CITY COUNCIL
JEFF REESE, MAYOR
SHIRLEY MARCHMAN, MAYOR PRO-TEM
DANNY CARTER
LESLIE MCPHERSON
MATTHEW MOMTAHAN
MICHAEL YOUNG

City of Villa Rica

CITY MANAGER: TOM BARBER
CITY CLERK: ALISA DOYAL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

MAYOR & COUNCIL MONTHLY MEETING AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
November 26, 2019 | 6:00 PM

Meeting Call to Order (Mayor Jeff Reese)

Invocation (Mayor Pro Tem Shirley Marchman)

Pledge of Allegiance (Mayor Jeff Reese)

Adoption of the Agenda (Mayor Jeff Reese)

Council Updates (Subjects of General Interest and Concern)

Public Comment (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes)

A. Governing Body (Mayor Jeff Reese)

1. Approval of the Minutes:
   a. Meeting Minutes of November 12, 2019.

B. Community Development (Bobby Elliott, Director)

1. ANNEX-02-19/ RA-06-19- Annexation and Rezoning application for 135 & 189 Commerce Dr. (Ronald Johnson, Planning and Zoning Specialist)

2. RA-08-19- Rezoning application for 490 Old Stone Rd. (Ronald Johnson, Planning and Zoning Specialist)

3. CU-02-19- Conditional Use application for 101 Three West Pkwy Ste. A (Ronald Johnson, Planning and Zoning Specialist)

4. RA-07-19- Rezoning application for 718 Old Town Rd. (Ronald Johnson, Planning and Zoning Specialist)

5. Replacement of Street Lights Fixture (Bobby Elliott, Community Development Director)

6. New Villa Rica Zoning Ordinance - for Discussion Purposes (Chris Montesinos, Deputy Director of Community Development)

C. Human Resources (Stephanie Rooks, Manager)

1. Biometric Screenings

2. Performance Management

3. Learning Management System

D. Parks and Recreation (Vicki Coleman, Director)

1. Parks and Recreation Software

E. Utilities (Pete Zorbanos, Director)

1. Water Treatment Plant Improvements

F. Finance (Sarah Hefty, CFO)

1. Financial Update: October 2019
2. 2019 Budget Amendments
3. 2020 Budget Amendments

City Manager's Report (Tom Barber)

Adjournment

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CITY COUNCIL MONTHLY MEETING MINUTES

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
Tuesday, November 12, 2019 | 6:00 pm

Meeting Call to Order (Mayor Jeff Reese)
Mayor Jeff Reese called the meeting to order at 6:00 pm. Present: Mayor Pro Tem Shirley Marchman, Councilman Danny Carter, Councilwoman Leslie McPherson, Councilman Matthew Momtahan, and Councilman Michael Young.

Invocation (Councilwoman Leslie McPherson)
Councilwoman Leslie McPherson gave the Invocation.

Pledge of Allegiance (Mayor Jeff Reese)
Mayor Jeff Reese led the Pledge of Allegiance

A**doption of Agenda** (Mayor Jeff Reese)
Mayor Reese announced the swearing-in of Michael Young to the Ward 4 seat will be first under Ceremonial Presentations and the addition of the Reach and Teach program. Also, the addition of "Change of the Speed Limit on Punkintown Road" will be Item A2. Councilman Danny Carter made the motion to adopt the agenda with the amendments.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Carter, Momtahan, Marchman, McPherson, Young

Ceremonial Presentations (Mayor & Council)

- Michael Young was sworn in by Mayor Reese for the Ward 4 Council seat.

- Three employees were recognized by Mayor Reese and Pete Zorbanos, Utilities Director, for the Years of Service:
  Cindy Glommen – 5 Years of Service
  Gary Busby – 5 Years of Service
  Jason Waddell – 5 Years of Service

- Kelly Bell and Clint Chance, First Vice Presidents of the Villa Rica Golden City Lions Club presented the awards for A Taste of Villa Rica:
  Mayor's Cup – Gabe's Downtown
  Lion's Cup – Sprinkles Donuts and Coffee Company
  Gold Plate Award – Evans Barbeque

- Students from the Business and Technology class at Villa Rica High School presented their request to the City of Villa Rica for a $1,000 Grant to help put on a rock concert as part of the Reach and Teach program.

Public Comment: Eight citizens came forward to make a public comment.

Council Updates (Subjects of General Interest and Concern)
Mayor Reese wished City Attorney David Mecklin a Happy Birthday and thanked him for his long service with the City of Villa Rica. The Mayor recognized the new Mayor-Elect Gil McDougal, and stated that the final voter turnout to be 9% and thanked the ones who voted. Mayor Reese reported that the Post Office road has been paved, and that political signs are still up in the city that need to be picked up by the candidates.
Councilwoman Leslie McPherson presented a video regarding Veterans Day, and thanked all veterans for their service.

A. Governing Body (Mayor Jeff Reese)

1. Approval of Minutes:
    a. Meeting Minutes of October 22, 2019.
    b. Special Called Meeting Minutes of November 1, 2019.

    Councilman Danny Carter made the motion to approve the Meeting Minutes of October 22, 2019, and the Special Called Meeting Minutes of November 1, 2019.

RESULT:	**ADOPTED (VOTE: 4-0, 1 ABSTAINED)**
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Carter, Momtahan, Marchman, McPherson
ABSTAINED:	Young

2. Change of the Speed Limit on Punkintown Road
    Councilwoman Leslie McPherson made the motion to authorize the Police Chief to request permission to lower the speed limit on Punkintown Road to 35 MPH.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Carter, Marchman, Momtahan, Young

B. Economic Development (Janet Chumley, Manager)

1. 2019 Gold Nugget Drop Fireworks Bids-Bid Comparison Sheet
    Councilwoman Shirley Marchman made the motion to accept the recommendation of the Main Street Advisory Board and award the 2019 Gold Nugget Drop Fireworks bid to Pyro Shows in the amount of $4,000.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Marchman, Momtahan, Carter, McPherson, Young

C. Human Resources (Stephanie Rooks, Manager)

1. Basic Life Insurance for Dependents
   Councilwoman Leslie McPherson made the motion to approve the elimination of the basic life plan for dependents (spouses and children), effective January 1, 2020.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Carter, Marchman, Momtahan, Young

D. Community Development (Bobby Elliott, Director)

1. The Falls at Mirror Lake Development Agreement
   Councilman Danny Carter made the motion to authorize the Mayor to execute the development agreement between the Owner/Developer of the Falls at Mirror Lake Phase II and the City of Villa Rica for the purpose of a per lot contribution for lift station repairs and upgrades.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Carter, Momtahan, Marchman, McPherson, Young

E. Public Works (Pete Zorbanos, Director)

1. Purchasing 2020 Ford F-250 Crew Cab 4x4 for Grounds Maintenance Department (Nic Griffin, Maintenance Manager)
   Councilwoman Leslie McPherson made the motion to authority the City Manager to purchase a 2020 F-250 from Don-Rich Ford in the amount not to exceed $28,875.00.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Carter, Marchman, Momtahan, Young

2. Purchase Five 2020 Police Interceptors for the Police Department (Nic Griffin, Maintenance Manager)
   Councilman Danny Carter made the motion to authorize the City Manager to purchase five 2020 Ford Explorer Police Interceptors from Don-Rich Ford in the amount not to exceed $164,770.00.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Carter, Momtahan, Marchman, McPherson, Young

3. Purchase Two Ford E-350 Vans for the Carroll County Inmates (Nic Griffin, Maintenance Manager)
   Councilman Danny Carter made the motion to authorize the City Manager to purchase two used Ford E-350 Vans in the amount not to exceed $44,000.00.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman

AYES:	Carter, Marchman, McPherson, Momtahan, Young

4. Installation of I-20 Relief Sewer Pipe (Pete Zorbanos, Director)
   Councilwoman Leslie McPherson made the motion to engage Steadham Grading, Inc. for the installation of the I-20 relief sewer project in an amount not to exceed $24,480.00.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Momtahan, Marchman, Carter, Young

F. Information Technology (Jim Chambers, Manager)

1. Courtware Hosted Solution
   Councilman Danny Carter made the motion to move to Courtware's Hosted Solution in an amount not to exceed $5.50 per citation.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Carter, Marchman, McPherson, Momtahan, Young

G. Finance (Sarah Andrews, CFO)

1. Upgrade Finance Clerk Position to Accountant
   Councilman Danny Carter made the motion to upgrade the Finance Clerk position to that of an Accountant with a paygrade of 114.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Carter, Marchman, McPherson, Momtahan, Young

H. City Manager (Tom Barber)

1. Agreement with Nextsite for Business Development Services
   Councilwoman Leslie McPherson made the motion to authorize the Mayor to enter into an agreement with NextSite, LLC to provide consulting services for $15,500 per year for three years, effective January 1, 2020.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Momtahan, Carter, McPherson, Young

2. Replacement of Street Lights Fixture
   Councilman Danny Carter made the motion to table until the next meeting to come back with more options.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman

SECONDER:	Matthew Momtahan, Councilman
AYES:	Carter, Momtahan, Marchman, McPherson, Young

3. Abandonment of Baker Industrial Court
   Councilwoman Leslie McPherson made the motion to abandon that portion of Baker Industrial Court as shown on the exhibit attached to the Resolution as Exhibit "A", and further move to authorize the City Manager or his designee to negotiate the transfer of the abandoned road right-of-way to any or all of the landowners adjacent to the portion of Baker Industrial Court to be abandoned.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Momtahan, Marchman, Carter, Young

4. Mandatory Sewer Connections
   Councilman Danny Carter made the motion to direct the City Manager, in consultation with the City Attorney, review Section 26-81 of the Code of Ordinances of the City to determine whether it is legal and enforceable as currently written. The City Manager is further directed to propose any changes deemed necessary to said Code Section for consideration by the Mayor and Council.

