. Written consent of the owner, manager, leasing agent or lessee of the building or land to which or upon which the sign is to be erected.
7. The location and size of all other signs on the parcel upon which the sign is to be erected.
8. The size of the parcel on which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented.
9. If the sign is to be lighted, an application for electrical permit meeting all standards of the city's electrical code.
10. Such other information as the city shall require, showing full compliance with this and other requirements of the city.

**52-1206 C.**

For signs shared by more than one person or entity, the property owner or sign contractor shall secure a permit for the sign structure and the property owner shall be responsible for the maintenance of the structure as well as for removal of individual sign panels identifying users which no longer exist within the building or buildings covered by the shared sign. In addition to the permit required for a shared sign structure, a separate permit shall be required for each panel, which shall be obtained by the owner, his tenant, an authorized agent, or the sign contractor.

**52-1206 D.**

Fees for permits shall be as fixed from time to time by resolution of the Mayor and City Council.

**52-1206 E.**

Upon the filing of an application for a permit and the payment of all necessary fees, the City of Bloomingdale shall promptly examine all plans and specifications submitted, including electrical wiring and connections, and the premises upon which the sign is proposed to be erected. Such review shall be completed as expediently as possible, which in no case should exceed 45 days of submission of a completed sign application, unless specific circumstances arise requiring additional time to process the application (which shall be made known immediately to the applicant by the best means possible). If such additional time is needed by the city, the person or entity submitting the application will be notified in writing of the reason for the delay and the anticipated processing date. If it appears from review of the permit application and the site that the proposed sign is in compliance with the requirements of this article and all other codes of the city, the Zoning Administrator shall issue a permit no later than 45 days from receipt of the completed application.

**52-1206 F.**

The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this article, are incomplete, or contain any material false statements. Violation of any provision of this article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign 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 Zoning Administrator shall revoke the permit. Should the City of Bloomingdale deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before 45 business days after the city received the application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within 45 business days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.

**52-1206 G.**

No properly issued permit shall be revoked except for due cause as hereinafter defined, and after the applicant is given ten business days' written notice containing a statement of the reasons for the revocation of a permit. "Due cause" is the violation of any provision of this article or other applicable codes and regulations, state or federal law.

**52-1206 H.**

An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the Mayor and City Council, provided such appellant files a written notice of appeal with the City Administrator within ten business days of the Zoning Administrator's notice. Such appeal shall be considered by the Mayor and Council at the next City Council meeting held after the city's receipt of the written notice of appeal, provided that such notice of appeal is received a minimum of five business days before the next meeting. Appeal notices received less than five business days prior to a scheduled Council meeting shall be heard at the next available meeting more than five business days following receipt of appeal. The Mayor and City Council shall issue a decision to the applicant no later than 30 calendar days following the close of the appeal hearing. Decisions of the Mayor and City Council to affirm the decision of the Zoning Administrator or to overrule the decision of the Zoning Administrator and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation. Such decision shall constitute a final determination by the City of Bloomingdale.

**52-1206 I.**

Any person commencing work on a sign before securing the necessary permit(s) from the Zoning Administrator shall be cited to appear before the Municipal Court and, upon conviction, subject to a fine, plus court costs.

**52-1207. - PERMIT EXPIRATION.**

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within three months after the date of issuance. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted sign; provided that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90-day extension may be granted by the Zoning Administrator on the duration of the permit. Where a permit has expired for failure to erect the sign, if an individual later desires to erect a sign at the same location, a new application must be processed, and another fee paid in accordance with the fee schedule in effect at the time of resubmission.

**52-1208. - DISPLAY OF PERMIT.**

The owner of the sign shall be responsible for maintaining the permit for every sign constructed, erected or maintained for which a permit is required by this article. Such permit shall be kept on the premises served by the sign and shall be exhibited promptly upon request of city officers and employees.

**52-1209. - COMPLIANCE WITH TECHNICAL CODES; ZONING.**

All signs hereafter erected, replaced, reconstructed, altered, relocated or modified within the city shall conform to all applicable requirements of the statewide minimum construction codes and any permissive building codes adopted by the city. Where the provisions of the Code of Bloomingdale, Georgia, other articles of the Unified Development Code of Bloomingdale, Georgia (including zoning), and this article conflict or overlap, the requirements of this article shall prevail and be controlling.

**52-1210. - REGULATION OF SIGNS BY LAND USE: DEVELOPED RESIDENTIAL PROPERTY.****52-1210 A.**

This section governs any developed residential property other than residential property developed for multi-family.

**52-1210 B.**

Owners of property governed by this section may post only such signs as are authorized by this section and shall comply with the following requirements:

1. *Standard informational sign.* Such property may contain one standard informational sign, located entirely on private property and no closer than five feet from the back of the right-of-way. Signs shall not project over property lines.
2. *Temporary signs.* Developed residential properties may have an unlimited number of temporary signs, without obtaining a permit or payment of any fees, provided however, the total square footage of all temporary signs shall not exceed 30 square feet. Temporary signs should be removed when they become weathered, or the function or event advertised has ended. Temporary signs placed on public right-of-way shall be subject to confiscation.
3. *Home-based businesses.* All signs for home-based businesses larger than one square foot are prohibited in residential districts.

**52-1210 C.**

Permanent subdivision signs. In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then said subdivision may contain no more than two monument signs per entrance; such signs shall conform to the specifications in Section 52-1211 D.

**52-1211. - REGULATION OF SIGNS BY LAND USE: OTHER DEVELOPED PROPERTY.**

This section governs properties which are developed for multi-family residential, and other properties which are developed for commercial, office or industrial use. All such properties may post only such signs as are authorized by this section. All signs not expressly authorized by this section are prohibited on such properties. Authorized signs shall comply with the following requirements:

**52-1211 A. - Freestanding signs.**

Such property may contain one or more freestanding signs in accordance with the following:

1. No freestanding signs shall be constructed, erected or maintained closer than five feet from the back of the right-of-way and shall be installed completely on private property. No free-standing sign shall be erected within ten feet of the nearest point of the public right-of-way at the intersection of two or more streets.
2. Where signs are erected at the same elevation as electrical power lines, the minimal horizontal distance from such power lines to the sign shall be ten feet.
3. Only one freestanding sign per platted lot shall be allowed along the right-of-way, provided that for business premises fronting on more than one street, one freestanding sign shall be allowed along no more than two right-of-way frontages.

4. All freestanding signs shall be surrounded by protective concrete curbing if in a paved area or shall be placed in a landscaped area. No freestanding sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards of the zoning article for off-street parking.
5. Freestanding signs shall be erected to a height of no more than 20 feet, provided that planned centers (including both shopping centers and business parks) covering ten acres or more may erect one freestanding sign to a height of 30 feet. All sign heights shall be measured from the grade level of the nearest adjacent street from which the sign is visible. The level of the ground shall not be altered in any way so as to provide additional sign height. All freestanding signs shall have an unobstructed visual clearance exclusive of supports of not less than eight feet.
6. The maximum sign area of any sign, inclusive of any border and trim but excluding the base, apron, supports and other structural members shall be:
  - a. Parcels exceeding three acres shall be allowed a maximum aggregate sign area for the entire parcel of 300 square feet.
  - b. Parcels less than three acres but greater than 30,000 square feet shall be allowed a maximum aggregate sign area for the entire parcel of 180 square feet.
  - c. Parcels less than 30,000 square feet in size and 100 feet or more in width at the front property line shall be allowed a maximum aggregate sign area for the entire parcel of 100 square feet.
  - d. Parcels less than 30,000 square feet and less than 100 feet at the front property line shall be allowed a maximum aggregate sign area for the entire parcel of 60 square feet,
  - e. These limits shall not include the area of any principal use wall signs or billboard signs located on the parcel.
  - f. These limits shall include the area of all freestanding signs on the parcel.
  - g. Sign requirements are summarized in the table below.

<b>Sign Type</b>	<b>3 acres or more</b>	<b>Less than 3 acres to 30,000 sq. ft.</b>	<b>Less than 30,000 sq. ft. and more than 100 feet at the property line</b>	<b>Less than 30,000 sq. ft. and less than 100 feet at the property line</b>
Aggregate Sign Area	300 sq. ft.	180 sq. ft.	100 sq. ft.	60 sq. ft.
Freestanding Sign (Total Area)	200 sq. ft.	120 sq. ft.	60 sq. ft.	40 sq. ft.
Directory Sign	200 sq. ft.	120 sq. ft.	60 sq. ft.	40 sq. ft.
Billboard	14 ft.	48 ft.	672 sq. ft.	
Wall Sign			300 sq. ft. or 10% of wall face, whichever is greater	Attached at a height not less than 10 ft.

7. Exceptions. Exceptions to the size restrictions for shared signs may be made by the City Administrator upon petition by the property owner where it is determined that the number of tenants to be served by the sign are such that individual sign panels would measure less than four and one-half square feet each. Exception to the size limits shall be limited to the maximum relief necessary to allow such individual sign panels at a size of four and one-half square feet.
8. Drive thru menu boards. In addition to any other freestanding signs authorized by this section, if such property contains a business premises where materials are delivered at a drive thru delivery point other than on the front side of the building, then one additional freestanding sign per delivery point shall be allowed to be located on the property in the side or rear yard; no such sign shall exceed 32 square feet in sign area nor eight feet in height at the highest point.

**52-1211 B. - Building signs.**

Fifteen percent of the square footage of the business premises façade (including signage on glass windows and doors) may have building signs affixed thereto, provided that any business premises may erect one building sign of at least six square feet. Business premises may use a combination of signs as building signs. No individual building sign or combination of building signs shall exceed 220 square feet per business premises. Projecting signs attached to a building may extend over pedestrian portions of a public right-of-way not more than 18 inches from the surface of the building, provided that such signs shall not extend over paved portions of the roadway.

**52-1211 C. - Changeable copy signs.**

Changeable copy signs are permitted as an integral part of freestanding and wall signs on properties used for commercial, office-institutional, and industrial purposes, subject to the following:

1. The changeable copy portion of the sign shall not exceed 30 percent of the overall area of the sign of which it is an integral part. Total sign area shall be governed by the maximum size limitations of this article. It is not the intent of the city to regulate the content of signs, but only to regulate by reasonable limitations as to size, height, location, and placement.
2. Manual or mechanically changeable signs may apply for a variance from the Mayor and City Council to increase the total sign area by no more than 30 percent, for a total of 130 percent of the maximum size and height limitations established by this article. There is no distance requirement imposed on freestanding or wall signs with manual or mechanically changeable copy portions.
3. No electronic multiple message sign may be placed or located closer than 100 feet from an existing electronic multiple message sign on same side of the street or highway; provided, however, such sign may be located within 100 feet of another electronic multiple message sign when the signs are separated by buildings or other obstructions so that only one sign is visible from the street or highway at any one time. The message displayed on each multiple message sign shall remain fixed for at least ten seconds, with a transition between messages not to exceed two seconds. All electronic multiple message signs shall be equipped with a fully operational light sensor that automatically adjusts the intensity of the sign so that it does not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet from the sign face. All electronic multiple message signs shall be programmed with a default that will freeze the display in one static position, display a full black screen, or turn off the display, if a malfunction occurs.
4. If the Zoning Administrator finds an electronic sign or any display, or any effect thereon, causes excessive glare or impairs the vision of the drivers of any motor vehicles, or otherwise serves to distract or interfere with the safe operation of motor vehicles, then, upon the Zoning Administrator's written notification of his or her finding, the owner of the sign

shall promptly and within not more than 48 hours of receipt of such notice produce evidence acceptable to the Zoning Administrator that the sign is operating in accordance with this section and best industry practices for digital signs.

**52-1211 D. - Monument signs.**

Monument signs may be erected in lieu of freestanding signs at the option of the property owner. Such monument signs shall conform to all setback requirements for freestanding signs. The maximum sign area of any monument sign, inclusive of any border and trim but excluding the base, apron, supports and other structural members shall be:

1. Shared monument signs as part of a planned center (including both shopping centers and business parks) on parcels ten acres or more in size, 125 square feet in sign area, 15 feet in height.
2. Shared monument signs on parcels three acres or more but less than ten acres, 100 square feet in sign area, 12 feet in height.
3. Shared monument signs on parcels less than three acres, 90 square feet in sign area, and ten feet in height.
4. Monument signs for single business premises on parcels of three acres or more, 80 square feet in sign area, and ten feet in height.
5. Monument signs for single business premises on parcels of less than three acres in size, 60 square feet in sign area, and eight feet in height.
6. Monument sign structures shall not exceed one and one-half times the sign area for all monument signs.

**52-1211 E. - Standard informational signs.**

In addition to any other sign authorized by this section, such property may contain no more than two standard informational signs, without a permit or fee, located so that the sign is located completely on private property and the support is no closer than five feet from the back of right-of-way.

**52-1211 F. - Permanent development signs.**

In addition to any other signs authorized by this section, at the entrance to any development, such as a shopping center, business park, or mixed-use subdivision, that parcel may contain no more than two permanent development signs at each entrance.

**52-1211 G. - Billboards.**

In lieu of any freestanding signs authorized by this Code, such property may contain one billboard which complies with the following:

1. Billboards are allowed on parcels fronting federal or state highways on properties on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 504 square feet in sign area aggregate with dimensions not exceeding 12 feet in height or 42 feet in width aggregate.
2. Billboards are allowed on parcels fronting municipal streets other than federal or state highways, on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 300 square feet in sign area aggregate, with dimensions not exceeding 12 feet in height and 25 feet in width aggregate.



3. Billboards shall be erected to a height of no more than 50 feet when located adjacent to state and federal highways and no more than 30 feet when located adjacent to other streets.
4. All portions of a sign face and support members of any billboard shall be setback from all buildings, structures, and property lines at least 75 feet.
5. Illumination. All illuminated billboards shall use base mounted fluorescent or mercury vapor lights and shall be activated by photoelectric cells. Additional lighting, including but not limited to neon, animation and running lights, is prohibited.
6. Extrusions prohibited. Extrusions beyond the face of any billboard, excluding aprons, are prohibited.
7. Location and number of signs. Only one billboard shall be allowed per platted lot. Billboards shall be no less than 1,500 feet apart on the same side of a street or road, measuring from the two closest existing billboards. Only two sign faces shall be allowed to face the same direction per location; back-to-back or "V" formation signs are allowed, but no more than two sign faces or less side by side or over and under, facing the same direction are allowed.
8. A digital billboard shall meet all criteria for an electronic multiple message sign under Section 52-1211 C.

**52-1212. - REGULATION OF SIGNS BY LAND USE: VACANT AND UNDEVELOPED PROPERTY**

Any property which is vacant and not developed with improvements, even if in common ownership with and attached to developed property, may contain only those signs authorized by this section:

**52-1212 A. - Standard informational signs.**

Such property may contain one standard informational sign, without a permit or fee, located so that the signs are erected entirely on private property and are not closer than five feet from the back of right-of-way.

**52-1212 B. - Billboards.**

Such property may contain one billboard which complies with the following:

1. Billboards are allowed on parcels fronting federal or state highways on properties on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 504 square feet in sign area aggregate with dimensions not exceeding 12 feet in height or 42 feet in width aggregate.
2. Billboards are allowed on parcels fronting municipal streets other than federal or state highways, on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 300 square feet in sign area aggregate, with dimensions not exceeding 12 feet in height and 25 feet in width aggregate.
3. Billboards shall be erected to a height of no more than 50 feet when located adjacent to state and federal highways and no more than 30 feet when located adjacent to other streets.
4. All portions of a sign face and support members of any billboard shall be setback from all buildings, structures, and property lines at least 75 feet.
5. Illumination. All illuminated billboards shall use base mounted fluorescent or mercury vapor lights and shall be activated by photoelectric cells. Additional lighting, including but not limited to neon, animation and running lights, is prohibited.

6. Extrusions prohibited. Extrusions beyond the face of any billboard, excluding aprons, are prohibited.
7. Location and number of signs. Only one billboard shall be allowed per platted lot. Billboards shall be no less than 1,500 feet apart on the same side of a street or road, measuring from the two closest existing billboards. Only two sign faces shall be allowed to face the same direction per location; back-to-back or "V" formation signs are allowed, but only two sign faces or less side by side or over and under, facing the same direction are allowed.
8. A digital billboard shall meet all criteria for an electronic multiple message sign under Section 52-1211 C.

**52-1213. - SPECIAL EVENT SIGNS.**

All special event signage, including portable signs (as defined by this article) and spectacular signs and devices shall be displayed only by permit under the following conditions and requirements:

**52-1213 A.**

Prior to display of a special event sign, an application for a permit shall be filed with the City of Bloomingdale. One permit shall be issued to cover all signs and devices during the period of permit coverage. Handling of permit requests shall conform to section 52-1206. All signs and devices to be covered by the permit shall be specifically described as to their construction and/or composition and location on the business premises.

**52-1213 B.**

The maximum size allowed for the total of all window signs to be displayed under the permit shall be 150 square feet. The maximum size allowed for the total of all banners to be displayed under the permit shall be 70 square feet. The maximum size allowed for the total of all spectacular signs and devices shall be 300 square feet.

**52-1213 C.**

Spectacular signs may be attached to the exterior wall or walls of the building or securely attached to the roof but shall not be placed on or located so as to obstruct the public right-of-way. Portable signs may be located within parking areas of the business premises (but not upon the right-of-way), provided the minimum number of spaces for all off-street parking are maintained.

**52-1213 D.**

The maximum number of special event sign permits to be issued to a single premises shall be four per year for a period of time not to exceed 30 days for each permit issued. No more than one special event permit shall be issued per calendar quarter per business premises.

**52-1213 E.**

Except as modified by this section all special event signs or devices must comply with all other applicable regulations and conditions set forth in this article governing their usage.

**52-1214. - ERECTING SIGNS WITHOUT PROPER CONSENT.****52-1214 A.**

No person shall place, print, nail, tack or otherwise fasten any sign, card, banner, hand built sign, poster, advertisement or notice of any kind, or cause the same to be done, on public right-of-way, or on any private property without first obtaining the written consent of the owner of such property or its lawfully designated agent. Any person found to have intentionally violated this section shall be subject to punishment in accordance with Section 1-11 of the Code of Bloomingdale, Georgia.

**52-1214 B.**

No person shall willfully or intentionally construct, erect, operate, use or maintain any sign within the city in violation of this article. A violation of this section, upon conviction before the Municipal Court, shall be punished by a fine not to exceed \$500.00.

**52-1215. - OTHER EXCEPTIONS TO PERMIT PROVISIONS.**

The permit requirements of this article shall not apply to the following, provided that the signs or devices erected or placed are located on property of the person who erects such signs or on property whose owner has given written permission for such placement.

**52-1215 A.**

Flags of a size not exceeding four feet by six feet attached to a pole mounted directly onto a residence, business, or commercial structure, not to exceed three per premises, or three flags not exceeding 48 square feet mounted on an independent flagpole installed directly into the ground.

**52-1215 B.**

Any sign erected or permitted by or at the direction of any government entity on public property that it owns, controls, or maintains.

**52-1215 C.**

Seasonal, religious, political, ideological, or holiday decorations erected on either public or private property.

**52-1215 D.**

Identification plates for doors not exceeding four inches by 18 inches in size.

**52-1215 E.**

Building numerals designating property numbering of a building or premises, as required by the Code of Bloomingdale, Georgia, shall not to exceed a height of six inches on residential property or a height not exceeding 12 inches on commercial, office or industrial property.

**52-1216. - NON-CONFORMING SIGNS.**

Signs that were approved and legally erected under previous sign restrictions, and that became or has become non-conforming with respect to the requirements of this article, may continue in existence subject to the remaining provisions of this section.

**52-1216 A.**

No increase in size of the non-conforming sign shall be permitted.

**52-1216 B.**

Existing signs which were legally erected, but which have become non-conforming and which do not meet the setback requirements of this article due to road widening should be moved to meet the setback requirement of this article but shall not be increased in size, shape or changed in any manner except as to become conforming.

**52-1216 C.**

On all properties, signs shall be removed which:

1. Were illegally erected or maintained with respect to this article or other Code provisions;
2. Are made of paper, cloth, or non-durable materials (except standard informational signs); or
3. Are located in the public right-of-way, except as permitted by this article. It shall be the duty of the property owner to remove any signs illegally erected upon or improperly maintained upon its property in violation of this article. Continued maintenance of an illegal or improperly maintained sign shall constitute a nuisance and be subject to abatement in accordance with the provisions of the Code of Bloomingdale, Georgia. Upon failure to comply with any requirement of an order entered by the Municipal Court, the City Administrator or their authorized agent may cause the removal of such sign at the expense of the owner.
4. A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or de-mountable material on non-conforming signs shall be permitted.
5. Minor repairs and maintenance of non-conforming signs such as electrical repairs or lettering repairs shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article. However, signs damaged by fire or act of God must comply with the city's current signage article at the time of rebuilding unless compliance would prevent the sign from being rebuilt, in which case the sign may be restored to its original condition.
6. Each non-conforming sign shall be registered within 90 days of the enactment of this article by the sign owner, and if it is determined that such non-conforming sign was legally erected under a prior article, then a sign permit shall be issued to the sign owner without charge and the sign shall be marked with a permit decal. Should the owner of a non-conforming sign fail to register such sign within 90 days from the enactment of this article, such failure to register shall be deemed a violation of this article, and such person shall be subject to citation in Municipal Court.
7. Existing signs on the property of newly annexed territory that were legally erected under the county article which would become non-conforming under this article upon annexation by the city shall be allowed to remain, provided such sign shall be registered with the city within 90 days of annexation.

**52-1217. - INSPECTIONS.**

The City of Bloomingdale shall periodically inspect each permanent and temporary conforming and non-conforming sign in an attempt to ascertain whether the same is secure or insecure, and whether it is in compliance with the requirements of this article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.

**52-1219. - SIGNS REQUIRING REMOVAL.****52-1219 A. - Traffic hazards.**

Any sign constituting a traffic hazard or a menace to the motoring public or pedestrians, as determined by the City of Bloomingdale, shall be removed as provided in Section 52-1220.

**52-1219 B. - General maintenance.**

Every sign, including those signs for which permits are required and those for which no permits or permit fees are required shall be maintained in a safe, presentable, and good structural condition at all times. The sign owner shall be responsible for repair or replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the Zoning Administrator shall require its removal in accordance with Section 52-1220.

**52-1219 C. - Abandoned signs.**

Except as otherwise provided in this article, any sign that is located on property that becomes vacant and unoccupied for a period of twelve months or longer, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of twelve months or more. Sign panels from abandoned signs shall be removed by the owner of the premises on which the sign is located within the time frame specified in this subsection. The supporting structure of an abandoned sign shall be subject to the non-conforming use provisions of Section 52-1216.

**52-1219 D. - Dangerous or defective signs.**

No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the Zoning Administrator shall proceed as described in Section 52-1220.

**52-1219 E. - Unlawful signs.**

No person shall erect or permit to be erected any sign that does not comply with the provisions of this article.

**52-1220. - REMOVAL PROCEDURE.****52-1220 A.**

The Zoning Administrator shall cause to be removed any sign that he determines endangers the public safety, such as an abandoned, dangerous, or electrically or structurally defective sign or a sign for which no permit has been issued or which is otherwise in violation of this article. The Zoning Administrator shall prepare a written notice that shall describe the sign and specify the violation involved. The notice shall state that if the sign is not removed or the violation is not corrected within 30 calendar days, the sign shall be removed in accordance with the provisions of this section.

**52-1220 B.**

All notices by the Zoning Administrator shall be personally served or sent by certified mail, return receipt requested. Any time periods provided in this section shall be deemed to commence on the date of service as contemplated by O.C.G.A. § 9-11-4.

**52-1220 C.**

The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign, if known, and the occupant of the property, if any. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

**52-1220 D.**

Any person having a financial interest in the sign, or the property may appeal the determination of the Zoning Administrator ordering removal or compliance by filing a written notice of appeal with the Mayor and City Council within 20 calendar days after receipt of the notice. Appeals will be handled as provided in Section 52-1206.

**52-1220 E.**

If the person to whom notice is directed pursuant to subsection (b) above fails to take corrective action within the time period prescribed, or if on appeal the Mayor and City Council affirms the decision of the Zoning Administrator and the person fails to take corrective action or remove the offending sign within the time period prescribed, then the Zoning Administrator shall proceed to have the sign removed or corrected to bring such sign into compliance with this article or to remove any unsafe condition.

**52-1220 F.**

When it is determined by the Zoning Administrator that the sign would cause imminent danger to public safety and contact cannot be made with the sign owner or building owner, no written notice shall have to be served prior to removal. In such emergency situation, the Zoning Administrator shall document the unsafe condition and may correct the danger, with all costs being charged to the sign owner or the property owner.

**52-1220 G.**

If it shall be necessary for the Zoning Administrator to remove the sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, the Zoning Administrator may sell or salvage any material derived in the removal. He may sell the same at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Any proceeds in excess of the cost of removal shall be returned to the sign owner, if known, or if unknown, shall be deposited in the city treasury and maintained for the benefit of the owner for a period of three years. At the end of three years, all unclaimed proceeds shall become the property of the city. Where the proceeds derived from such sale are less than the costs of removal, such deficiency shall constitute a lien against the property on which the sign is located. Such lien shall be collectable in the same manner as city property taxes.

**52-1220 H.**

Any sign removed by the Zoning Administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the

same manner as city property taxes. The cost of removing shall include any and all incidental expenses incurred by the city in connection with the sign removal.

**52-1221. - VARIANCES.**

**52-1221 A.**

Variations from the regulations of this article shall be limited to the following hardship situations:

1. Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
2. Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings, or structures on a different lot; and
  - a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
  - b. Such visibility obstruction was not created by the owner of the subject property; and
  - c. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

**52-1221 B.**

Variations shall be limited to the minimum relief necessary to overcome the hardship. No variations shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

**52-1221 C.**

Relief from the application of the provisions of this article by use of variations granted by the Mayor and City Council shall be granted only upon a finding of hardship as previously defined. Hearing on such variations shall be noticed using the same time frames and notice requirements as for variations from zoning decisions.

## **ARTICLE 13. - THE SUBDIVISION AND SITE DEVELOPMENT PROCESS**

### **52-1301. - MANAGEMENT OF LAND DEVELOPMENT PROCESS: OVERVIEW.**

This chapter is designed to set forth the process that applicants need to follow in order to gain approval of subdivision plans and site development plans and pursue construction of land improvements on a parcel of land in the City of Bloomingdale.

All City departments are responsible for various aspects of the site and subdivision review, approval and land permitting process. In general, the Zoning Administrator is responsible for application intake; project tracking; plan review coordination; plan review for consistency with the zoning ordinance; plan review for consistency with the non-engineering aspects of these development regulations; plan approval; construction site inspection of land improvements; construction bond and escrow management; and land permit issuance. The Public Works Department is responsible for plan review for consistency with the engineering/technical aspects of stormwater and streets; plan review for consistency with the engineering/technical aspects of water and wastewater; and field support for bond/escrow actions.

Various other city and state agencies are also involved in the site and subdivision plan review process. They are the police department, fire department, Georgia Department of Transportation (GDOT), Georgia Department of Natural Resources, and the USDA Natural Resources Conservation Service. These agencies are requested, by the City of Bloomingdale, to review plans on an "as-needed" basis, depending on the scope and nature of the individual plan.

### **52-1302. - GENERAL DEVELOPMENT REVIEW POLICY.**

It is the policy of the City of Bloomingdale to consider the approval of site plans and subdivision plans and plans as part of a plan for the orderly, efficient and economical growth and development of the city.

### **52-1303. - LOT STANDARDS AND RESTRICTIONS.**

#### **52-1303 A. - Easements.**

No permanent structures or improvements shall be placed within any officially designated and recorded easement area without approval from Mayor and City Council.

#### **52-1303 B. - Substandard lots.**

1. *Lots of record.* Any lot of record existing at the time of passage of this ordinance shall not be reduced, divided or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located.
2. *Lots not meeting minimum lot size requirements.* Any lot of record existing at the time of the adoption of this ordinance which has an area or a width which is less than required by this ordinance may be used as a building site for a structure or other use permitted in that zone; provided the yards, setbacks, open space and other requirements are met that would be required for a standard lot of required size in that zoning district. These requirements may be adjusted as provided in Section 52-410.