RESULT:	**ADOPTED (UNANIMOUS)**
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	Carter, McPherson, Marchman, Momtahan, Young

Adjournment

Councilwoman Shirley Marchman made the motion to adjourn the meeting, seconded by Councilman Matthew Momtahan. The vote was unanimous and the meeting adjourned.

_____
Jeff Reese, Mayor

_____
Alisa Doyal, City Clerk

CITY OF VILLA RICA

City Council Packet

SUBJECT: ANNEX-02-19 & RA-06-19 – 135 & 189 Commerce Drive

CITY COUNCIL AGENDA DATE: November 26, 2019

DATE: November 6, 2019

PREPARED BY: Ronald Johnson, Planning and Zoning Specialist

FISCAL IMPACT: N/A
ANNUAL –
CAPITAL –
OTHER –

FUNDING SOURCE: N/A

PURPOSE: Parkside Real Estate Acquisitions, LLC of Atlanta, GA is requesting annexation and a rezoning from Agriculture to R-14 for 14.876 acres with no road access to the west of 135 and 189 Commerce Drive. In addition, applicant is proposing to rezone all of 135 Commerce Drive and Tract 3b of 189 Commerce Drive only from GC to R-14. The proposed use is a multi-family residential development not to exceed 195-units.

BACKGROUND: Parcel # 148 0129 is located within unincorporated Carroll County whereas Parcel #s V07 0110153 and V07 0110003 are already located within the city limits. The applicant proposes to annex and rezone Parcel # 148 0129, rezone Tract 3B ONLY of Parcel V07 0110153 and rezone all of V07 0110003. The proposed lots are to be rezoned Multi-Family Residential (R-14). The proposed development is for an apartment community which will not exceed 195 units at a density of 11.45 dwelling units per acre. The proposed development meets the R-14's maximum density permitted of 12 du/acre. The combined size of the tracts to be created is 16.45 acres.

STAFF RECOMMENDATION: Staff recommends approval of this annexation and rezoning.

IMPACT: N/A

MOTIONS:

(1) I make a motion to approve the annexation proposal of Parcel #: 148 0129 requested by Parkside Real Estate Acquisitions, LLC into the city limits of Villa Rica from Carroll County.

(2) I make a motion to amend the Comprehensive Plan and Future Land Use Map to include Parcel # 148 0129 to designate it as I-20 Gateway Character Area and to include it within the amended city limits.

(3) I make a motion to approve the rezoning proposal of Parcel #: 148 0129, Tract 3B of V07 0110153 and V07 0110003 to Multi-Family Residential (R-14) as requested by Parkside Real Estate Acquisitions, LLC.

Planning & Zoning
Community Development Department

ANNEX-02-19/ RA-06-19

Council Ward: 2
Planning Board Member: Kurt Kraft
City Council Member: Matthew Momtahan

Public Hearing Dates
Planning Commission: November 5, 2019
City Council: November 26, 2019

Request: Annexation and rezoning of an unincorporated parcel (148 0129) and the rezoning of another repackaged parcel from Agricultural (unincorporated Carroll County) and General Commercial (GC) to Multi-family Residential (R-14) for a multi-family residential community.

Applicant: Parkside Real Estate Acquisitions, LLC
Acres: 16.45+/- acres
Current Land Use: Vacant Land and Restaurant
Future Development Character Area: I-20 Gateway
Parcel Number(s): V07 0110153, V07 0110003, 148 0129

Location: 135 & 189 Commerce Drive, Villa Rica, Georgia 30180, in Land Lot 132 of the 6th District of Carroll County.

Project Description:
The applicant is requesting annexation and rezoning approval from Agriculture to R-14 for 14.876 acres with no road access to the west of 135 and 189 Commerce Drive. In addition, applicant is proposing to rezone all of 135 Commerce Drive and Tract 3b of 189 Commerce Drive only from GC to R-14. The proposed use is a multi-family residential development not to exceed 195-units.

Surrounding Properties:

	Current Zoning	Land Use
North	General Commercial (GC) Single-Family (R-20)	Retail/Restaurant Single-Family Residential
East	General Commercial (GC)	Retail/Restaurant
South	General Commercial (GC) I-20	Restaurant/Hotel I-20
West	Agriculture (A) – Unincorporated Carroll County	Villa Rica High School Baseball/Softball/Tennis Facility

Rezoning Review Standards:
The Code of the City of Villa Rica, Unified Development Code Section 2.03.B.4, requires all zoning amendment applications to be reviewed based upon the impact of the proposed rezoning with respect to each of the following matters:

Zoning Map Amendments:

A. ***Whether the existing zoning was in error at the time of adoption.***
It does not appear that the General Commercial and Agriculture zoning was in error. The General Commercial lots in question are along the Highway 61 corridor which focuses on highway-related retail and restaurants. The unincorporated lot was previously thought to be located in the city limits already and was assigned a city designated zoning classification of Rural Development (RD). Upon learning from the Carroll County Tax Assessor that the lot is not located in the city limits, the Rural Development classification became not applicable in favor of the existing zoning on the Carroll County zoning map (Agriculture). Because the lot does not have frontage and is adjacent to residential developments to the north and recreational facilities for Villa Rica High School to the west, the designation of Agriculture does not appear to be in error.

B. ***Whether the proposed change is consistent with, and in furtherance of, the implementation of the goals and objectives of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this Code and other city regulations and guidelines.***

Future Land Use Map
135 and 189 Commerce Drive are currently located within City limits and the 14.876-acre lot is located in unincorporated Carroll County. The Future Land Use Map designation in the surrounding area is I-20 Gateway on our official map, which includes the unincorporated lot. Carroll County's Future Land Use Map shows the parcel as in the city limits and therefore

does not have a land use classification for the lot. Therefore, there is a clear discrepancy between Carroll County's zoning map, which lists the lot as in unincorporated area, and their land use map, which shows the lot in the city limits. Based on Tax Assessor information, the lot is not located in the city limits, however for the purposes of this review, the future land use designation that the city assigned will be used. The Villa Rica Future Land Use Map also designates this area of the adjacent Highway 61 as a "Commercial Corridor" with primary future land uses consisting of commercial, retail, professional office and mixed use. While none of those uses are proposed, the Comprehensive Plan indicates R-14 is an appropriate zoning district along the corridor.

Relation to the Comprehensive Plan Polices:

Development Patterns

DP Goal 1: Maintain small-town character and cultural identity while supporting growth
DP Strategy 1.1: Use the Future Development Map to guide decisions for new development and redevelopment within Villa Rica, while planning for expansion and growth
DP Strategy 1.3: Ensure adequate buffering and screening is provided between residential areas and adjacent developments to minimize potential negative impacts

DP Goal 4: Support mixed use development
DP Strategy 4.2: Encourage an adequate variety of types and densities of housing needed to support higher density development

Social and Economic Development

SED Goal 1: Stimulate revitalization activities and redevelopment of aging properties
SED Strategy 1.3: Promote infill development opportunities in residential and commercial areas by focusing funding for redevelopment within existing city limits
SED Strategy 1.4: Promote infill development (of remaining undeveloped properties inside city limits) and redevelopment (of properties with structures that are obsolete)

SED Goal 2: Protect and enhance existing neighborhoods while supporting a diverse array of housing options to accommodate future growth
SED Strategy 2.2: Evaluate zoning and development regulations related to density allowances and multi-family developments.
SED Strategy 2.3: Maintain quality housing in a variety of dwelling types and densities to support the needs of the population

SED Goal 3: Create employment opportunities within the city and expand business diversity
SED Strategy 3.5: Pursue annexation opportunities within a general Urban Growth Area as depicted on the Future Development Map, based on determination of economic feasibility/benefit

C. ***Whether there is a community need for and benefit from the proposed rezoning; or***
Annexation of the unincorporated lot into the city will clarify the position of the jurisdiction the lot currently falls under. The rezoning of all parcels to R-14 Multi-Family is a benefit to the

community as it will provide high quality luxury apartments, which is a market that is not currently in Villa Rica. Rezoning the property to R-14 would allow for a maximum of 12 du/acre including open space and recreational amenity density bonuses. The applicant is requesting a density of no more than 11.85 du/acre total.

D. Whether the proposed change is consistent with the character of the area in which the proposed rezoning is proposed; or

The surrounding area has mostly retail and hospitality services nearby, including on Commerce Drive and Highway 61. There is a single-family neighborhood directly adjacent to the development. The General Commercial Zone runs along Commerce Drive and Highway 61 to accommodate for the extensive retail on both sides of I-20. The proposed rezoning to R-14 is not consistent with other zones in the area, however from a land use perspective, the higher density of the proposed development complements the retail that abuts the property and makes for a mixed-use type of development style with shops and businesses within walking distance to the apartments. This in turn reduces demand on the roadways and promotes the mixed-use goals within the comprehensive plan.

There are currently no apartment communities on Highway 61 in the city limits south of Highway 78, however the location of this property near I-20 and Highway 61 will concentrate traffic and density near the two largest highways in the city. The 2018-2038 Comprehensive Plan Update designates the future development of this area as “I-20 Gateway” and “Commercial Corridors”. Primary future land uses in “I-20 Gateway” include professional offices; commercial (including service uses, hotels), Mixed use (including upper level residential, if appropriate); civic benefit uses such as community centers, schools, places of worship and municipal buildings; greenways and trails. The “Commercial Corridors” encourages commercial and retail, professional office, mixed use, and civic benefits. The proposed development does not adhere to those use objectives; however, it does meet one of the key goals of the I-20 Gateway Character Area, which is to visually improve the entranceways into the city from major thoroughfares.

E. Whether the proposed zoning is compatible with the zoning and uses of property nearby; or

Nearby properties are zoned for single-family, commercial, and agricultural uses. The area has various zoning districts within the area and has several commercial developments, including a hotel adjacent to the properties. An established single-family neighborhood is located to the north of the property. The proposed multi-family development in the R-14 zone is compatible with the retail in the area as both would have intensive uses on the land, however the abutting single-family neighborhood has a lower density than the proposed use. However, there are no impacts on those uses because the entrance and exit are from the commercial area and not from the surrounding single-family and school uses. In addition, the general intensity of the area because of the commercial uses, which are directly outside the entrance to the proposed development, warrants a higher density project to support the intensity of those uses.

F. Whether the existing zoning is suitable for the development of the uses authorized under the existing zoning classification, will be conducive to proper community planning, and is a logical extension of an existing urban area or growth center; and

The existing zoning would not permit multi-family development. The proposed project has a density of not to exceed 11.85 units per acre and not to exceed 195 units. Therefore, the existing zoning would not be appropriate for the proposed development. The proposed R-14 zoning district has a maximum of 8 du/acre without density bonuses (worth up to an additional

4 du/acre). The applicant's proposed open space and recreational amenities would permit the additional 4 du/acre for a total of 12du/acre permitted.

G. Whether the public and community facilities, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal, are available and adequate to serve uses authorized under the proposed zoning; and

The subject property is currently provided with community facilities such as water, roads, and solid waste. Villa Rica High School is adjacent to the development on Rocky Branch Road.

H. Whether the authorized uses will not adversely affect the capacity or safety of the street network in the vicinity of the property; and

While no traffic report was submitted with this project, it appears that a minimal impact to Highway 61 is expected. The applicant proposes to have all ingress and egress to be from Commerce Drive near the end of that roadway. This segment of the roadway has minimal traffic. Adjustments to the existing traffic light on Highway 61 and Meadowlark Drive may be required by GDOT and the applicant would need to work with them in order to do so.

I. Are there potential environmental impacts (e.g., excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

Based on the City's and County's available maps, the lot is located in Flood Zone X, which is an area of minimal risk of flooding and does not require flood insurance. A stream cuts east-west through the lot and the developer proposes to have a 25', 50' and 75' stream buffer from the parking areas to the stream along with from the community wellness path and stormwater facility. A walking path/emergency vehicle crossing is proposed to go over the stream to access the community wellness path and stormwater facility. Should the zoning be approved, Staff will review all site plans for compliance with local and state guidelines for such facilities.

Staff Comments:

The applicant is requesting an annexation and rezoning of parcel number 148 0129 unincorporated parcel from Agriculture (Carroll County) to Multi-Family Residential (R-14) along with rezoning parcel V07 0110003 and Tract 3b ONLY of parcel V07 0110153, both of which are proposed to change zoning from General Commercial to Multi-Family Residential (R-14). The remaining portions of V07 0110153 are to remain General Commercial (GC). The submitted Master Rezoning Plan proposes to not exceed 195 units at a density not to exceed 11.85 du/acre on 16.45 acres of land. The land is partially developed with a current Pizza Hut restaurant on Commerce Drive while the 14.876-acre tract is in unincorporated Carroll County and undeveloped, an additional 1.433-acre lot on Commerce Drive is also undeveloped. A total of 366 parking spaces are proposed whereas the current ordinance requires 372 and the proposed zoning ordinance (not adopted) requires 337. The development is proposed to have a gated entrance, pool with a cabana, community clubhouse, fitness center, cybercafé, bocce ball courts, a putting green, a boxed community gardening area, picnic tables, a fire pit, an outdoor grilling area, a dog park, a dog wash station, maintenance/car wash, and walking trails as amenities for the project. The applicant meets all amenity requirements.

Recommendation:

Staff recommendation: **APPROVAL**

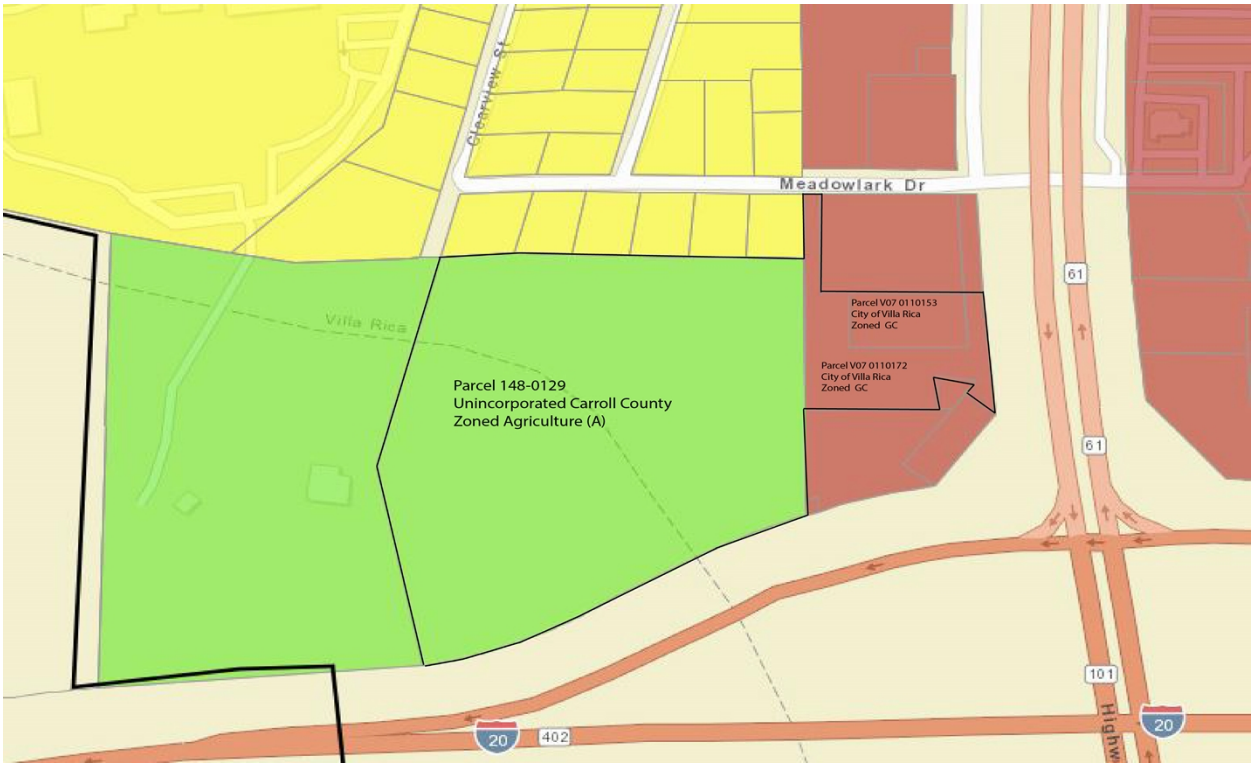
Public Notifications:
As required by *Article 2, Section 2.01* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on October 21th, 2019; a sign has been posted on the subject properties; and all abutting property owners have received notification via certified mail.

Public Response:
In response to the public notifications, no residents have contacted the City at the time of this staff report.