#### **52-1303 C. - Every lot shall abut a street or Easement.**

No building shall be erected, constructed, moved or relocated on a lot which does not have immediate frontage on at least one public street or legal easement for a distance of not less than the minimum allowed frontage for said lot as described in the physical requirements standards section of the applicable zoning district.



**52-1303 D. - Use of two or more lots to satisfy zoning requirements.**

1. Two or more contiguous lots under the same ownership may be used to satisfy zoning requirements (i.e. lot size, setbacks, yards, lot coverage, parking, etc.) only after either a consolidation or boundary adjustment plat has been approved and recorded eliminating the common, internal lot line(s), provided that this provision shall not operate to conflict with section 2. below.
2. For shopping malls, shopping centers, office parks, mixed-use condominiums and industrial parks developed as a single project, but that include lots under separate ownership subsequent to, or in conjunction with the development of the project, the physical requirements and design standards of the City of Bloomingdale such as parking, setbacks, yards, lot coverage, open space, utilities and access that are not met by each lot shall be satisfied by all of the property included in the project, as a whole. In such event, permanent easement(s) or the specific development standard(s) not met by each lot shall be noted on the approved site plan and properly granted and recorded providing for the joint use and maintenance for such items as necessary so that the development standard(s) are met by the project as a whole.

Following review by the city attorney, the city shall approve the document granting the required easements to determine that easements can be properly granted and cause the project and the individual lot(s) to comply with the development standards. The approved easement document shall be recorded in the records of the Clerk of Superior Court of Chatham County. In addition, the city attorney shall review any future amendments to the easement document to ensure compliance with the City of Bloomingdale Development Standards.

**52-1304. - PROCESS DETAILS AND CHARACTERISTICS.****52-1304 A. - Project review committee.**

The project review panel concept is an integral part of the "one-stop" method of site and subdivision plan review. The panel concept is designed to provide an applicant with clear, consistent, concise and timely plan reviews. In addition, the panel provides a continuity of reviewer via the utilization of a "project manager" to ensure that issues are resolved at their proper level and time in the process, and are not revisited once resolved.

1. *Membership and composition.* The project manager shall be the City Administrator or their designee. They will remain continually involved with the project throughout the entire development process, until all relevant land development permits have been issued. Other panel members shall consist of a representative from:
  - a. The Zoning Administrator;
  - b. The Public Works Department;
  - c. The Building Inspector; and
  - d. Consultant engineer.
  - e. Other departments and agencies traditionally involved in the review process will function on an "as-needed" basis.
2. *Panel meetings.* The panel meets at designated critical points throughout the site development plan review process. These meetings are kept to a minimum in order to save staff time.

3. *Responsibilities of the panel members.*

- a. The project manager shall coordinate the overall review and processing of an application and ensure that department comments do not conflict.
- b. The Public Works Department is responsible for:
  - i. the engineering review of the street aspects of the plan. This includes a review for conformity with this ordinance's technical standards, other city and state technical regulations, and other generally accepted engineering and safe design standards.
  - ii. the engineering review of the stormwater aspects of the plan. This includes a review for conformity with this ordinance's technical standards, stormwater design ordinance, and other city and state technical regulations, and other generally accepted engineering and safe design standards.
  - iii. the engineering review of the water and sewer aspects of the plan. This includes a review for conformity with this ordinance's technical standards, other city and state technical regulations, and other generally accepted engineering and safe design standards.
  - iv. the engineering review of the solid waste aspects of the plan. This includes a review for conformity with this ordinance's technical standards, other city and state technical regulations, and other generally accepted engineering and safe design standards.

**52-1304 B. - Required plan types.**

1. *Preliminary site plans.* These initial plan types are required for all projects resulting in the creation of three or more lots or any new development involving 1.1 acres or more. Preliminary plans are meant to show the general design of a site development or subdivision project and its public improvements so the city can indicate its approval or disapproval of the project prior to the time the final plans and plats are designed. The city shall review the practicability of the preliminary plan and its general design. Attention shall be given to the arrangement, location, and width of streets and travel ways, arrangement, placement, and size of structures, their general relationship to the topography of the land, feasibility of water supply and sewage disposal, general handling of site drainage, lot sizes and arrangement, the future development of adjoining lands as yet undeveloped, the relationship of adjoining developed lands, and the requirements/guidelines of the comprehensive plan, zoning ordinance, and this ordinance. Preliminary plans are not meant to either depict, or be reviewed for, final engineering design and details.
2. *Minor site plans.* This plan type may be submitted when the proposed improvements are being requested to a site of less than 1.1 acres on which the city either has not previously approved a final site plan, or on which there is an existing approved plan that has been closed (built). In addition, the proposed improvements must be minor in nature and generally, (1) not change either the internal or external traffic flow patterns; (2) not increase the number of dwelling units; (3) not increase the nonresidential building size by more than 2,500 square feet, or 75 percent of the gross building area, whichever is less; and (4) generally, the proposed disturbed area should not exceed 5,000 square feet. The applicant must provide the Project Manager an impervious site change document noting the limits of additional impervious area on the site.
3. *Final site and subdivision plans (construction drawings).* These plan types, and any necessary supporting documents, for a proposed project, constitute the complete application

for construction approval. They shall include complete and detailed engineering and layout drawings for all the public and private improvements and utilities, in addition to any necessary ancillary calculations required for review. Upon approval, the final plans and plats form the basis for the construction of the project and the inspection services required by the City of Bloomingdale. The final site plan shall be recorded with the Clerk of the Superior Court. An unrecorded plan is not a valid basis for site improvements or other commitments that depend on its design characteristics.

**52-1304 C. - Development plan review.**

1. Once a complete application for a development plan has been submitted to the Zoning Administrator, and the appropriate fees paid, copies will be transmitted to a number of government agencies for their review and comment. Some of these reviews are necessary to meet city objectives. Other reviews are done to accommodate the applicant and expedite the process of development through coordination with state agencies.
2. Review of the aspects of the development plans, beyond the auspices of internal city agencies, are circulated by the Project Manager to appropriate agencies such as the Georgia Department of Transportation (GDOT), Georgia Department of Natural Resources, and USDA Soil Conservation Service for review.
3. The basic review of a site development plan and subdivision plan is an analysis of the physical layout including the dimensions, the topography, the natural features of the site, proper erosion and sediment control provisions, and a determination of the use proposed in accordance with applicable laws and regulations.
4. Although the erosion and sedimentation control plan review are performed separately from the site development plan review, the city administers this review jointly with the site development plan review and site inspections.
5. All comments made by the review agencies must be satisfactorily addressed before the Zoning Administrator approves the plan. All approvals or denials shall be made in writing, stating the specific reasons, therefore. The Zoning Administrator approval in no way affects the authority of external agencies to issue their own permits for any aspect of the land development process which are within their respective jurisdiction.
6. Generally, the city shall make every effort to review development plans as expeditiously as possible. Once a completed application and required number of site plans are received by the Project Manager, they are distributed to the applicable agencies. The first review period is 30 working days. Comments are returned to the Project Manager and if necessary, they are forwarded to the applicant's engineer, along with a set of "redlined" site plans for revisions. The second and third (if necessary) review periods, following receipt of required revisions, are 30 business days each.
7. Following approval of the minor plan or final residential site and subdivision plan and/or the approval of an erosion and sedimentation control plan, the applicant may obtain land disturbance permits.
8. All applications for revisions to approved preliminary and final plans and plats shall be submitted to the zoning administrator. Before being accepted, the application shall be reviewed for conformance with the appropriate minimum requirements and determination of the appropriate review time frames. The time frames and fee, if applicable, will be determined based on the complexity of the proposed revision.

**52-1304 D. - Plan validity periods.**

1. *Preliminary site plan validity.*

- a. All preliminary site plan approvals are valid for 12 months from their date of approval.
  - b. During that period, the following steps must be taken to maintain the validity (a) final plans are accepted for review, and are diligently pursued for approval, (b) final plans are approved, or (c) final plans are approved and permit issuance is being diligently pursued as demonstrated by bonding the plans and recording the plans. If a preliminary plan approval expires, no additional action shall be taken on the plan, or its subsequent final plans, without the submission of new preliminary plans and payment of all applicable fees.
2. *Final site plan validity.* All final site and subdivision plans and plans are valid for two years from their date of approval, subject to the following:
- a. Posting of a construction performance bond in accordance with this ordinance, if applicable. This is a prerequisite to the release of plans and deeds for recordation; issuance of site development permits, building permits, occupancy permits, etc.
  - b. Payment of any monetary and/or proffered contributions and/or obligations as established during the plan approval process and referenced in the plan approval letter. This is a prerequisite to the release of the plans for recordation, or the issuance of site development permits, building permits, and/or occupancy permits.
  - c. Recordation of all plans. The applicant will return the following recordation of the plans and deeds, a copy of the recording receipt, and a copy of the deeds, to the Zoning Administrator. This is a prerequisite to the issuance of site development permits, site preparation permits, building permits, and/or occupancy permits.
  - d. Completion of any other special items, agreements and/or post any other escrows enumerated in the plan approval letter. This is a prerequisite to the issuance of site development permits, building permits, and/or occupancy permits.
  - e. Provide Project Manager with evidence of possession of all required permits.
  - f. Obtain a land disturbance permit. This is a prerequisite to the issuance of building permits.
  - g. Following the completion of the above-enumerated items, the Project Manager, a building permit.
  - h. Schedule and hold a pre-construction conference with the departments and the consultant engineer prior to initial commencement of land disturbance activities.
  - i. Failure to complete all the items enumerated in this section during the final plan validity period shall cause the approval to expire and void the final plans. If the final approval is voided, further consideration of the final plan will require a new plan submission, and payment of applicable fees.

**52-1304 E. - General plan and plan submission requirements.**

1. *Fees.* The application and review fees for all plans are established by resolution of the Mayor and City Council. As such, the Zoning Administrator can waive no fees. The applicable fees shall accompany all application submissions. Development applications are not deemed complete until all applicable fees have been paid.
2. *Number of plans to be submitted.* Minor, preliminary, and final site plan review. The design professional shall initially submit two complete sets of plans. Following completion of a preliminary review, the Project Manager will notify the applicant with the number of additional plan sets to be submitted. This number will be based on the number of established and required review agencies. Following the notification, the additional plan sets should be submitted to the Project Manager within ten business days.

**52-1304 F. - Minor site plan submission requirements.**

The following items shall be included with all minor site plans in order to have them accepted for review:

1. *Administrative items.*
  - a. A City of Bloomingdale Site Plan Application Form completed in its entirety. If the property owner does not sign the form, a limited power of attorney form must accompany the application form.
2. *Plan details.*
  - a. The sheet size shall not exceed 36" × 48". Plans consisting of more than two sheets shall be indexed and match lines, if required, shall follow property lines.
  - b. A scale of no less than 1" = 200'; this shall be displayed on all plan sheets.
  - c. Topographic contours with intervals no greater than five feet, referred to USGS datum.
  - d. Date of plan, north arrow, match lines, and sheet numbers.
  - e. A vicinity map, preferably at a scale of 1" = 2,000', but no smaller than 1" = 3,000'.
  - f. The present zoning of the project parcel(s), and all adjacent parcels, within 50 feet of project site, along with their present use.
  - g. The project site's current tax map, block, and lot number(s).
  - h. Total project site acreage.
  - i. The proposed generalized pattern of lots and/or buildings (including the number and size), street and/or travel way layout, off-street parking layout, recreation areas, open space, and improvements to existing streets and rights-of-way, buffer, estimated traffic counts (vehicles per day) and storm water management facilities.
  - j. Setbacks, open space calculations, buffer dimensions and other zoning requirements related to site design.
  - k. All existing restrictions on the use of the land, including easements and covenants.
    - l. Existing drainage facilities; including major culverts, ponds, and streams.
    - m. Location of any existing buildings on the site, and within 50 feet of the property lines.
3. *Other minor site plans.* All applications for approval of minor subdivisions [i.e., one lot into two lots], consolidation and boundary line adjustment plans shall be submitted to the Zoning Administrator. Before being accepted, the application shall be reviewed for conformance with

the appropriate minimum requirements, fee verification, and determination of the appropriate review time frames.

- a. If submission is found to be complete, it shall be stamped with the date and time of acceptance and the plan shall be reviewed and approved by the Zoning Administrator.
- b. Review time frames will be tailored to the nature of the specific application.

**52-1304 G. - Preliminary site and subdivision plans minimum submission requirements.**

The following items shall be included with all preliminary residential plan site and subdivision plan application submissions in order to have them accepted for review:

1. *Administrative items.*

- a. A City of Bloomingdale Site Plan Application Form completed in its entirety. If the property owner does not sign the form, a limited power of attorney form must accompany the application form.

2. *Plan details.*

- a. The sheet size shall not exceed 36" × 48". Plans consisting of more than two sheets shall be indexed and indicate match lines for lots of five acres or less in size. The match lines shall follow property lines.
- b. A scale of no less than 1" = 100'; this shall be displayed on all plan sheets.
- c. Topographic contours with intervals no greater than five feet, referred to USGS datum, extending 50 feet beyond the parcel's property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project.
- d. Date of plan, north arrow, and sheet numbers.
- e. A vicinity map preferably at a scale of 1" = 2,000', but no smaller than 1" = 3,000'.
- f. The present zoning of the project parcel(s), and present zoning of all property within 50 feet of project site and use of all adjacent parcels.
- g. The project site's tax map, block & lot number(s).
- h. Total project site acreage.
- i. Street rights-of-way; including name, number, and widths.
- j. All existing easements: including type, width and use restrictions, if any. All zoning or prior plat conditions and/or variance approvals and conditions.
- k. Existing storm drainage structures on the project parcel(s), and within 50 feet of the property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project; including type of pipe, sizes, and direction of flow.
- l. Storm water management facilities on the project parcel(s), and within 50 feet of the property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project.
- m. Stormwater management plan, stormwater design manual and schedule.
- n. Streams, ponds, marshes, approximate boundaries of wetland areas, including names, if applicable, on the project parcel(s), and within 50 feet of the property lines, or

additional distance as may be necessary in order to show major drainage features or conditions that may affect the project downstream of the site within the drainage basin.