_____
Ronald Johnson, Planning & Zoning Specialist
Office of Community Development

Attachments:
1. Application
2. Campaign Disclosure Statement
3. Property Owner Authorization
4. Legal Description
5. Conceptual Site Plan
6. Property Survey
7. Zoning Map
8. Future Development Map
9. Site Photos

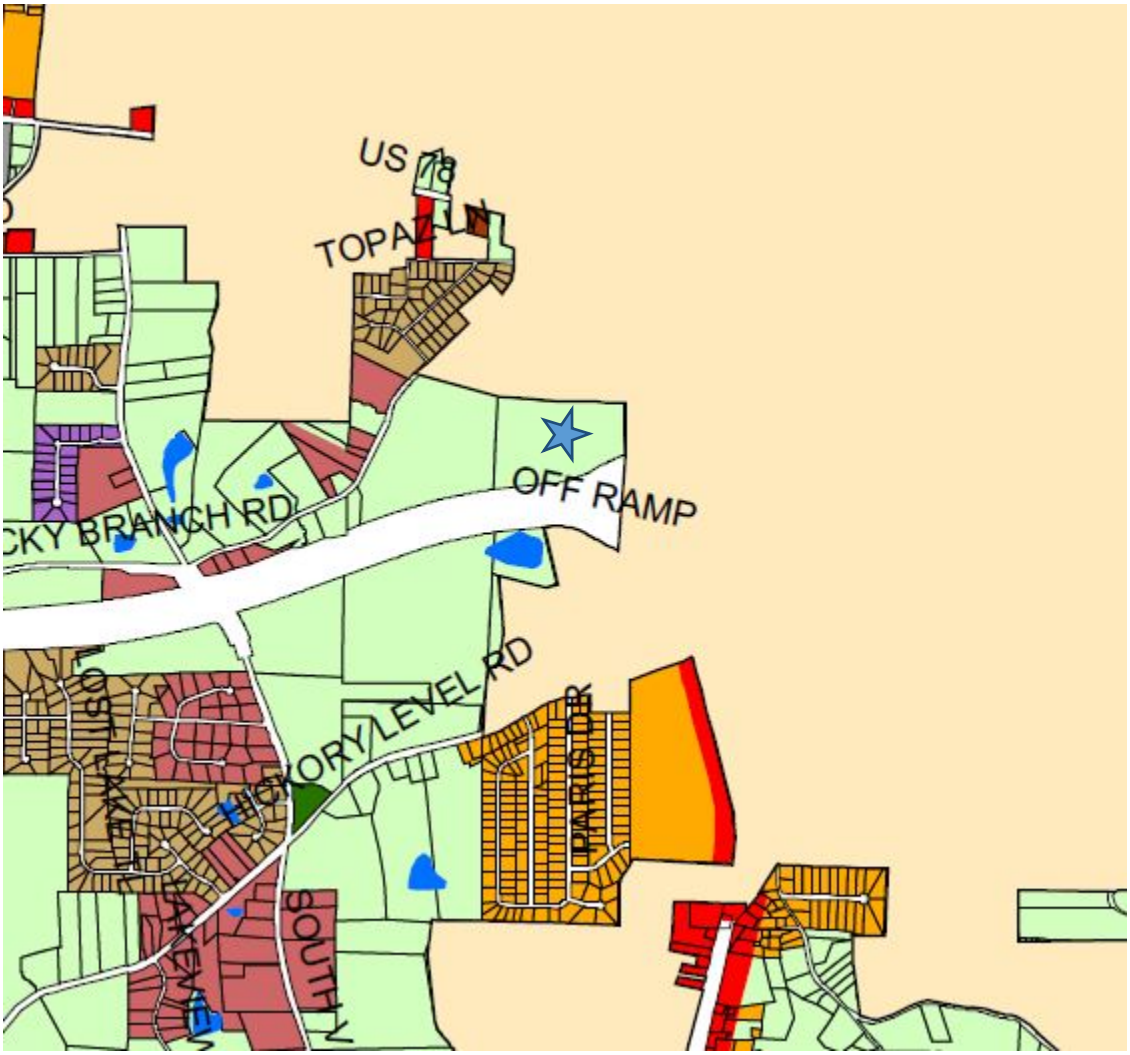
Zoning Map (Villa Rica)



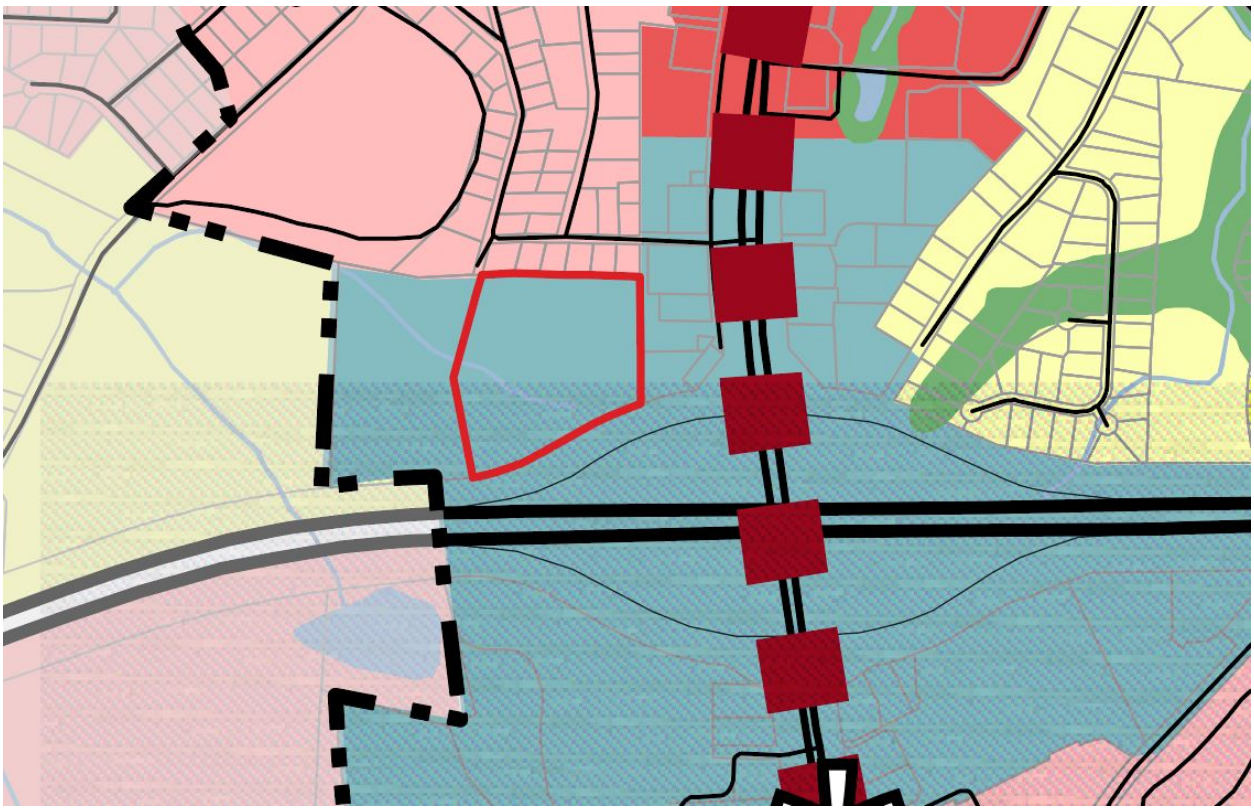
- Office-Institutional
- General Commercial
- General Industrial
- Limited Industrial
- Planned Development
- Multi-Family Residential
- Single-Family Residential
- Rural Development
- Residential Townhome
- Not Defined

— Subject Site

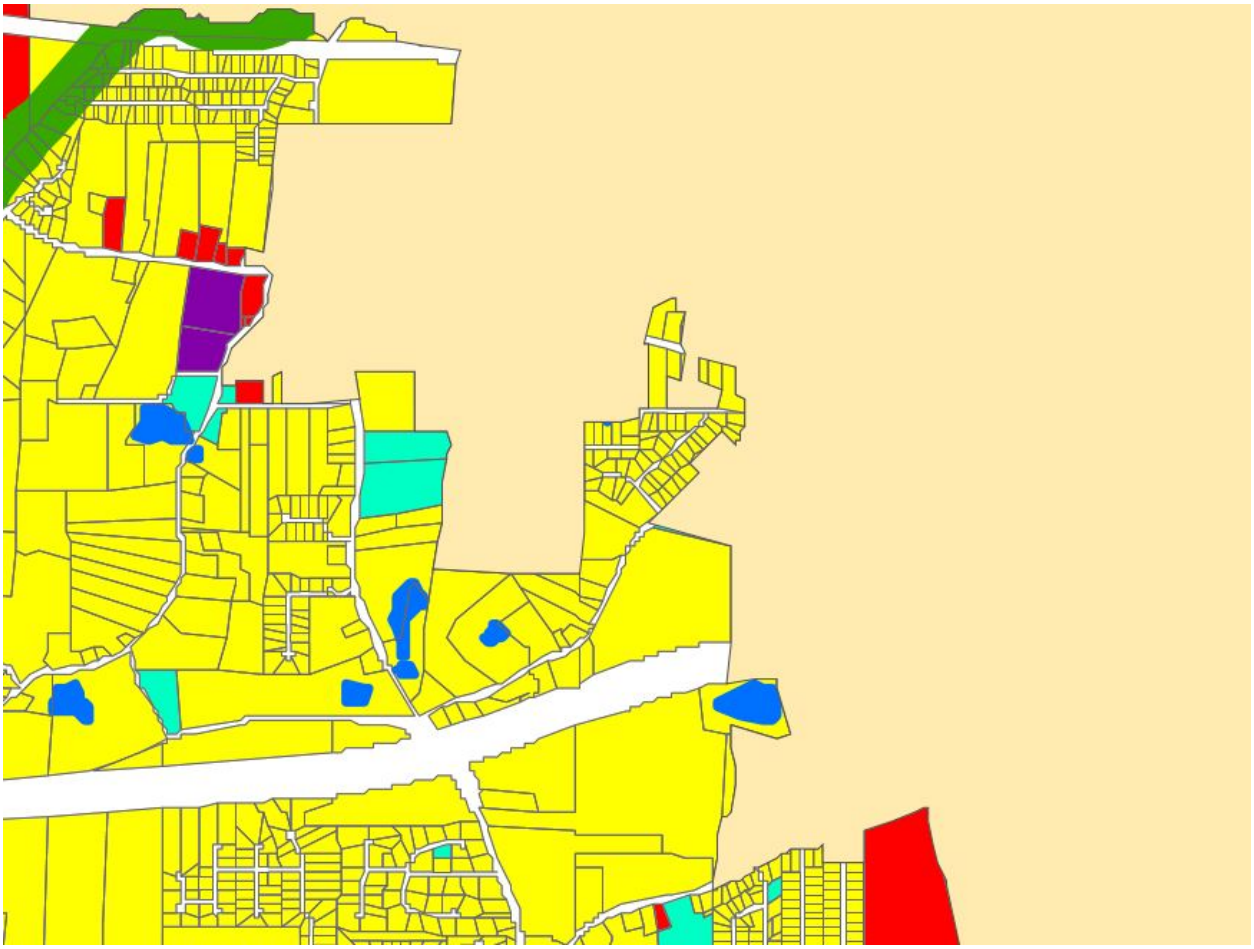
Zoning Map (Carroll County)

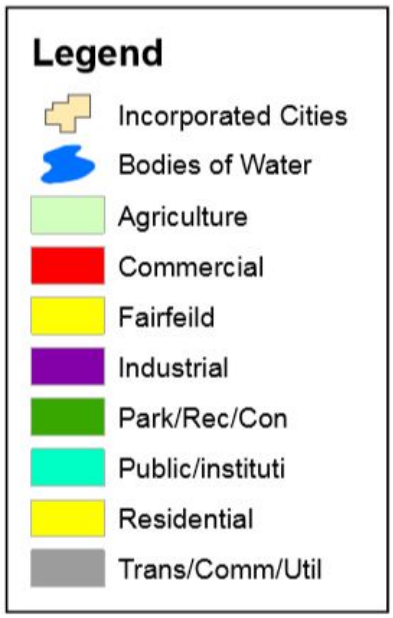


Future Development Map (Villa Rica)



Future Development Map (Carroll County)





Site Photos

Planning & Zoning

Community Development Department

PETITION REQUESTING ANNEXATION
CITY OF VILLA RICA, GEORGIA

Date: 9/17/2019

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA RICA, GEORGIA:

1. **The undersigned, as owner of all real property of the territory described herein, respectfully requests that the City Council annex this territory to the City of Villa Rica, Georgia, and extend the City boundaries to include the same.**

2. **The territory to be annexed abuts the existing boundary of Villa Rica, Georgia, and the description of such territory is as follows:**

Address/Location of Property:
135 COMMERCE DRIVE - HWY 61 CONNECTOR @ COMMERCE DRIVE

Tax Map Parcel #:
148-0129

(Please attach legal description of property.)

WHEREFORE, the Petitioner prays that the City Council of the City of Villa Rica, Georgia, pursuant to the provisions of the Acts of the General Assembly of the State of Georgia, Georgia Laws, do by proper ordinance annex said property to the City Limits of the City of Villa Rica, Georgia.

Respectfully submitted,

MARK SHAW, MANAGER, PARKSIDE REAL ESTATE ACQUISITIONS, LLC

Petitioner Mailing Address:
3525 PIEDMONT RD B-8 S-205 ATLANTA, GA 30305

For Modification Agreement & Corrective Deed, see Deed Bk. 515, Pg. 723, 1-29-86.

STATE OF GEORGIA, COUNTY OF CARROLL

THIS INDENTURE, Made the 9th day of August in the year One Thousand Nine Hundred and Eighty-Five, between E. M. Kirk of the County of Haralson, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

Jeff R. Matthews

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns and to include the masculine, feminine or neuter gender where the context requires or permits).

WITNESSETH, that: Grantor, for and in consideration of the sum of Ten Dollars and other valuable considerations ($10.00) DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that tract or parcel of land situate, lying and being in Land Lot 158 of the 6th District of Carroll County, Georgia, containing 12.91 acres, more or less, and being more fully described as follows: BEGINNING at a point on the west right of way of Georgia Highway 61 at a concrete right of way marker at a point where it intersects the acceleration ramp leading onto Interstate Highway I-20; thence from said point of beginning, running north along the westerly right of way of Georgia Highway 61 a distance, the arc of which is 1,364.80 feet to an iron stob (the straight line distance between said points is north 02 degrees 06 minutes 41 seconds west a distance of 1,361.81 feet); thence south 89 degrees 13 minutes 44 seconds west 395.96 feet to an iron stob located on the original west land lot line of Land Lot 158 in the 6th District; thence south 02 degrees 24 minutes 36 seconds east along the original west land lot line of Land Lot 158 a distance of 947.24 feet to an iron stob; thence continuing along said land lot line south 02 degrees 15 minutes 04 seconds east 189.72 feet to an iron stob; thence continuing along said land lot line south 02 degrees 23 minutes 00 seconds east 594.66 feet to the north right of way of Interstate Highway I-20 at the aforementioned acceleration ramp; thence continuing along said right of way north 68 degrees 38 minutes 14 seconds east 70.18 feet to a point; thence north 72 degrees 48 minutes 44 seconds east 99.69 feet to a point; thence north 77 degrees 20 minutes 39 seconds east to a right of way marker; thence north 35 degrees 23 minutes 54 seconds east 208.39 feet to a right of way marker and the point of beginning. Said tract contains 12.91 acres, more or less, and is more fully shown and delineated on a plat thereof designated as "Survey of Bagwell Estate", dated December 4, 1983, prepared by William H. Alexander, Jr., Registered Land Surveyor No. 1643, recorded in Plat Book 25, page 28, Carroll County Public Records, which said plat and the record thereof are incorporated herein by reference and made a part of this description.

LESS AND EXCEPT All that tract or parcel of land lying and being in Land Lot 158 of the 6th District of Carroll County, Georgia, and being more particularly described as follows: To find the point of beginning, commence at a point on the westerly-most 300 ft. right of way of State Route No. 61, said point being north 07 degrees 23 minutes 30 seconds west along a chord of 280.62 feet of a curve to the right having an arc distance of 280.65 feet

(continued on reverse)

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this general warranty deed, the day and year above written.

Paid: 15.00
Date: Aug 15, 1985

Signed, sealed and delivered in the presence of:

No. 1 [signature] Civil Witness

Clerk of Superior Court

E. M. Kirk (SEAL)

No. 2 [signature] Notary Public, Georgia State at Large

SUPERIOR (SEAL)

1985 AUG 15 PM 1:53

from a concrete right of way monument at the intersection of the westerly-most right of way of State Route No. 61 with the northerly-most right of way of I-20; thence south 88 degrees 21 minutes 15 seconds west a distance of 40.12 feet to an iron pin set and the TRUE POINT OF BEGINNING; thence along a curve to the right 230.07 feet having a chord of north 04 degrees 53 minutes 00 seconds west a distance of 230.06 feet to an iron pin set; thence south 88 degrees 21 minutes 15 seconds west a distance of 279.92 feet to an iron pin set; thence south 02 degrees 15 minutes 00 seconds east a distance of 229.71 feet to an iron pin set; thence north 88 degrees 21 minutes 15 seconds east a distance of 290.49 feet to an iron pin set and the point of beginning; said above described tract containing 1.500 acres.

AUG 1 5 1985

RECORDED_____KENNETH SKINNER, CLERK

GENERAL WARRANTY DEED

FROM

_____

_____

TO

_____

_____

_____

GEORGIA, _____COUNTY:

Clerk's Office, Superior Court

Filed for record on the _____ day of _____, 19____,

_____M., and

at _____,

Recorded in Deed Book _____,

Page _____

_____, 19____

_____, Clerk

TISINGER, TISINGER, VANCE & GREER

Attorneys at Law

Georgia

LP

387619

BK PG
5489 256

14

PT-61-022-2016-003540
CARROLL COUNTY, GEORGIA
REAL ESTATE
TRANSFER TAX PAID $ 0
INTANGIBLE TAX PAID $ --
DATE 8-25-16
Alan J. Lee
CLERK OF SUPERIOR COURT

FILED
GA. CARROLL COUNTY
CLERK SUPERIOR COURT
16 AUG 25 PM 3:51
Alan J. Lee
CLERK SUPERIOR COURT
CARROLL COUNTY GEORGIA

(3) ✓ End

Record and Return to:

Jimmy C. Luke, II
Martin Bagwell Luke, P.C.
400 Northridge Road, Suite 1225
Atlanta, GA 30350

GENERAL WARRANTY DEED

THIS INDENTURE, made this 1st day of August, 2016, between **Brenda Matthews**, a Georgia resident, as party of the first part, hereinafter referred to as "Grantor", and **MMCC Fund, LLC**, a Georgia limited liability company, as party of the second part, hereinafter referred to as "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors, successors-in-title and assigns where the context requires or permits).