- o. The approximate 100-year flood area boundary and the source of the information.
- p. Municipal or other publicly owned land within 50 feet of the property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project, including the distance to the nearest school or school site.
- q. Existing utility lines and structures, such as water, sewer, gas, electric, telephone, wells, septic tanks, and drainfields (if any) on the project parcel(s), including size or capacity, and within 50 feet of the property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project.
- r. Density tabulation provided by section and overall total number of proposed lots and/or dwelling units, and lot/unit numbers.
- s. Streets, roads, travel ways, improvements to existing streets and other rights-of-way, including widths, street classification, and preliminary anticipated traffic counts (vehicles per day).
- t. Existing and proposed pedestrian systems and bike trails.
- u. Proposed lot layout, if applicable.
- v. Off-street parking layout, if applicable; including typical size, number of spaces by location, and a tabulation.
- w. Proposed buildings, including use, height, and for site plans only, distance to property lines, building restriction (setback) lines and buffer dimensions (if applicable), and any existing buildings or structures on the property and within 50 feet of the property line, or additional distance as may be necessary in order to show major features or conditions that may affect the project.
- x. Schematic storm drainage system and water and sewer systems.
- y. Parcels, streets, rights-of-way, and easements proposed to be dedicated to public use, including size and purpose.
- z. The seal and signature of the design professional that prepared the plan shall be on each plan sheet.

**52-1304 H. - Final site and subdivision plans minimum submission requirements.**

The following items shall be included with all final site and subdivision plan application submissions in order to have them accepted for review:

1. *Administrative items.*
  - a. A City of Bloomingdale Development Application Form completed in its entirety. If the property owner does not sign the form, a limited power of attorney form must accompany the application form.
  - b. Traffic impact analysis, if applicable.
  
2. *Plan details.*

- a. The sheet size shall not exceed 24" × 36". Plans consisting of more than two sheets shall be indexed and indicate match lines for lots of five acres (2.02 hectares) or less in size. The match lines shall follow property lines.
- b. A scale of no less than 1" = 50' for subdivisions, and 1" = 30' for all other site plans; the scale shall be displayed on all plan sheets.
- c. Topographic contours with intervals no greater than two feet, referred to USGS datum, extending 50 feet beyond the parcel's property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project.
- d. Date of plan, north arrow with designation, and sheet numbers annotated in consonance with any required subdivision plans, or meridian of record, if subdivision plans are not required.
- e. A vicinity map preferably at a scale of 1" = 2,000', but no smaller than 1" = 3,000'.
- f. The seal and signature of the design professional that prepared the plan shall be on each plan sheet.
- g. The present zoning of the project parcel(s), and all adjacent parcels, within 50 feet of project site, along with their present use.
- h. The project site's tax map, block and lot number(s).
- i. Total project site acreage.
- j. Street rights-of-way; including name, number, and widths.
- k. Revisions to an approved plan shall have a completed revision block on each sheet identifying the revisions. All revisions shall be circled in red on the initial submission. The project and plan number(s) for any previously approved plan shall also be referenced on the revision.
- l. Street rights-of-way; including names, route numbers, and widths.
- m. Boundary survey, including area tabulation, meeting minimum standards of Georgia Law.
- n. All existing and proposed easements; including type, width, deed book and page reference, and use restrictions, if any. If any proposed improvements are located within the easements of these utilities, documentation shall be provided from the appropriate companies acknowledging permission to make the improvements, prior to final plan approval. For ingress/egress easements, a note shall be provided certifying that the applicant has been granted the right to use, and make improvements, within the easements.
- o. Streams, ponds, marshes, wetland areas on the project parcel(s), and within 100 feet of the property lines, including names, if applicable.
- p. The 100-year flood area boundary and the source of the information.
- q. Permanent open spaces (tabulated in acreage), including buffers, parks, and recreation areas, identifying proposed ownership and type of use.
- r. Municipal or other publicly owned land within 50 feet of the property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project, including the distance to the nearest school or school site.



- s. Utility lines and structures, such as water, sewer, gas, electric, telephone, wells, septic tanks, and drainfields on the project parcel(s), including size and/or capacity, and within 50 feet of the property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project.
- t. Buildings and other structures on the project parcel(s) and within 50 feet of the property lines, or additional distance as may be necessary in order to show major features or conditions that may affect the project.
- u. Traffic counts (vehicles per day).
- v. Percent of grade noted at all driveway entrances.
- w. A subdivision, easement, and/or dedication plan(s), if applicable.
- x. Floodplain study, if applicable.
- y. Lot layout; including lot numbers, area of each lot, and street dedication area. All resultant areas of recorded parcels, less than ten acres in size, shall be shown on the plans, and indicated in the area tabulation.
- z. Density tabulation (provided by section and overall), total number of proposed lots and/or dwelling units.
  - aa. Streets, roads, travel ways, and other rights-of-way, including deed book and page number, street classification, widths, rates of roadway super-elevation, when applicable, vertical curves with the sight distance noted, vertical and horizontal sight distances verified at all intersections, and improvements within the right-of-way. Guardrail and paved ditches shall be shown as required. Handicapped access curb ramps shall be provided at all street intersections.
  - bb. Off-street parking (including handicap) and loading layout, if applicable, including typical size, number of spaces by location, and tabulation by use type.
  - cc. Existing and proposed buildings and structures; including use, height, square footage, distance to property lines and between buildings, and any applicable building restriction lines (site plans only).
  - dd. Utility lines and structures, including sewer, water, gas, with sizes, types of pipe, plan and profile views, location of fire hydrants, control valves, pump stations, and anticipated flows and calculations (three copies of fire flow calculations submitted separately).
  - ee. Utility easements, including gas, electric, telephone and cable television, with the width and type indicated.
  - ff. Storm drainage system, including all required computations on the project parcel and within 50 feet of the property line, or additional distance as may be necessary in order to show major features or conditions that may affect the project, with sizes, type of pipe, gradients, invert elevations, direction of flow, drainage divides and areas for each structure.
  - gg. Storm water management facilities; including ten, 25, and 100-year water surface elevations and all required computations, access and maintenance easements.
  - hh. Final grading plan.
  - ii. Limits of clearing and grading; clearly labeled.
  - jj. Erosion and sediment control devices, their design and locations.

- kk. Location of street name signs, traffic control signs, streetlights, stub-outs, and their easements, if applicable.
- ll. Buffer areas, screening and landscaping including number, species and size.
- mm. Tree save areas, if applicable.
- nn. The seal and signature of the licensed professional engineer that prepared the plan shall be on each plan sheet.

**52-1304 I. - Subdivision and easement plat minimum submission requirements.**

The following items shall be included with all required plans, including those for simple subdivisions, resubdivisions, consolidations, right-of-way dedications, easements, abandonments, vacations, and revisions to approved plans, in order to be accepted for review:

1. *Administrative items.*
  - a. A City of Bloomingdale Development Application Form completed in its entirety. If the property owner does not sign the form, a limited power of attorney form must accompany the application form.
2. *Plan details.*
  - a. The sheet size shall not exceed 17" × 22," nor be smaller than 8½" × 11". Plans consisting of two or more sheets shall be indexed and indicate match lines. For lots of five acres in size or less, any necessary match lines shall follow property lines.
  - b. A graphic scale of not less than 1" = 100', which shall be displayed on all plan sheets. Also, all plans shall use only one uniform scale.
  - c. Each sheet shall contain a title block which shall include subdivision name, or owner's name, in accordance with the instruments of record; name and address of the engineering or surveying firm that prepared the plans; date of preparation, description of the plan's purpose, and the City of Bloomingdale project and plan numbers and names (if applicable).
  - d. All plans shall contain a north arrow annotated with, and be referenced to:
    - i. True north for subdivisions or resubdivisions; or
    - ii. North of record may be used for minor resubdivisions, consolidations, off-site easements and off-site right-of-way dedications.
  - e. A vicinity map, preferably at a scale of 1' = 2,000'.
  - f. Seal and signature of the land surveyor or professional engineer that prepared the plan shall be on each plan sheet.
  - g. A surveyor's certificate containing the following elements:
    - i. The name of the current owner and the recordation reference of the most recent instrument in the chain of title;
    - ii. For subdivisions and consolidations, the recordation reference of any previous plan of subdivision or resubdivision, whichever is the case.
    - iii. A statement that the boundary of this subdivision, or resubdivision, is based on a current field survey (in this case it is expected and understood that the seal and

signature of the land surveyor evidences that the boundary shown complies with the minimum field practices for such surveys, as set forth in the Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors, and Landscape Architects), or that the boundary shown is the result of compilation from deeds and/or plans of record.

- h. Area tabulation indicating (where applicable) the total site area, number of new lots and/or parcels, number of recorded lots and/or parcels, new right-of-way dedications, and vacated rights-of-way.
- i. Subdivision, parcel, and lot boundaries with bearings and distances and/or complete curve data. Internal lots shall be geometrically related to the boundary of the subdivision, or section thereof. Curve data shall be shown on the same sheet as the curve it describes.
- j. All existing structures shown on the plan.
- k. Street addresses (assigned during the review process as necessary).
- l. Proposed and existing easements annotated with the following: type, purpose and width; bearings and distances and/or curve data for centerlines, or limits, with ties to property lines and corners (new easements only); deed book and page references for existing easements.
- m. Proposed and existing streets within and/or adjacent to the subdivision, and provided with the following: name, route number, centerlines, bearings and distances and curve data for the rights-of-way.
- n. Vacated streets and parcels with the area vacated and those areas reverting to appropriate abutting parcel(s).

**52-1305. - REGULATIONS AND PROCEDURES GOVERNING THE CONVEYANCE OF REAL PROPERTY AND EASEMENTS TO THE CITY OF BLOOMINGDALE.**

Whenever an applicant proposes, or is legally required, to convey interests in real property to the city, conveyance of such interests shall be made by appropriate deed to the City of Bloomingtondale. The city may then further convey the interest, as it shall deem proper. The city attorney or his designee, which approval shall be evidenced by appropriate notation and signature on the face of the instrument, shall approve all deeds prior to recording.

**52-1305 A.**

In order to ensure that the property rights dedicated to the city may be used for the purpose intended, all conveyances of fee simple title shall be free of conditions, restrictions, and encumbrances affecting marketability of title.

**52-1305 B.**

Conveyance of real property may be made subject to easements, rights-of-way, and other restrictions which properly appear in the lawful chain of title to the property but only if a title opinion has been provided to, and approved by, the city attorney. Such report shall be prepared at the applicant's expense by an attorney approved by the city attorney, or by the city attorney at the applicant's expense. Such title report shall identify the nature and extent of such easements, rights-of-way, and other conveyances of title subject to any conditions, restrictions, and encumbrances that the city attorney determines does not adversely affect the use for which the interest in land is to be dedicated.

**52-1305 C.**

All deeds and title opinions required hereby shall be submitted to the Zoning Administrator for review no later than when the final plans is submitted for approval. They shall be forwarded to the city attorney who shall note his approval or disapproval, specifically noting his reasons for disapproval, if any.

**52-1305 D.**

Upon approval of deeds and title opinions by the city attorney, the deed shall be presented to the Mayor and City Council at an official meeting for acceptance of dedication. The signature of the Mayor on the face of the deed and the approval by city council shall be prima facie evidence of formal acceptance by the City of Bloomingdale of all interests conveyed. However, there shall be no implied dedication of property to the city. The absence of a deed or the mayor's signature on a deed is prima facie evidence that a dedication of property to the city did not occur.

**52-1305 E.**

The applicant shall be responsible for assuring all deeds and plans are properly recorded in the land records of Chatham County and shall submit a copy of the recorded document, with the appropriate deed book and page numbers, for the project records.

**52-1306. - SUBDIVISION NAMES AND SITE PLAN NAMES.****1306 A.**

Names of subdivisions and site plans shall not duplicate or closely approximate names already in use or approved by the city administrator. All site plans and subdivision names are subject to approval by the city administrator.

**52-1306 B.**

Lot or unit numbers within a subdivision section shall be consecutive whole numbers starting with the number one. There shall be no prefix or suffix attached to the number, except in the case of resubdivision of lots.

**52-1306 C.**

Site plans submitted for property that is recorded or proposed subdivision under review shall use the same name as the subdivision for identification.

**52-1306 D.**

Site plan and subdivision names shall not be changed subsequent to approval of the name during review.

**52-1307. - VIOLATIONS AND STOP WORK NOTICES AND PROCEDURES.****52-1307 A.**

Construction activity on any site shall be conducted in strict accordance with the limits of clearing and grading as shown on final plans approved by the City of Bloomingdale. Construction activity shall also be conducted only on those items for which a permit has been obtained. Failure to obtain required permits, or develop the site in accordance with approved plans, will necessitate the city taking any and all necessary actions required to correct the situation. Such actions may include, but shall not be limited to the following:

1. *Posting of a stop work (construction) notice.* Such notice shall be posted in a conspicuous place on the site in violation by a representative of the agency responsible for the inspection of the improvements being made, and also forwarded, by certified mail, to the developer.
2. *Issuing a written notice to the owner or responsible agent, from the agency responsible for the inspection of the improvements, outlining the nature of the violation and requiring on-site activity to cease and desist immediately.* A copy of the notice shall be sent to all other agencies responsible for inspections on that site.
  - a. This notice will instruct all other agencies to revoke all permits which may have been issued, cease making any further inspections on that site and cease processing any plans for that site, if the violation is deemed to be of such a serious nature.
  - b. If cooperation is not received from the owner or responsible agent and work is not stopped immediately upon notice, a court injunction to stop work (construction) will be sought.
4. *Criminal process.* The City of Bloomingdale may, if necessary or appropriate, seek criminal process against any person who violates any provisions of this ordinance. The issuance of a violation notice, and correction order shall not be deemed a precondition to the issuance of a warrant or summons for such violation. In addition, the director of public works may seek immediate civil relief, regardless of what other action has been or will be taken.