WITNESSETH THAT:

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee all that tract or parcel of land lying and being in Carroll County, together with all improvements located thereon, and as more particularly described on **Exhibit "A"** attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

(74)

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever, subject only to all matters of record.

(* BAD LEGAL DESCRIPTION)

DB 5489
P. 256

D

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public
My Commission Expires: May 11, 2020

[NOTARY SEAL]

GRANTOR:

Brenda Matthews
Brenda Matthews

[SEAL]

KIMBERLY CULVER
NOTARY PUBLIC
Carroll County
State of Georgia
My Comm. Expires May 11, 2020

BK PG

5489 258

EXHIBIT A
Legal Description

Approximately 5.76 acres known as Carroll County Tax Parcel No. V070110003, 135 Commerce Drive, Villa Rica, Georgia 30180.

RECORDED

SEP 15 2016

Alan J. Lee, Clerk

LP

eFiled & eRecorded
DATE: 5/8/2019
TIME: 4:46 PM
DEED BOOK: 05708
PAGE: 00125 - 00126
RECORDING FEES: $12.00
TRANSFER TAX: $744.00
PARTICIPANT ID: 4019279654,7067927936
CLERK: Alan Lee
Carroll County, GA
PT61: 022-2019-001863

Prepared By and Return To::
MCMAHAN, PERRY & PHILLIPS, LLC
Attorneys at Law
318 Westview Drive
Villa Rica, Georgia
Attn: Beth Perry
File No. R3962-19

STATE OF GEORGIA,
COUNTY OF Carroll

WARRANTY DEED

THIS INDENTURE, Made this 3rd day of May, in the year Two Thousand Nineteen (2019) between,

Mary Ann Smith Leathers,

of the State of Florida, as party or parties of the first part, hereinafter called "Grantor", and

61 West, LLC,

as party or parties of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns and to include the masculine, feminine or neuter gender where the context requires or permits).

WITNESSETH, that: Grantor, for and in consideration of the sum of Ten Dollars and Other Valuable Considerations ($10.00 & OVC) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this General Warranty Deed, the day and year above written.

Signed this 3rd day
of May, 2019,
in the presence of:

Unofficial Witness

Mary Ann Smith Leathers

Notary Public
My Commission Expires: AUG 6 2019
(NOTARY PUBLIC SEAL AFFIXED)

JEFFREY B. PFALZGRAF JR.
Notary Public - State of Florida
Commission # FF 907419
My Comm. Expires Aug 6, 2019

12

DB 5708
P. 125

eFiled & eRecorded
DATE: 5/8/2019
TIME: 4:46 PM
DEED BOOK: 05708
PAGE: 00126

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 157, 6th District, Carroll County, Georgia, being 14.88 acres, more or less, and being more particularly shown and delineated as "Tract 1" on that certain plat of survey entitled "Boundary Survey for 61 West, LLC," dated March 22, 2019, prepared by Georgia & West, Inc., certified by Michael D. Crawford, GRLS #3125, filed for record in Plat Book 106, Page 141, Carroll County, Georgia. Public Real Estate Records, which plat and the record thereof are each incorporated herein by reference thereto more complete and accurate description of said property.

Said property is conveyed with and subject to all of the non-exclusive easements contained and described within that certain non-exclusive Easement Agreement concerning ingress, egress, water, sewer, drainage and other matters, filed for record in Deed Book 4405, Page 277, amended in Deed Book 5122, Page 125, Carroll County, Georgia, Public Land Records.

Also conveyed herewith is a non-exclusive easement for ingress, egress and the provision of utilities, including, without limitation, drainage, water and sewer, over and across all that tract or parcel of land lying and being in Land Lot 157, 6th District, Carroll County, Georgia, being 0.12 acres, more or less, and being more particularly shown and delineated as "Easement Tract 2" on that certain plat of survey entitled "Boundary Survey for 61 West, LLC," dated March 22, 2019, prepared by Georgia & West, Inc., certified by Michael D. Crawford, GRLS #3125, filed for record in Plat Book 106, Page 141, Carroll County, Georgia, Public Real Estate Records, which plat and the record thereof are each incorporated herein by reference thereto more complete and accurate description of said easement tract.

In the year 2018, said property is vacant land and bears the tax identification number 148 0129.

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises, if any, however, this reference shall not operate to reimpose same.

eFiled & eRecorded
DATE: 9/18/2019
TIME: 11:56 AM
DEED BOOK: 05743
PAGE: 00525 - 00527
RECORDING FEES: $14.00
TRANSFER TAX: $0.00
PARTICIPANT ID: 5306225564
CLERK: Alan Lee
Carroll County, GA
PT61: 022-2019-004314

Return to:

Martin Bagwell Luke, P.C.
Attn: Jimmy C. Luke, II
400 Northridge Road, Suite 1225
Atlanta, GA 30350

GENERAL WARRANTY DEED

THIS INDENTURE, made this 17th day of September, 2019 between **Jeff Matthews**, a Georgia resident, as party of the first part ("Grantor") and **MMCC Fund, LLC**, a Georgia limited liability company, as party of the second part ("Grantee"), (the words "Grantor" and "Grantee" to include their respective heirs, successors, successors-in-title and assigns where the context requires or permits).

WITNESSETH THAT:

Grantor, for and in consideration of the sum of Ten and No/100 dollars ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee all that tract or parcel of land lying and being Carroll County, Georgia, together with all improvements located thereon, and as more particularly described on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of the Grantor and all other persons.

To: Ron Johnson
Planning and Zoning Specialist

From: Jeff R Matthews
MMCC Fund, LLC
61 West, LLC

RE: Authorization for Parkside Real Estate Acquisitions, LLC to File Rezoning Request in City of Villa Rica

This letter shall serve as authorization from property owner(s) for Parkside Real Estate Acquisitions, LLC to file the necessary application to request a rezoning and annexation of the properties outlined in Exhibit A attached hereto.

Jeff R Matthews

Notary Public

MMCC Fund, LLC
Jeff R Matthews, Manager

Notary Public

61 West, LLC
Jeff R Matthews, Manager

Notary Public

JANICE BASS NOTARY PUBLIC HARALSON COUNTY GEORGIA EXPIRES OCT. 2, 2020

APPLICATION FOR
UDC TEXT AMENDMENT / ZONING MAP AMENDMENT

☐ **UDC TEXT AMENDMENT** ☑ **ZONING MAP AMENDMENT**

Please complete the blanks with the information requested. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 9/16/2019 (REVISED 10/15/19)

APPLICANT

Applicant Name: PARKSIDE REAL ESTATE ACQUISITIONS, LLC

Address: 3525 PIEDMONT ROAD B-8 5-205 **City:** ATLANTA **State:** GA **Zip:** 30305

Phone: (404) 395-5219 **Fax:** ( ) _____-_____ **Email:** MSHAW@EASLANCAPITAL.COM

Agent Name: Ken Wood - PLANNERS AND ENGINEERS, COLLABORATIVE INC

Address: 350 RESEARCH COURT STE 200 **City:** PEACHTREE CORNERS **State:** GA **Zip:** 30092

Phone: (770) 451-2741 **Fax:** ( ) _____-_____ **Email:** KWOOD@PECATL.COM

Owner Name *(If different from applicant)*: MMCC FUND, LLC / 61 WEST, LLC / JEFF MATTHEWS

Address: P.O. BOX 324 **City:** VILLA RICA **State:** GA **Zip:** 30180

Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** JEFFRMATTHEWS@BELLSOUTH.NET

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

REZONING REQUEST

Existing Zoning: RD - RURAL DEVELOPMENT **Requested Zoning:** R-14 MULTI-FAMILY RESIDENTIAL

Property Address: 135 COMMERCE DRIVE **Nearest Intersection:** GA 61 @ COMMERCE DRIVE

Present Use of Property: VACANT

Proposed Use: MULTI-FAMILY RESIDENTIAL

Size of Tract: 16.45 ACRES **Land Lot Numbers:** 132 **Districts:** 6TH

Gross Density: 11.85 UPA **units per acre** **Net Density:** 11.85 UPA **units per acre**

Property Tax Parcel Number: 148-0129, V07-0110153, V07-0110003

(For Office Use Only)

Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

City Council Decision: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

Manager's Signature: _____ Date: _____

CASE # _____
UDC TEXT/ZONING MAP

The procedure for amending the Unified Development Code (UDC) text, or making changes to the Official Zoning Map are set forth in Section 2.03.B, of the UDC. Generally, the amendment process involves review by the Community Development Manager and the Planning Commission with a final review and decision by the City Council.

I, MARK SHAW, MANAGER *, hereby state that all of the above statements and statements contained in the documents submitted with this application are true.*

Mark Shaw, mngr

Signature of Applicant

9/13/2019

Date

Required Materials to Accompany the Application for Zoning Map Amendment:
The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

☐ 1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.