**52-1308. - PERFORMANCE BONDING POLICY.****52-1308 A. - Purpose.**

It is the purpose of this section to assure that infrastructure associated with development projects that is to be publicly dedicated is actually constructed to minimum design standards, acceptable to the city, and, once officially accepted, protected by an enforceable maintenance agreement for a period of two years.

**52-1308 B. - Performance agreements and guarantees.**

1. A performance agreement, supported by an acceptable form of guarantee, shall be required on all projects that require public infrastructure including, but not limited to, streets, sidewalks, water, sewer, drainage facilities and improvements, parks and open space, and any other improvements that become the property of the City of Bloomingdale for future maintenance purposes. This agreement and guarantee shall obligate the applicant to construct all required improvements, in accordance with approved plans, in a timely manner. Public agencies seeking site development plan approval may supply a letter of intent to comply with this requirement, provided that a performance agreement is secured from the contractor performing the construction, guaranteeing the construction will be completed in accordance with the approved site development plans and requirements.

2. A separate soil erosion and sedimentation control bond may be required on projects subject to the city's soil erosion and sedimentation control ordinance as a condition for issuance of any land disturbing activity permits to assure the timely installation and maintenance of required erosion control measures during the construction period. Requirements for such bond may be found in the city's soil erosion and sedimentation control ordinance.
3. The City of Bloomingdale may also require, if applicable, an acceptable form of guarantee, to assure the timely construction and completion of required site improvements such as amenities, in accordance with approved plans including, but not limited to, recreational facilities, storm water facilities, parking, driveways, landscaping, and other improvements not intended for public dedication but which serve a common benefit to users and occupants of the development.
4. The terms of the agreement shall correspond to the estimated length of the project construction period, as agreed upon between the applicant and the Mayor and Council. Thereafter extensions may be permitted if requested in advance of the current expiration date. All agreements and any extension thereof shall be in writing.
5. The aggregate amount of all forms of guarantee posted on a project shall not exceed the total of the estimated cost of construction, as agreed upon between the applicant and the Mayor and Council. In the event of a dispute, the amount reasonably determined by the Mayor and Council shall be conclusive.

**52-1308 C. - Extensions and rebonding of agreements.**

1. When a developer enters into an agreement with the City of Bloomingdale, it is understood that all the necessary physical improvements must be completed in the specified period of time. If all the noted improvements are not completed within this time period, and no extension has been obtained, or a replacement agreement and bond have not been submitted and approved with a new expiration date, the agreement shall be deemed in default.
2. Approximately 60 days prior to the expiration of the agreement or after the expiration of the agreement but 60 days prior to any action being taken by the city, the city shall notify the developer in writing of the expiration date. The notification shall advise the developer that he will be in default or is in default unless the work is completed in accordance with the agreement and approved plans, or an extension of time is obtained in accordance with the requirements of this policy during the 60-day period.
3. The developer shall make a written request to the Mayor and Council for an extension of the performance agreement's expiration date.
  - a. The first request may be for a period not to exceed one year. In order to receive the maximum extension, the developer must demonstrate that the extension would be in the best interest of the city.
  - b. If subsequent extensions are required, they will be for maximum periods of six months each. All requests shall be made at least 14 calendar days prior to the expiration date.
  - c. The developer must indicate the reasons and conditions that have precluded him from completing the required physical improvements. The developer must also present written consent to the request from all sureties involved, including corporate surety companies. In addition, the request shall contain a detailed cost estimate of the work remaining, together with a projected timetable for completion.
  - d. An additional fee to cover any necessary inspection and administrative costs shall be paid in accordance with the fee schedule for such inspections.

4. The Mayor and Council, upon receipt of the extension request, will review the project particulars and may either deny or condition the extension granted. The factors to be considered by the city council shall include the following:
  - a. Percentage of the project that has been completed. This shall be viewed as the percentage of the bonded improvements completed. Generally, this should be at least 50 percent for the first extension request and 85 percent for the second request.
  - b. Number of homes/units completed, occupied, and served by public facilities, if applicable. Generally, this should be at least ten percent of the project for each year (or prorated portion thereof) the project has been under construction.
  - c. Developer's performance history on prior projects in the City of Bloomingdale. This shall be based on the developer's previous number of defaults.
  - d. The collective number, type, and validity of complaints lodged against the developer.
  - e. Whether the project provides access and/or infrastructure necessary for other projects that are either under construction or approved and no site development permits have been issued.
5. In the event the developer does not respond to the letter sent by the city cautioning them of impending default, or that the Developer is in default and the project was not completed by the expiration date, the matter shall be reviewed by the Mayor and Council for appropriate action including referral to the city attorney for action.

**52-1308 D. - Performance bond reductions.**

1. Any form of guarantee may be partially released periodically (i.e., reduced) to an amount not less than either 25 percent of the project's highest bond value or not less than the actual cost of completion, whichever is higher, plus permitted allowances in accordance with the provisions of this section.
2. All reduction requests shall be submitted in writing to the Mayor and Council. No request shall be deemed officially received unless submitted in accordance with the following requirements:
  - a. If an extension of the performance agreement is sought, every requirement for an extension request must be met, including, but not limited to, submission of written consent by the surety to any such request;
  - b. The request shall identify the project, performance agreement, bond, and completion date and must specify the amount of reduction sought. It shall also contain a detailed cost estimate, certified by the project design professional, of the remaining work and a projected timetable for completion.
  - c. A fee, covering any necessary inspection and administrative costs, shall be paid in accordance with the fee schedule.
3. Periodic partial bond reductions shall not occur before at least 30 percent of the bonded improvements have been satisfactorily completed.
4. The city shall not be required to execute more than three reductions in any 12-month period, except as authorized by the Mayor and Council.
5. No reduction shall be approved if the performance agreement is in default. However, reduction requests may be considered concurrently with extension requests.

- a. In such instances as the Mayor and Council deems appropriate, the developer shall furnish a certificate of completion, from a state licensed professional engineer, stating the work described has been performed in strict conformity with either the approved final plans, or as-built plans submitted therewith, and that the work meets all applicable standards.
- b. The Mayor and Council, or their designer, shall act upon any reduction request within 30 days of its official receipt. If the request is disapproved, the developer shall be notified in writing of the specific reasons for disapproval. If no action is taken within the time specified, the request shall be deemed approved, and a partial release granted.

**52-1308 E. - Performance bond and agreement final release procedure.**

1. All final performance bond release requests shall be authorized within 60 days of their official receipt, in writing, by the Mayor and Council, or their designee, provided the following criteria have been met:
  - a. Acceptance of all public facilities by the state agency, local government department or agency, or other public authority that is responsible for maintaining or operating such facility, and the completion and approval of any other bonded site related improvements.
  - b. Acceptance of as-built plans by city staff and the city's consulting engineer.
  - c. Payment by the developer of all required fees, proffers, and contributions.
  - d. Posting of a two-year maintenance bond in an amount equal to 25 percent of the initial bond amount posted for water, sewer, and streets.
2. If a final bond release is not authorized within the 60-day period, the developer may send an additional request, by certified mail, to the Mayor and Council. Within twenty business days of the receipt of the request, the Mayor and Council shall either release the bond, or notify the developer of the specific agency approval not received. If no action is taken, the request shall be deemed approved and final release granted.

**52-1308 F. - Default and evaluation procedures.**

1. If the developer fails to complete the required site improvements in the period of time specified in the agreement, or any approved extension, the developer is deemed in default.
2. The Zoning Administrator shall forward a report on the project to the City Administrator, with the Zoning Administrator's recommendation to formally declare the project to be in default. Such recommendation shall also enumerate a recommended course of action in response to default. Such recommendation may include the following, in any combination:
  - a. That the city attorney be authorized to institute such actions as deemed appropriate to enforce the provisions of this policy, the performance agreement and bond, and applicable code provisions.
  - b. That demand be made of the surety on the developer's bond for payment of the funds secured thereby, for application to completion of the project, or for performance of its principal's obligations.
  - c. That the city contract for completion of unfinished infrastructure.
  - d. That all or any portion of the project be vacated.
  - e. That any successor in interest to the defaulted developer be required to post an adequate replacement performance agreement.



- f. That no additional building permits be issued for the project subject to the bond until an adequate right of entry permit bond is posted with the city. Such a bond shall bind and hold the applicant responsible for any and all damages to any public improvements already in place caused by work covered by the resulting right of entry permit and building permit.
3. The developer and surety will be mailed copies of the Zoning Administrator's report and recommendation. They also will be advised of their opportunity to be heard on the matter at the scheduled meeting of the Mayor and City Council. Either the developer or the surety, or both, may offer proposals for completion as alternatives to that of the recommendation of the Zoning Administrator. Any such proposal must be submitted in written form and signed by someone with the appropriate authority to issue a binding proposal.
4. All defaulted projects shall be scheduled for completion in chronological order of their declaration of default. Exceptions to a policy of first in, first out shall be made when the funds associated with a bond or letter of credit are collected by the city and cover the cost to complete the bondable items, and the project is eligible for acceptance. In such cases, the project shall be inserted into the existing project completion schedule as the next project to be handled by the city and/or its contractor.

#### **52-1309. - AS-BUILT PLANS.**

##### **52-1309 A.**

As-built plans shall be required on all completed development projects except those only requiring minor site plans. The acceptance of as-built plans shall be a prerequisite to final construction acceptance, bond release, and the issuance of a final certificate of use and occupancy. Copies of the as-built plans prepared and certified by a registered land surveyor or professional engineer shall be submitted to the zoning administrator, public works and water/wastewater at the time final inspections are conducted. Final inspections will not be made unless the as-built plans are available.

The following information shall be included on the plans:

1. Horizontal locations of all sanitary sewers, storm sewers and waterlines, which include:
  - a. Two ties to all water valves or blow offs. In cases where a group of valves may be located at an intersection, two ties may be provided to one valve and the remaining valves tied to each other;
  - b. One tie to all sanitary sewer manholes and storm sewer structure;
  - c. Two ties to all sanitary sewer cleanouts on laterals which are located within a street right-of-way, and two ties to the first clean out on a lateral connected to a main within a street right-of-way;
  - d. Location of all water meters, detector checks, fire-flow meters, fire hydrants, air release valves, grease traps and any other water or sewer system appurtenances. The size of all meters larger than three-fourths inch is to be noted. All ties shall be affixed to easily locate permanent objects (i.e., building corners).
2. Invert elevations on storm sewers and sanitary sewers.
3. Length, size, and type of material used for all storm sewer and storm water management systems.
4. Top of structure elevations on all sanitary manholes and storm sewer structures.

5. As-built topography on storm water detention basins and verification of storage volumes.
6. Detailed as-built information for special design drainage and storm water management structures.
7. Spot elevations showing inverts of improved channels and swales located in dedicated drainage easements.
8. All dedicated easements. The cover sheet shall show, the deed book and page number(s), in which the water and sewer easements and/or subdivision plans are recorded, must be shown.
9. A graphic scale.
10. Any changes from the approved construction plans must be indicated by circling the change in red.
11. A note certifying compliance of the site to approved plans and conformance of any revisions, to all applicable standards. The following certification shall be used:
  - a. "This physical survey has been reviewed, and in my professional opinion, based upon my knowledge, information, and belief, the design elements measured by the physical survey comply with the approved plans. This review does not imply in any way that (i) inspections were made during the construction, (ii) to the quality of the work, or (iii) to any element or structure not visible or depicted on the physical survey."

In addition to the as-built plans, the professional engineer shall provide the city with a measure of the impervious area of the site. This information shall be shown in a form, and provided in digital format, as detailed by city regulations. The as-built plans and the impervious area information will be reviewed for compliance with the requirements of this section during the final inspections. Any deficiencies with the as-built plans or the impervious area information must be corrected before final construction acceptance is granted.

#### **52-1310. - CERTIFICATE OF USE AND OCCUPANCY.**

##### **52-1310 A.**

No new building, structure, or an addition to a previously constructed building or structure shall be occupied, nor shall a change of use of a property or any structure be permitted until a certificate of use and occupancy has been issued by the Zoning Administrator in accordance with applicable building codes, this ordinance and the provisions of the zoning ordinance.

##### **52-1310 B.**

In addition, no certificate of use and occupancy shall be issued until all required site improvements are installed in accordance with the approved plans, or in accordance with a written phasing plan approved by the city council.

**52-1310 C.**

A certificate of use and occupancy shall state that the use and/or structures complies with all relevant provisions of this ordinance and all other City of Bloomingdale Code of Ordinances, and that it has been inspected by appropriate public officials and meets all requirements of applicable building codes, fire codes, and other laws, ordinances, rules and regulations governing the construction and use of structures on property.

**52-1310 D.**

The Zoning Administrator may issue a final certificate of use and occupancy for a portion of a multiphase, multiple section or multi-tenant project.

1. Such certificate of use and occupancy shall only be issued, predicated on the following:
  - a. The city council's review and approval of a written, phased site development plan;
  - b. Approval of all safety related items (e.g. frontage improvements, ingress and egress, storm water management facilities, streetlights, handicap parking signs, water hydrants, etc.); and
  - c. Approval of adequate utility infrastructure and adequate additional amenities as may be required to serve that portion of the project.

**52-1310 E.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, or premises, or both, or parts thereof hereafter created, erected, placed, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the zoning administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance and other codes and ordinances adopted by the city.

**52-1310 F.**

No nonconforming structure or use shall be changed, or extended, until a certificate of occupancy shall have been issued by the building inspector.

**52-1310 G.**

No permit for erection, alteration, moving, or repair of any building shall be issued until an application for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

**Preliminary Site & Subdivision Plan Minimum Submission Requirement Checklist**

**Final Site and Subdivision Plan Minimum Submission Requirement Checklist  
(Construction Drawings)**

**Minor Site Plan Minimum Submission Requirement Checklist**

**ARTICLE 14. - ROADS, SITE AND DRAINAGE DESIGN SPECIFICATIONS****52-1401. - SUBMITTAL REQUIREMENTS.****1401 A. - Traffic analysis.**

New developments that will generate a significant amount of traffic may be required to perform a traffic analysis. The city will review each proposed development on a case-by-case basis to determine if a traffic study is required. If the city deems the size of the project warrants a traffic study, then the developer's design professional who is qualified to do this type of work will be required to perform a traffic study. The study must include traffic impacts on the existing road(s) adjacent to the project, improvements to the existing road(s), entrance requirements, number of entrances, traffic circulation within the project, width of proposed streets, etc.