☐ 2. A site development plan prepared in conformance with submittal requirements (unless waived by Community Development Manager or requested zoning district is Single-Family Residential).

☐ 3. A written statement describing the following:

a. The proposed uses and the effect the proposed use may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;

b. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;

c. The areas which are most likely to be directly affected by such change and the likely effects;

d. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected;

e. The proposed time schedule and phasing for development;

f. The source/method for providing utility/infrastructure services to the property;

g. A description of existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions; and

h. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development.

☐ 4. Additional exhibits, as may be required by the Community Development Director.

Required Materials to Accompany the Application for UDC Text Amendment:
The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Proposed text amendment;
Written statement describing reasons for the proposed text amendment; and any other exhibits as may be required by the Community Development Director.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Has the applicant[1] made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating $250 or more or made gifts having in the aggregate a value of $250 or more to a member of the City Council or Planning Commission who will consider the application?

Yes _____ **No** X

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this _____ day of SEPTEMBER, 20 19.

PARKSIDE REAL ESTATE AQCUISITIONS, LLC, MANAGER
Applicant's Name – Printed

Signature of Applicant

KEN WOOD
Applicant's Attorney, if applicable – Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 19th day of September, 2019.

MARY ERIN FANTOM
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
My Commission Expires 11-20-2021

Notary Public

1. *Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.*

9/13/2019

City of Villa Rica – Planning and Zoning Department
571 West Bankhead Highway
Villa Rica, GA 30180

Re: **Rezoning Application – Written Statement**
Hwy 61 Connector @ Commerce Drive
Planners and Engineers Collaborative, Inc. Project No. 19091.00

1. **The proposed uses and the effect the proposed use may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this code;**

The zoning proposal includes approximately 195 multi-family housing units on an approximately 16.45-acre tract of land that is currently zoned for 'Rural Development'. The proposal would rezone the tract of land to R-14: Multi-Family Residential. The property is currently bordered by several highway commercial businesses to the east along Commerce Drive, the Interstate 20 on-ramp to the south, Villa Rica High School and related facilities to the west, and six single family homes to the north.
The proposed development would include four apartment buildings with approximately 195 dwelling units. The apartments would be a gated community, and would also feature over 10 amenities for residents ranging from a putting green to a pool with a cabana.
The development will be a net benefit for the surroundings and the general public interest. The development of this site will not only advance the intent of the Comprehensive Plan (see response below), it will also generate more tax revenue for the City over time. The I-20 Gateway character area (of which this site is a part) emphasizes high quality development and site design. This project embodies the vision for this area: Much of the site will be undeveloped and preserved due to the stream that runs through it on the south side. The combination of the preserved trees and the new buildings will buffer the adjacent residential areas to the north from the sound and sight of I-20 to the south. The development will also reserve significant area along the perimeter of the site for landscaped buffers, which will screen the new development from the existing residences. The proposed development will also incorporate a new stormwater management facility, which is anticipated to improve stormwater conditions for the surrounding parcels. The proposed development will bring a high-quality, mixed-use feel to this critical gateway, while also focusing new housing density along a corridor with extremely easy access to I-20. The Applicant is of the opinion that this development will bring positive long-term effects to this area, by advancing the mixed-use vision of this corridor and providing more housing to accommodate the growing population of the City.

2. **Whether such change is consistent with the intent and purpose of this Code and the goals and policies of the Comprehensive Plan;**

The proposed use is in line with the 2038 Comprehensive Plan's vision for this area. The parcel is a part of the I-20 Gateway future land use designation. This character area envisions high quality development and site design around the City's major gateways, of which the site is nearly adjacent. Multi-family housing is considered an appropriate use within this character area, and high intensity residential uses are also recommended. This development fits the intent of the Comprehensive Plan, and will provide new, high quality housing at a density that is appropriate for its prominent location at one of the City's major gateways. Additionally, residents of the new development will be able to reduce the number of auto trips taken, as they will be within walking distance of two grocery stores and a variety of other businesses. Both of these points

speak directly to the connectivity and mixed-use goals outlined in the Development Patterns section of the Comprehensive Plan.

3. The areas which are most likely to be directly affected by such change and the likely effects;

The project team does not anticipate that the project would have negative effects on the surrounding properties. The project site is currently largely undeveloped, so any action on the site (such as grading, paving, etc.) would be new land disturbance, and any noise or visual effects would occur during construction. The project site will include a significant area wherein existing trees are saved or replanted, particularly around the stream toward the south side of the property and the buffers around the perimeter of the site. This will screen visual and noise disturbances from both the interstate and the proposed development from adjacent parcels. Additionally, as mentioned above, the creation of a new stormwater management facility on site will help to mitigate any currently existing issues for not only the subject property, but surrounding parcels as well.
The proposal would create a new driveway off of Commerce Drive, leading to the gated community entrance; the community will be set back from Commerce Drive over 300 feet, which will screen residents from the vehicular thoroughfare. Although the multi-family development is set back from the primary street frontage, it is likely that this development will spur redevelopment along this corridor, as the proposal would add to the overall mixed-use development scheme of Commerce Drive.
Because this project is situated so close to the I-20 on-ramp, the development team does not expect major impacts to the flow and volume of traffic along Commerce Drive. Additionally, the proposal includes a mix of unit sizes (1, 2, and 3-bedrooms), targeted at a wide market and a range of household sizes. Because of this, it is anticipated that the number of new students added to the school system will be negligible.

4. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected;

Stated above, the Comprehensive Plan places an emphasis on the redevelopment of the I-20 corridor as it serves as a major gateway into the City. This project is an opportunity to seize on the 'gateway' idea espoused in the Comprehensive Plan. A new, high-quality multi-family development will contribute to the positive growth and change of this key corridor. As this zone continues to redevelop, residents and visitors entering and exiting the City will be able to reap the benefits of this proposed development. Additionally, the creation of new, quality housing at a variety of sizes (one, two, and three bedroom units) will reach a wide market of families and persons, enhancing the tax base of the City of Villa Rica, and contributing to the village-like feel that the Comprehensive Plan has expressed as a vision for this area.

5. The proposed time schedule and phasing for development;

Contingent upon the successful completion of the rezoning and LDP processes, the applicant expects that the entire buildout will take approximately 22 months. It is anticipated that the first residential building and clubhouse will be delivered within 12-13 months of groundbreaking.

6. The source/method for providing utility/infrastructure services to the property;

The proposed project will utilize the existing utilities available to the site. For example, the developer is aware that there is water and sewer availability to the site coming from the northeastern edge. The proposed development will bring up-to-date certain utilities that may need extension or improvement. Additionally, stormwater will be managed on-site in a large pond in the southwestern corner across the stream.

7. A description of the existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions;

The development includes a network of interior, privately-owned/operated/maintained roadways and parking lots. This will not have an effect on exterior properties or City utilities/services. The driveway from the new residential development will extend to Commerce Drive, and if required by the City, will have a deceleration lane. No other public improvements or changes to existing roadways are expected from this project. As

mentioned before, the effects of the proposed development to traffic is anticipated to be minor, due to the project's prime location on the corner of Highway 61 Connector and I-20.

8. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development.

Because the proposal includes a perpendicular stream crossing it is anticipated that an Army Corps of Engineers permit will be required. Additionally, if the parcel needs to be annexed into the City limits of Villa Rica, approval from Carroll County will be required. In the case of the latter, there is an annexation application attached to this submittal.

Sincerely,
Planners and Engineers Collaborative, Inc.

Kenneth J. Wood, P.E., LEED AP
President

For the Firm

kjw/ht/dp

9/13/2019

City of Villa Rica – Planning and Zoning Department
571 West Bankhead Highway
Villa Rica, GA 30180

Re: **Rezoning Application – Impact Analysis**
Hwy 61 Connector @ Commerce Drive
Planners and Engineers Collaborative, Inc. Project No. 19091.00

1. **Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?**

Yes. The proposed development includes approximately 195 multi-family housing units on an approximately 16.45-acre tract of land that is currently zoned for 'Rural Development'. The proposal would rezone the tract of land to R-14: Multi-family Residential. The property is currently bordered by several highway commercial businesses to the east along Commerce Drive, the Interstate 20 on-ramp to the south, Villa Rica High School and related facilities to the west, and six single family homes to the north.
The Planned Development would facilitate a new multi-family development that would complement the nearby uses (a transitional step down in land use intensity from Highway Commercial to Residential).
In terms of specific site design elements, the combination of the preserved trees and the new buildings will buffer the adjacent residential areas to the north from the sound and sight of I-20 to the south. The development will also reserve significant area along the perimeter of the site for landscaped buffers, which will screen the new development from the existing residences. The proposed development will also incorporate a new stormwater management facility, which is anticipated to improve stormwater conditions for the surrounding parcels.

2. **Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby properties?**

The project team does not anticipate that the project would have negative effects on use, usability, or enjoyment of the surrounding properties. As mentioned, the project site will include a significant area wherein existing trees are saved or replanted, particularly around the stream toward the south side of the property and the buffers around the perimeter of the site. This will screen visual and noise disturbances from both the interstate and the proposed development from adjacent parcels. Additionally, as mentioned above, the creation of a new stormwater management facility on site will help to mitigate any currently existing issues for not only the subject property, but surrounding parcels as well.