**52-1401 B. - Hydrology study.**

Each new development will be required to perform a hydrology study by a qualified professional engineer registered in the State of Georgia. The study shall include a discussion of existing downstream conditions and impacts of the proposed development to downstream properties, measures taken to address increased runoff, concentrated discharges, etc.

**52-1401 C. - Plans.**

All plans shall have sheet sizes no larger than 24" × 36".

*1. Subdivisions.*

- a. The preliminary plan shall show land lots, district and north arrow, existing and proposed roads with their names, lot layout. Existing roads shall show existing and proposed right-of-way, pavement widths and signs distances. The preliminary plan shall also show topography with contour lines at two-foot intervals, all existing streams, watercourses and storm sewers, and the discharge points for all existing drainage structures. Floodplain limits, if applicable, shall be shown on the plat.
- b. The final site and subdivision (construction plans) shall include the preliminary plan and in addition the proposed road system layout in plan and profile. The road layout shall include stations every 100 feet in plan and profile, horizontal and vertical curve data, intersection radii, width and section of proposed roads, entrance design, cul-de-sac dimensions, drainage structures and storm sewer locations, curb and gutter details, utility locations, street signs, etc. The storm sewer system shall be shown in plan (with easements) and profile. The storm sewers shall have proposed inverts at each drainage structure, lengths and slopes of pipes, pipe sizes, types of storm sewers and drainage structures, etc. Detention facilities with proposed grading shall be shown on the plans with the principal and emergency spillways shown in plan, profile and sections. The storm sewer system shall show drainage areas, runoff coefficients, intensity rates, peak flows, pipe capacities, headwater depths, etc. Details of road sections, curb and gutter, drainage structures, etc. shall be shown on the plans.
- c. The minor site plan shall comply in all aspects with the Georgia State Plat Act. The plan shall note land lots, tax map, block and lot number, building setbacks, current zoning of property, closure error (field and calculated), survey equipment used and private covenants. In addition, the plan shall show lot numbers in consecutive order, street names, 100-year floodplain or note absence, drainage easements, water (if applicable) and sanitary sewer system easements, north arrow, index map and storm sewer pipes

and sizes. All lettering shall be legible in accordance with the State Plat Act. Sheet sizes shall not exceed 24" × 36" and the lettering shall be large enough that when the plan is reduced for recording, lettering will still be legible.

2. All individual commercial/industrial site plans shall comply in all aspects with the Georgia State Plat Act. The plan shall note land lots, tax map, block and lot number, required building setbacks, proposed building(s), right-of-way, pavement widths and sign distances on existing road(s), entrances, driveways, maneuvering aisles, parking spaces, size with number of justified parking spaces and proposed grading, road frontage width, current zoning of property, north arrow, topography with existing contour lines at two-foot intervals, existing streams, water courses and storm sewers, closure error (field and calculated), survey equipment used and private covenants. In addition, the plan shall show lot numbers in consecutive order, street names, 100-year floodplain or note absence, drainage easements, water (if applicable) and sanitary sewer system easements, index map, and proposed storm sewer pipes and sizes and profile with inverts, lengths, grades, types of pipes and drainage structures. Detention facilities with proposed grading shall be shown on the plans with the principal and emergency spillways shown in plan, profile and sections. The storm sewer system shall show drainage areas, runoff coefficients, intensity rates, peak flows, pipe capacities, headwater depths, etc. Details of pavement sections, curb and gutter, drainage structures, etc. shall be shown on the plans. All lettering shall be legible in accordance with the State Plat Act. Sheet sizes shall not exceed 24" × 36" and the lettering shall be large enough that when the plan is reduced for recording, lettering will still be legible.

#### **52-1401 D. - As-builts.**

1. *Subdivision:* As-builts shall include the full set of construction plans with the infrastructure shown as it was actually constructed. The road system shall show actual grades, horizontal and vertical curve data, catch basin locations, etc. The plans shall show the storm sewer system in plan and profile, drainage structure invert elevations, pipe grades, lengths, size of pipes, detention pond outlet works, etc. The detention pond-grading plan shall be shown with a certification that the pond configuration and outlet works were built according to design. The as-builts shall be submitted before approval of the final plan. A reproducible copy of the final plan and two sets of as-builts shall be submitted. A digital copy of the as-built plans shall also be submitted in a format and coordinate system compatible with the city's geographic information system.
2. *Individual commercial/industrial sites:* As-builts shall include the full set of construction plans with the improvements shown as it was actually constructed. Normally the as-builts are the original construction plans modified to reflect the actual construction. The plans shall include grading, entrance locations, pavement layout, striping, curb and gutter, storm sewers in plan and profile, building location(s), etc. Detention facilities grading and outlet works shall be shown with a certification that the pond complies with the original design. A digital copy of the as-built plans shall also be submitted in a format and coordinate system compatible with the city's geographic information system.

#### **52-1401 E.**

The proposed names for all new streets or roads within a subdivision or project, whether public or private, shall be submitted to the city for consideration and approval.



**52-1402. - ACCESS TO PROPERTY.**

Openings for vehicular access to lots from public streets, referred to as curb cuts or driveways, shall be regulated by the City of Bloomingdale in accordance with the following requirements:

**52-1402 A. - Size and spacing.**

In no case shall a curb cut or other access point be less than ten feet or more than 30 feet in width. Except in residential zoning districts no two curb cuts or other access points shall be closer than 50 feet from each other.

**52-1402 B. - Location.**

At street intersections, no curb cut or other access points shall be located closer than 35 feet from the intersecting point of the street right-of-way lines.

**52-1402 C. - Visibility.**

At any street intersection or at the intersection of any private driveway with a street, no fence, wall, sign, planting or other structure or object shall be permitted or maintained that will form an impediment to the point of intersection of the driving surfaces.

**52-1402 D. - Visibility at intersections.**

On corner lots no fence, shrubbery or other obstruction to the traffic sight vision, except utility poles or traffic lights or sign standards shall exceed a height of three feet within a triangular area formed by the intersection of the right-of-way lines of two streets or a street intersection with a railroad right-of-way line and a diagonal line which intersects the right-of-way lines at two points each a minimum of 20 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 totally located at least ten feet above the finished grade shall be permitted.

**52-1402 E. - Permit required.**

No person shall be authorized to open any curb cut, grade or otherwise make any improvements upon the public right-of-way of any street, road or highway, except with approval of the City of Bloomingdale. The city reserves the right to require the applicant to indemnify and hold the city harmless for any injury or damage to public utilities and improvements existing within said right-of-way over which any driveway or other improvement is to be built. The city further reserves the right to require the property owner, at his expense, to remove any permitted improvement or to relocate or repair the same as necessary for the maintenance and future improvement of said right-of-way, including the location, relocation, repair or removal of utilities existing therein.

**52-1402 F. - New subdivision or developments fronting upon the state highway system.**

Whenever a new subdivision or development is proposed, which fronts the state highway system and requires access therefrom, no final approval of the site plan shall be given by the City of Bloomingdale until the developer has submitted the final plat to the Georgia Department of Transportation, received approval and submitted this approval to the Zoning Administrator. The time limitations for final approval of a final subdivision or development under this ordinance shall not be deemed to begin until such approval has been granted.

**52-1402 G.**

Each new subdivision or project shall install deceleration and acceleration lanes and turning lanes at the entrance of the subdivision or project unless waived by city council.

**52-1403. - STREET DESIGN CRITERIA.**

**52-1403 A. - AASHTO standards.**

Road design shall conform to AASHTO (American Association of State Highway and Transportation Officials) requirements, unless otherwise noted.

1403 B. - Minimum design speed and maximum grade.

Minimum design speeds and maximum grades for proposed streets in the City of Bloomington by street classification shall be as follows:

<b>Table 14.1 Minimum Design Speed and Maximum Grade</b>		
<b>Street Type</b>	<b>Maximum Allowable Grade</b>	<b>Minimum Required Design Speed</b>
Arterial	8%	55 MPH
Major Collector	10%	45 MPH
Minor Collector	15%	35 MPH
Unclassified	18%	25 MPH
Alleys	Varies	Varies

**52-1403 C.-Minimum Street grade.**

Minimum grade on cul-de-sac shall be 1.5 percent to maintain one percent in curb lines.

**52-1403 D. - Sight distance at entrances to new development.**

1. The sight distance along existing city roads at proposed entrances for both subdivisions and individual commercial/industrial sites shall be designed according to "A Policy on Geometric Design of Highways and Streets", most current edition, by AASHTO. The design professional should refer to the chapter entitled "At-Grade Intersections", and the "Sight Distance" section of this chapter.
2. A general guide is provided in the Standard Detail SSD-1 for sight distances at entrances. This guide does not relieve the design professional from complying with all aspects of AASHTO sight distance requirements for entrance designs.
3. Each traffic movement through the intersection should be checked for vertical and horizontal sight distance. Any object high enough above the roadway to constitute an obstruction should be shown on the plans and noted to be removed or lowered. Such obstructions include signs, ground cover (vegetation), cut slopes, hedges, buildings, etc.

**52-1403 E. - Minimum length of vertical curves.**

Interior subdivision streets—Crest vertical curves  $K = 10$ , sag vertical curves,  $K = 20$ . Curve length equals the product of the  $K$  value and the algebraic difference in the road grades. Minimum vertical curve length shall be 100 feet.

**52-1403 F. - Widening for development entrances.**

1. The following widening is required for new developments in both subdivision and individual commercial/industrial site development entrances.

<b>Table 14.2 Widening for Development Entrances</b>		
<b>Street Classification</b>	<b>Street Width (ft.)</b>	<b>Required R/W (ft.)</b>
Arterial	24+	50+
Major Collector	24	40
Minor Collector	20	30
Local	12	25

2. Street width is measured from centerline to the edge of the pavement.
3. Right-of-way is measured from the existing centerline.
4. Lane length is measured 150 feet from tangent point of radius to beginning of taper. Tapers are 50 feet. Vertical curb and gutter is required through the radii. The additional lane can be stopped at the projected property line if there is inadequate right-of-way, excessive cut or fills to install the lane. In this case, the tapers would start at the projected property line unless excessive cut or fills would encroach on the right-of-way limits of the abutting property.
5. Paving section shall correspond to the street classification of the existing road the entrance connects to:
  - a. *Arterial* —Industrial paving section.
  - b. *Major collector* —Industrial paving section.
  - c. *Minor collector* —Commercial paving section.
  - d. *Local* —Commercial paving section.
6. The cost of any catch basins, which must be constructed when an existing city or county road is required to be modified, will be paid by the developer.
7. Existing storm sewers located in the area of the entrance widening shall be extended and connected to the proposed storm sewer system at the developer's expense.
8. See standard detail drawings for widening at entrances.

**52-1403 G.-Residential Street section.**

1. Residential streets shall be a minimum of 22 feet of paved width within the curb and gutter. There shall be a minimum shoulder section behind both curbs as shown in the standard detail drawings and based on the city's sidewalk requirements.
2. Pavement width shall be no less than as follows:

<b>Table 14.3 Residential Street Section</b>	
<b>Street Types</b>	<b>Minimum Pavement Width</b>
Arterial	As may be required
Major Collector	12 ft. lanes + curb & gutter
Minor Collector	24 ft. + curb & gutter
Local	22 ft. + curb & gutter

3. See typical residential curbing detail.
4. Cul-de-sac radius shall be as shown in the standard detail drawings.

**52-1403 H. - Industrial/commercial streets.**

1. Pavement width for industrial/commercial streets shall be no less than as follows:

<b>Table 14.4 Industrial/Commercial Streets</b>		
<b>Type Street</b>	<b>Minimum Right-of-Way</b>	<b>Minimum Pavement Width</b>
Arterial	100 feet	52 ft. + w/13+ foot lane
Major Collector	80 feet	52 ft. w/13-foot lane
Minor Collector	80 feet	28 ft. w/14-foot lane

2. Paving standard shall be as shown in standard detail drawings for industrial/commercial streets.
3. See typical industrial curbing detail in standard detail drawings.
4. Cul-de-sac radius shall be as shown in the standard detail drawings.

**52-1403 I. - Dam supporting road.**

No city road shall be designed to cross an existing or proposed dam.

**52-1403 J. - Curbs and gutter.**

Curb and gutter shall be required on all paved streets:

1. *Residential curb and gutter:*
  - a. Vertical curb and gutter.
  - b. Typical section shall be 6" × 24" × 12".
2. *Commercial/industrial curb and gutter:*
  - a. Vertical curb and gutter.
  - b. Typical section shall be 6" × 24" × 12".

**52-1404. - SIDEWALKS.****52-1404 A.**

Sidewalks shall be required in all residential, commercial and industrial developments along both sides of the proposed streets. Sidewalks shall also be required along the existing streets on the side adjacent to the development. This requirement may be waived for certain residential streets subject to the type of development.

**52-1404 B.**

Sidewalks shall be located as shown in the standard detail drawings, but not less than one foot from the property line to prevent interference of encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date.

**52-1404 C.**

Concrete sidewalks shall be a minimum of five feet wide and four inches thick.

**52-1404 D.**

Sidewalks shall be located on both sides of proposed streets and on existing streets on the side adjacent to the development.

**52-1404 E.**

Sidewalks shall have a prepared base where necessary and be backfilled and landscaped.

**52-1405. - TRAFFIC SIGNS.****52-1405 A.**

The design professional shall show the location of all required traffic signs. Unless otherwise noted, design of traffic signs shall conform to the Manual on Uniform Traffic Control Devices.

**52-1405 B.**

Stop signs shall be located from the signs edge six feet off the back of curb or edge of gravel at the beginning of the intersection radius. The sign shall be located on the right side of the intersection. The bottom of the sign shall be at least five feet above the edge of pavement or back of curb. This standard applies to typical residential interior street intersections.

**52-1405 C.**

All other intersections shall have stop signs located according to the Manual on Uniform Traffic Control Devices.

**52-1405 D.**

Stop signs shall be sized so that their overall dimensions are 30" × 30".

**52-1405 E.**

All other signs shall be sized according to the Manual on Uniform Traffic Control Devices published by Federal Highway Administration

**52-1406. - UTILITY LOCATIONS.**

All utility locations shall correspond to the typical layout shown in the standard detail drawings.

**52-1407. - BRIDGE PILING.**

Shall be driven to state highway load standards for loading. Certification of pile load shall be by registered professional engineer.

**52-1408. - APARTMENTS AND CONDOMINIUMS.**

Streets shall be constructed to residential street standards as set forth in these specifications.

**52-1409. - MOBILE HOME PARKS.**

Streets shall be constructed to residential street standards as set forth in these specifications.

**52-1410. - SITE DESIGN FOR INDIVIDUAL COMMERCIAL/INDUSTRIAL LOTS.****52-1410 A. - Entrance design.**

1. See above sections "sight distance at entrances to new development", "widening for development entrances" and "individual commercial/industrial sites - development entrances."
2. Width of entrances shall be limited to those shown in the standard design drawings. Entrances with several lanes for different traffic movement with concrete or painted islands shall be reviewed on a case-by-case basis.
3. Spacing of entrances and distance of entrances to property lines shall be limited to distances shown in the standard design drawings.
4. Entrances shall comply with valley gutter requirements shown in the standard detail drawings (GA DOT Standard 9031U).

**52-1410 B. - Proposed grading.**

1. Proposed grading shall have positive drainage.
2. Swales lined with grass or stone shall be designed with a minimum 1.0 percent slope. Concrete lined swales shall be designed with a minimum 0.5 percent slope.
3. Embankment slopes. The design of embankment slopes is dependent upon the type of soil encountered at each site. A soils engineer must be employed to design slopes and slope stabilization for slopes steeper than the following:
  - a. Maximum cut slopes should be no steeper than 2:1.
  - b. Maximum fill slopes should be no steeper than 2.5:1.

**52-1410 C. - Automobile parking.**

1. Automobile parking shall be designed with maneuvering aisles and parking spaces to the minimum dimensions as shown in the standard detail drawings.
2. The number of parking spaces required for each development shall be as required in the City of Bloomingdale Unified Development Code.
3. Paved automobile parking. All off-street automobile parking, access and maneuvering aisles shall be paved.
4. Parking for the handicapped shall be designed as shown in the standard detail drawings.

**52-1410 D. - Retaining walls.**

Retaining walls shall be designed by a registered engineer qualified to do structural design.

**52-1411. - STORM DRAIN DESIGN CRITERIA.****52-1411 A.**

This section provides maximum and minimum values, and methodologies accepted by the City of Bloomingdale in the preparation of stormwater drainage plans. The latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual shall be consulted for the proper design procedures in meeting the standards of this section.

1. Sizing and location of all existing and proposed storm sewers shall be the responsibility of a professional engineer registered in the State of Georgia.
2. Storm drainage pipes shall be sloped so as to maintain a minimum velocity of three fps during the two-year storm event so that sediment will not collect.
3. The Rational Method shall be used for calculating discharges for storm sewers draining less than or equal to 25 acres. The SCS method or USGS regression equations may be used for calculating discharges for storm sewers draining over 25 acres.
4. The 25-year storm event shall be used in sizing storm drains that serve public streets and rights-of-way. Storm sewers and culverts conveying water under public streets shall be sized to carry runoff from the 100-year storm event without overtopping the road. All other storm-sewer systems shall be sized for the 50-year storm event. The storm sewer system shall be designed for subcritical gravity flow such that the system is not flowing under pressure flow during the design storm. The hydraulic grade line shall be delineated on the construction drawings. Storm sewer systems shall not be designed using Manning's Equation alone. A "standard step" procedure must be utilized.
5. Storm sewers shall not be less than 18 inches in diameter. No storm drain can be under proposed acceleration/deceleration lanes. The city, upon recommendation by the city engineer may modify or waive this requirement if unusual circumstances exist such as topography.
6. Storm drainage shall be collected in storm sewers at or near the perimeter of the property on the upstream end and piped to an existing storm drainage system. This extension requirement can be waived for collection of storm water upstream of roadways where topographic conditions warrant placing the inlet at the toe of the roadway fill.
7. Maximum continuous length of pipe shall be 300 feet for pipes less than 42 inches in diameter.

8. Drainage easements shall be at least 20 feet wide along all storm drain systems and around all detention ponds.
9. Exit velocities from storm-drain pipes shall not exceed four fps during the 25-year storm event without the design of additional energy dissipaters (not including required rip-rap).
10. It is the developer's and/or the contractor's responsibility to ensure that all structures built on individual lots or sites have positive drainage and are built at an elevation to adequately avoid being flooded by the 100-year storm and that runoff from their project does not adversely affect downstream or upstream property. The city is not responsible for damages resulting from improper design or inadequate runoff control.
11. Maximum velocity of runoff in swales lined with vegetation shall be 5.0 feet/second during the 25-year storm event. Swales with runoff velocities in excess of 5.0 fps shall be lined with stone, concrete, or approved synthetic matting.

**52-1411 B. - Drainage structures (excluding pipe or culverts).**

The design professional shall check the hydraulic capacity of each drainage structure designed as an inlet point in the drainage system. The actual storm water flows shall be compared with the structures flow capacity to ensure the capacity is not exceeded.

1. Catch basins shall be designed by the design professional to State Highway Standards 1033D and/or 1034D. Alternate catch basins complying with the standards of the Georgia DOT are subject to approval by the city.
2. Catch basins shall be located outside of intersection radii unless unusual circumstances cause undue hardship, in which case the city may waive this requirement.
3. Catch basin spacing shall be limited to a maximum distance as follows:
  - a. 500 feet on grades up to seven percent.
  - b. 400 feet on grades from seven percent to ten percent.
  - c. 250 feet on grades over ten percent.
4. Maximum gutter spread shall be one-half of the travel lane, as measured from the face of curb, for the 25-year storm event. The inlets shall be spaced in order to intercept a minimum of 85 percent of the flow during the 25-year storm event without exceeding the above gutter spread.
5. The outlet end of all storm drain pipes (except driveway pipe) shall have either flared-end sections or concrete headwalls, which meet GA DOT Standards 1120 or 1125. This same standard applies to the inlet end of storm sewers where an open pipe is designed to collect the runoff.
6. Drop inlets shall be designed to GA DOT Standards 1019A. Weir drop inlets shall be provided in landscape areas. Grated drop inlets shall be provided in paved areas.
7. Junction boxes or manholes having access to the pipe shall be constructed to meet the requirements of State Standard 9031U or 1011A. Manholes shall be provided with eccentric cone sections.
8. Detention Pond riser structures shall be designed to Georgia DOT standards. These structures shall be checked for flotation.



**52-1411 C. - Storm detention facilities.**

All development plans will require a hydrology study certified by a professional engineer registered in the State of Georgia qualified to do work in the field of hydrology. Permanent detention facilities are required for every development project that has an increase in post-development discharges.

1. Detention ponds shall be designed for the two-, five-, ten-, 25-, 50-, and 100-year storm events. The SCS Method is the only acceptable method that can be used for developing hydrographs to be used for detention pond routing.
2. An emergency overflow device (which does not include the throttling device) for a detention pond shall be designed to pass the 100-year peak developed inflow without overtopping the dam. There shall be at least 1.0 feet of free board between the 100-year elevation in the emergency spillway and the top of the dam.
3. Pond discharge locations shall be in defined drainage ditches. The developer's engineer shall include in the hydrology study a discussion of existing conditions downstream of the detention pond and an explanation of how downstream property owners will not be adversely affected by the "concentrated" runoff. If there is an existing storm drainage system within 150 feet of the discharge point of the outlet pipe for the pond, then the developer shall extend the outlet pipe and tie-in to the existing system.
4. The steepest fill slopes shall be 2.5:1 and cut slopes shall be no steeper than 2:1. Vegetated embankments shall be less than 20 feet in height. Riprap-protected embankments shall be no steeper than 2:1. Geotechnical slope stability analysis is recommended for embankments greater than ten feet in height and is mandatory for embankment slopes steeper than those given above. All embankments must be designed to State of Georgia guidelines for dam safety. The maximum depth shall not exceed ten feet.
5. If the City of Bloomingdale determines that the detention pond poses a significant safety hazard, then the detention pond shall be fenced around the 100-year elevation. The fence shall be at least six feet in height with a 14-foot-wide gate. Adequate access must be provided for construction equipment and a drainage easement of at least 20 feet in width must be delineated around the pond on the final subdivision plat.

**52-1411 D. - Bridges.**

Bridges shall be designed for a 100-year storm event.

**1411 E. - Lake(s).**

If it is proposed to make a new or existing lake a part of a subdivision, the developer shall be required to submit a breach analysis for affected property within the boundaries of the development and show the dam breach zone on the plans.

**52-1412. - MATERIALS.**

All materials shall comply with GA DOT Standard Specifications Construction of Roads and Bridges with Supplemental Specifications and Standard Details current edition, unless noted otherwise.

**52-1412 A. - Streets.**

1. *Graded aggregate base course.* The base course shall consist of mineral aggregate and may be a combination of natural deposit or a blend of the materials specified. All materials are subject to approval by the city engineer. If a blend of materials is used, it shall be blended through a base plant, which meets the latest specifications of the Georgia State Highway Department specification 815.
2. *Black base.* The base course shall consist of asphaltic concrete as approved by the city engineer and shall conform to applicable specifications of the Georgia State Highway Department.
3. *Prime.* After the base has been placed, mixed, compacted, shaped, inspected and accepted, it shall be primed with suitable asphaltic materials as specified in DOT Specification 412.
4. *Tack.* Tack coat shall be applied on a prepared road surface according to the requirements of Georgia DOT Specification 413.
5. *Roadway surfaces.* After the prime has been inspected and accepted, the roadway or street shall be surfaced with an asphaltic concrete wearing surface. No surface treatment pavement as a finished wear surface will be accepted. All asphaltic concrete will be mixed in an asphalt plant meeting the latest requirements of the Georgia State Highway Department.

**52-1412 B. - Curbs and gutter.**

1. *Residential.* Concrete shall be Class "A" as defined by GA DOT and have a minimum compressive strength of 3,000 psi at 28 days.
2. *Commercial/industrial.* Concrete shall be Class "A" as defined by GA DOT and have a minimum compressive strength of 3,000 psi at 28 days.

**52-1412 C. - Storm sewer pipe.**

1. State Highway Standard 1030D shall be used in determining class concrete or gauge of pipe under fill.
2. A certification by the supplier of the pipe specifications for each pipe shall be required before installation.
3. Concrete pipe shall be reinforced.
4. Reinforced concrete pipe shall be used under all public streets, where pipe slopes are less than one percent, and for all live streams. Double wall high density polyethylene pipe may be used in all other instances.

**52-1412 D. - Storm drainage structures (excluding storm sewer pipe).**

The materials used for storm drainage structures shall comply with the standards of the GA DOT.

**52-1413. - CONSTRUCTION.**

All construction shall comply with GA DOT Standard Specifications Construction of Road and Bridges, with Supplemental Specifications and Standard Details, current edition, unless noted otherwise. **52-1413**

**A. - Clearing and grubbing.**

The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner. There shall be no burial in the road right-of-way.

**52-1413 B. - Grading.**

1. Grading shall be accurately done to the lines and grades shown on the plans. Embankments shall be placed in uniform layers not to exceed six inches and compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by AASHTO Method T-99. If necessary, in order to obtain this compaction, the contractor shall add moisture to the material as it is placed.

2. Table 14.5 Grading:

Depth of Cut or Fill	Cut Slopes	Fill Slopes
2 feet or less	4 to 1	4 to 1
2 feet to 5 feet	3 to 1	3 to 1
5 feet to 10 feet	2 to 1	2 to 1
Over 10 feet	2 to 1	2 to 1

The depth of cut referred to above shall be constructed to the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill slopes shall be uniform throughout for each section of cut or fill. When a cut is made in rock that requires blasting, the slope may be changed to vertical slope upon the written approval of the subdivision administrator.

3. Typical grading section shall be as shown in the standard detail drawings.
  - a. Shoulder section behind curb on typical streets shall be as shown in the standard detail drawings.

**52-1413 C. - Subgrade.**

1. After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans.
2. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the authorized representative of the city and replaced with suitable, material and compacted to 90 percent minimum.
3. When the street is to be used for construction traffic before the paving work is completed, a layer of #3 stone can be laid as a traffic surface if the developer so desires.
  - a. This material shall not be used as part of the base material.
  - b. It may be worked into the subgrade; or it shall be removed before the base course is set up for paving.

- c. Provision shall be made to drain low points in road construction when the final paving surface is delayed.
  - i. Provide break in the berm section when the curbing has not been constructed.
  - ii. Use 2½ inch or six-inch pipe sections to provide drainage under curb to side slopes.

**52-1413 D. - Curbs and gutter.**

1. Line and grade shall be set by developer's engineer, landscape architect, or surveyor.
2. One-half inch expansion joints or pre-molded bitumastic expansion joint material shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.

**52-1413 E. - Street cuts.**

1. All trenches shall be backfilled and compacted the same day the trench is opened. Backfill in trenches within the right-of-way shall be compacted to 95 percent of the maximum laboratory dry density. In addition, the top one foot of backfill to be located under pavement and curbs shall be compacted to 100 percent of the maximum laboratory dry density. The top one-foot of backfill is as measured from the bottom of the graded aggregate base to one-foot below that surface.
2. The city's policy is no existing city roads can be open cut unless unusual circumstances warrant it. Storm sewers 36 inches or smaller shall be bored. Contact the city for permission to open cut any existing city road. If the city allows open cutting, all trenches under existing paving shall be backfilled and compacted in six-inch lifts and excavated to allow for concrete and asphalt to be placed as shown in the standard detail drawings. The edges of the paving cut shall be saw cut smooth.

**52-1413 F. - Underground utilities.**

1. All utilities located within street rights-of-way within the curbs shall be installed and the ditches backfilled and thoroughly compacted as stated in Section 1406 before any pavement or base is installed. All utilities otherwise located within street rights-of-way, shall be installed and ditches backfilled and compacted to 95 percent of the maximum laboratory dry density.
2. All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.

**52-1413 G. - Shoulders and easements.**

All shoulders and easements shall be clear of limbs and debris, graded smooth and established in grass.

**52-1413 H. - Foreign material on streets.**

1. The developer, builders, and/or homeowners shall be responsible for keeping dirt, mud, building materials, concrete, etc. off of the pavement and curbing of existing city or county roads during construction of buildings in all developments covered by these regulations.
2. Before the streets are accepted by City of Bloomingdale, all litter and trash shall be removed from the dedicated rights-of-way and surrounding areas.

**52-1413 I. - Storm sewers.**

Pipe installation shall conform to GA DOT Standard Specifications for construction of roads and bridges.

1. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. Any debris or silt that constricts the flow through a pipe shall be removed by the developer as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is conditionally approved. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.
2. Minimum clearances are:
  - a. One foot between the bottom of the base or sub-base, if used, and the exterior crown of the culvert.
  - b. A minimum of 0.5 foot between underground utilities and exterior crown of culverts.
3. Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D and current manufacturer's specifications. A typical detail shall be provided on the construction drawings.
4. The storm sewer bedding shall be designed according to the latest manufacturer's specifications and a typical detail shall be provided on the construction drawings.
5. All pipe joint connections and connections to manholes shall be made according to the latest manufacturer's specifications. At a minimum all connections to manholes shall be grouted with cement.

**52-1414. - INSPECTION AND TESTS.****1414 A. - Scope.**

**This section pertains to the inspection and testing of road and storm sewer construction.**

**52-1414 B. - Testing.**

1. All tests shall comply with Standard Specifications Construction of Roads and Bridges by the GDOT, most current edition.
2. Compaction testing shall be done on road embankments, trench backfill and road subbase.
3. Asphalt testing including coring for pavement thickness and asphalt extraction tests shall be done for roads.

**52-1414 C. - Contractor qualifications.**

1. Licensing and safety. All contractors who work on water systems that will be owned by the City of Bloomingdale must be licensed in accordance with State of Georgia Law and local ordinance. Compliance with applicable safety regulations is the responsibility of each company engaged in the work; the city assumes no responsibility for the actions of others on the job site. It is the responsibility of those installing water mains and related appurtenances to conform to OSHA regulations, 29 CFR Part 1926, Subpart P, Paragraph 1926.650 through 1926.653. Publications from OSHA can be obtained by contacting OSHA Publications Distribution, Washington, D.C.
2. Contractors performing road and storm sewer construction must be approved by the city and should be completely familiar with the procedures and contract requirements associated with this type of project.
3. Unsatisfactory work may result in the loss of privilege to obtain a permit for future work in the City of Bloomingdale.

**52-1414 D. - Construction inspection.**

1. *Responsibility for inspection.* The developer's contractor will be responsible for the quality, accuracy and workmanship of his completed work. In addition, the developer shall employ a qualified professional (this shall normally be the same design professional who prepared the plans for the work) to review the quality of work as required during construction and to oversee the various tests and inspection points that are specified herein.

City personnel will visit the job site on a periodic basis and will make spot checks, as they deem appropriate. The City of Bloomingdale shall have the right to review and inspect all construction and may reject any work that does not meet quality control standards. The expenses incurred for such inspections and reviews by the City of Bloomingdale or their designee shall be reimbursed by the project developer. This shall also include the cost of any professional the city employees. (engineer, surveyor, etc...)

2. *Access to project.* Authorized representatives of the City of Bloomingdale, which may include city employees, the city engineering consultant, other consultants, state or federal agencies, shall have access to the site for inspection at any time.
3. *Communications during construction.* All written communications regarding road and storm sewer construction will be directed to the Zoning Administrator.

The developer, contractor(s) and the developer's professional responsible for inspection will be required to attend a pre-construction conference with the city. At the pre-construction conference, the contractor will submit to the city, in writing, the date they propose to begin construction. The contractor will provide notification by phone any time the work is to be vacated and will provide notice by phone prior to resuming work.

The applicable city departments may have informal verbal communications with the contractor foreman or superintendent at any time during construction. The city will not direct the actions of contractor's workmen.

4. *Concealed work.* The contractor shall notify the city and receive inspection approval prior to concealing certain work such as storm sewers and bedding, storm drainage structures, road fill, etc.
5. *Minimum inspection by developer's professional.* The following minimum inspections and tests will be performed and certified by a professional who is employed or contracted by the

City of Bloomingdale. The city may allow the developer to provide a qualified professional to complete the inspections and tests.

- a. *Roadway embankment compaction testing.* Frequency of testing shall be determined by project conditions. Testing schedule and locations subject to approval by the city. Areas failing compaction test shall be reworked as necessary until compaction is achieved.
- b. *Storm sewer trench backfill compaction testing.* At least two tests per road crossing. Random testing for storm sewers in road shoulders. Any areas failing the compaction tests shall be reworked as necessary to achieve compaction.
- c. *Sub-base compaction testing and test rolling.* Compaction tests of the sub-base should be done randomly not exceeding 500 feet apart. In addition, the road sub-base shall be test rolled with the city inspector present. Areas failing compaction testing shall be reworked until compaction is achieved.
- d. *Asphalt pavement.* The asphalt shall be cored for thickness at random locations not exceeding 500 feet apart. Extraction testing shall be done on the asphalt to ensure compliance with GA DOT Specifications for the asphalt section required. Areas with failing asphalt tests shall be corrected by a method approved by the city.
- e. *Concrete.* Testing for concrete shall be done where concrete is used on the project for retaining walls, culverts and headwalls and bridges. Testing shall include slump tests, compressive strength tests and air entrainment tests. Testing shall comply with GA DOT testing standards for concrete.

**52-1414 E. - Final inspections and conditional acceptance.**

The developer's professional responsible for inspection of construction will provide the city with an affidavit after they complete the inspection, testing and submittal of as-built drawings and easements. This affidavit must certify that all specified inspections and tests have been made and successfully passed and that the work has been completed in substantial accordance with the approved plans and specifications. After receipt of this affidavit, the city will schedule a final inspection. A representative of the developer's professional and the contractor will be present during this final inspection. This final inspection will generally include spot checks of storm sewers, drainage system, drainage easements, roads, and a complete overview of the project.

After any discrepancies are corrected, the city will issue a letter certifying conditional acceptance of the water system. This letter shall commence the start of the 24-month warranty period, which is required of the contractor.

On projects having phased development, this letter will allow the developer to apply for a permit for the next phase of development.

At the end of 24 months, the city will re-inspect the entire development. When any discrepancies have been corrected, the city will issue an acceptance letter and will begin perpetual maintenance and operation of the roads and storm sewer system within the right-of-way.

**52-1515. - SAVANNAH INTERNATIONAL AIRPORT AIRSPACE ZONING****52-1515 A. - Short title.**

This ordinance shall be known and may be cited as the "Savannah International Airport Airspace Zoning Ordinance."

**52-1515 B. - Purposes and intent.**

This ordinance is enacted for the following purposes:

- (a) To reduce hazards to residents and property located near the Savannah International Airport;
- (b) To prevent hazards to aircraft utilizing the Savannah International Airport;
- (c) To protect the public investment in the airport and its environs;
- (d) To protect the public health, safety, and general welfare; and
- (e) To ensure that land surrounding the airport will be developed to the best interests of public and private landowners, and for other purposes.

**52-1515 C. - Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**52-1515 D. - Severability.**

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**52-1515 E. - Jurisdiction.**

The jurisdiction of this ordinance shall be all of that area within the incorporated limits of the City of Bloomingdale, Georgia.

**52-1515 F. - Definitions.**

Unless the context otherwise requires, the following words, as used in this ordinance, shall have the meaning herein ascribed to them:

*Airport* means Savannah International Airport.

*Airport elevation* means the highest point of an airport's usable landing area measured in feet above sea level.

*Airport hazard area* means any area of land or water upon which an airport hazard might be established, if not prevented in this ordinance.

*Airport reference point* means the point established as the approximate geographic center of the airport landing area and which is so designated on the Savannah International Airspace Zoning Map.



*Landing area* means the area of the airport used for landing, taking off or taxiing of aircraft.

*Nonconforming obstructions* means any structure, tree or use of land which does not conform to a regulation prescribed in this ordinance, or an amendment thereto, as of the effective date of such regulation.

*Non precision instrument runway* means a runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which nonprecision approach facilities are planned or indicated on an FAA planning document or military service or military airport planning document.

*Person* means any individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

*Precision instrument runway* means a runway having an instrument approach procedure utilizing an instrument landing system (ILS), a microwave landing system (MLS), or precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service approved military airport layout plan; or any other FAA planning document, or military service military planned document.

*Runway* means a defined area on an airport prepared for landing, taking off or taxiing of aircraft.

*Structure* means any object, constructed or installed by man, including, but without limitation thereof, buildings, towers, smokestacks, utility poles, and overhead transmission lines.

*Tree* includes any plant of the vegetable kingdom.

#### **52-1515 G. - Airspace zones established.**

There are hereby created and established certain zones which include all of the land lying within the primary zone, precision instrument approach zones, nonprecision instrument approach zones, transition zones, horizontal zones and conical zones. Such areas and zones are shown on the Savannah International Airport Airspace Zoning Map dated June 1, 1985. Said map is made part of this ordinance to the same extent as if the information set forth on such map was fully designed and incorporated herein, and may be amended subsequent to the adoption thereof. Said map shall be kept on file in the office of the City Clerk of the City of Bloomingdale. The various zones established are shown in illustration number 1 and are defined as follows:

- (a) *Primary zone.* An area longitudinally centered on a runway and extending 200 feet each end of that runway. The width of the primary zone is 1,000 feet for a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff facilities and is of a greater height than the nearest point on the runway centerline.
- (b) *Approach zones.* An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary zone. An approach zone is designed for each runway based upon the type of approach available or planned for that runway end.
- (1) *Precision instrument approach zone.* An instrument approach zone is established at each end of precision instrument runways. The inner edge of the precision instrument approach zone shall

have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway. The inner edge shall then widen uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway.

- (2) *Non precision instrument approach zones.* Nonprecision instrument approach zones are established at each end of the nonprecision runways. The inner edge of the nonprecision instrument approach zone shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway. The inner edge shall then widen uniformly to a width of 4,000 feet for that end of a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths statute miles. This type of approach zone extends to a horizontal distance of 10,200 feet beyond each end of the runway.
- (c) *Transitional zones.* Transition zones are established adjacent to each precision and nonprecision instrument runway. They extend outward from the sides of the primary and approach zones and connect to the horizontal and conical zones. Transitional zones are further established adjacent to the precision instrument approach zone which projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally, from the edge of the precision instrument approach zone perpendicular to the extended centerline of the runway.
- (d) *Horizontal zone.* A horizontal zone is the area within the perimeter of a horizontal plane that is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 10,000 feet for all runways at the airport. The radius of the arc specified for each end of the runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000 foot arch shall be disregarded on the construction of the perimeter of the horizontal plane. The horizontal zone does not include the precision and nonprecision approach zones, and the transition zones.
- (e) *Conical zone.* A conical zone is established as the area that begins at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the approach zones and transition zones.

#### **52-1515 H. - Height limits established.**

Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone to a height in excess of the height limit herein established for such zone. If any structure or tree is erected, altered, allowed to grow, or maintained in an area located in more than one zone, then that structure or tree will be considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) *Precision instrument approach zone.* One foot in height for each 50 feet in horizontal distance, beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway (10,000 feet from the ends of the primary zone); thence one foot in height for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway (50,000 feet from the ends of the primary zone).
- (b) *Non precision instrument approaches.* One foot vertically for each 34 feet in horizontal distance, beginning at a point 200 feet from, and at the centerline elevation of the nonprecision instrument runway and extending to a point 10,200 feet from the end of the runway (10,000 feet from the ends of the primary zone).

- (c) *Transitional zone.* This area extending outward from the sides of the primary zone and approach zones connecting them to the horizontal and conical zones. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone, or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.
- (d) *Horizontal zone.* One hundred fifty feet above established airport elevation.
- (e) *Conical zone.* The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structure[s] in the conical zone are 150 feet above the airport height at the inner boundary with permitted height increasing one foot vertically every 20 feet to a height of 350 feet above the airport elevation.

#### **52-1515 I. - Nonconforming obstructions.**

The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or to otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction or alteration of any structure, the construction or alteration of which was begun prior to the adoption of or to any amendments to this ordinance and is diligently prosecuted and completed within six months thereof.

#### **52-1515 J. - Permits.**

- (a) No nonconforming obstructions or trees may be erected, replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, in any zone created in this ordinance unless a permit is secured from the zoning administrator, authorizing such replacement, change or repair, except as follows:
  1. No permit shall be required for any structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such structure would extend above the height limits prescribed for the following areas:
    - a. Within the entire limits of the horizontal, conical, or transitional zones.
    - b. Within the limits of the precision instrument approach zones.
- (b) Each application shall indicate the purpose for which it is desired, with sufficient particularity to determine whether the resulting use or structure would conform to the regulations prescribed in this ordinance. If such a determination is in the affirmative, the permit applied for shall be granted.
- (c) No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this ordinance, or than it is when the application for a permit is made.
- (d) Whenever the zoning administrator determines that a nonconforming use, or nonconforming obstruction or tree, has been abandoned or is more than 70 percent torn down, destroyed, deteriorated, or decayed, no permit shall be granted that would allow said obstruction or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

**52-1515 K. - Hazard marking and lighting required.**

Any permit granted under section 52-1515 J of this ordinance may, if such action is deemed advisable to effectuate the purposes of this ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Savannah Airport Commission, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

**52-1515 L. - Removal of nonconforming obstructions.**

The Savannah Airport Commission may negotiate with owners of nonconforming obstructions for removal, lighting, or marking of existing nonconforming obstructions, to be installed, operated and maintained at the airport commission's expense.

**52-1515 M. - Variances prohibited.**

No variances, special exceptions, or any other appeal within any zone created by this ordinance shall be considered or granted which would violate any restrictions imposed by this ordinance.