3. **Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?**

As it is currently zoned, the property's value and usability is substantially diminished. The Rural zoning district permits only a few number of large, estate-style lots, which do not have a large market in this area at this time. The applicant is of the opinion that such lots would not be attractive to buyers at this location, given the proximity to the interstate, the terrain of the property, and the commercial corridor that is placed in front of the parcel. Additionally, the topography and location of this site is prohibitive to agricultural uses due to the highly variable terrain and the stream running through the site to the south. The optimal use of this property is the multi-family residential concept since the buildings are sufficient in size to step with the terrain. The

proposed development would also be able to keep more trees and largest buffer against the homeowners to the north intact, than an agricultural or estate use would.

4. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or schools?

Because this project is situated so close to the I-20 on-ramp, the development team does not expect major impacts to the flow and volume of traffic along Commerce Drive. Additionally, the proposal includes a mix of unit sizes (1, 2, and 3-bedrooms), targeted at a wide market and a range of household sizes. Because of this, it is anticipated that the number of new students added to the school system will be negligible.
The proposed project will also utilize the existing utilities available to the site. It has already been confirmed that water and sewer is available to the site coming from the northeastern edge. The proposed development will bring up-to-date certain utilities that may need extension or improvement. Additionally, stormwater will be managed on-site in a large pond in the southwestern corner across the stream, which will help to mitigate any currently existing issues for not only the subject property, but surrounding parcels as well.

5. Is the zoning proposal in conformity with the policy and intent of the Comprehensive Land Use Plan?

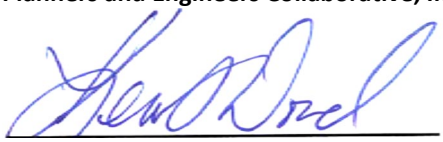
The proposed use is in line with the 2038 Comprehensive Plan's vision for this area. The parcel is a part of the I-20 Gateway future land use designation. This character area envisions high quality development and site design around the City's major gateways, of which the site is nearly adjacent. The character area recommends high intensity residential uses in this critical City juncture. This development fits the intent of the Comprehensive Plan, and will provide new, high quality housing at a density that is appropriate for its prominent location at one of the City's major gateways.
Additionally, residents of the new development will be able to reduce the number of auto trips taken, as they will be within walking distance of two grocery stores and a variety of other businesses. Both of these points speak directly to the connectivity and mixed-use goals outlined in the Development Patterns section of the Comprehensive Plan.

6. Are there other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

The site has remained vacant and untouched for several years. The applicant is of the opinion that the proposed development is ambitious, and the optimal use of the site. The proposed project would provide many benefits to the City of Villa Rica and the surrounding area, would be sensitive to the existing single-family homes to the north of the site, and would advance the intent of the comprehensive plan. It is the hope of the development team that the development of the site under the R-14 zoning would trigger a redevelopment throughout this corridor, so that this interchange truly looks and feels like a Gateway to the City of Villa Rica.

Our team is happy to meet with and discuss any portions of this application with any interested parties.

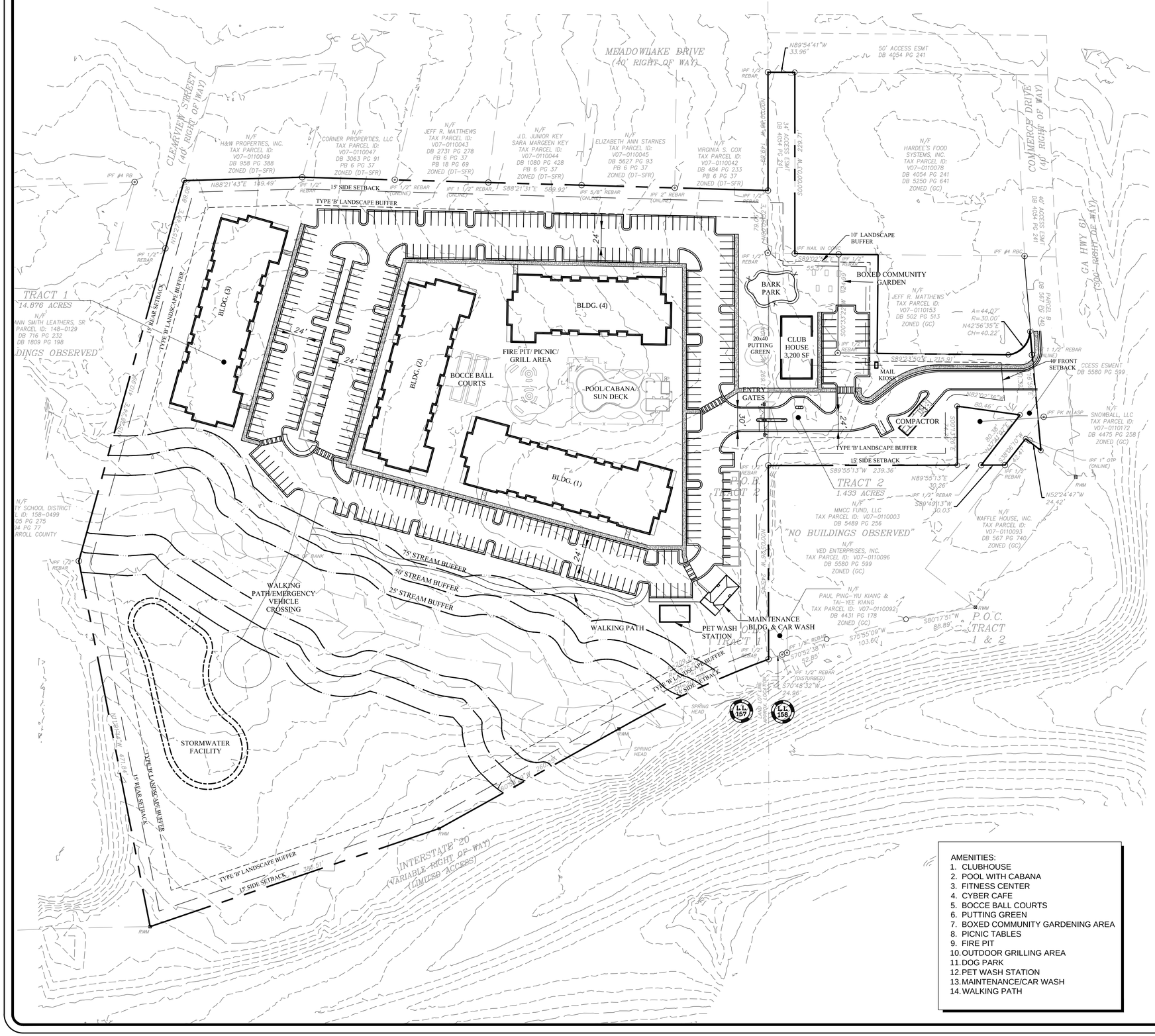
Sincerely,
Planners and Engineers Collaborative, Inc.



Kenneth J. Wood, P.E., LEED AP
President

For the Firm

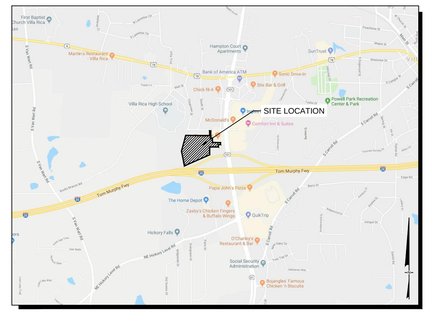
kjw/ht/dp


MEADOWLAKE DRIVE
(40' RIGHT OF WAY)
CLEARVIEW STREET
(40' RIGHT OF WAY)
COMMERCE DRIVE
(40' RIGHT OF WAY)
N/F
H&W PROPERTIES, INC.
TAX PARCEL ID:
V07-0110049
DB 958 PG 388
ZONED (DT-SFR)
N/F
CORNER PROPERTIES, LLC
TAX PARCEL ID:
V07-0110047
DB 3063 PG 91
PB 6 PG 37
ZONED (DT-SFR)
N/F
JEFF R. MATTHEWS
TAX PARCEL ID:
V07-0110043
DB 2231 PG 278
PB 6 PG 37
PB 18 PG 69
ZONED (DT-SFR)
N/F
J.D. JUNIOR KEY
SARA MARGEEN KEY
TAX PARCEL ID:
V07-0110044
DB 1080 PG 428
PB 6 PG 37
ZONED (DT-SFR)
N/F
ELIZABETH ANN STARNES
TAX PARCEL ID:
V07-0110045
DB 5627 PG 93
PB 6 PG 37
ZONED (DT-SFR)
N/F
VIRGINIA S. COX
TAX PARCEL ID:
V07-0110042
DB 484 PG 233
PB 6 PG 37
ZONED (DT-SFR)
N/F
HARDEE'S FOOD
SYSTEMS, INC.
TAX PARCEL ID:
V07-0110078
DB 4054 PG 241
DB 5250 PG 641
ZONED (GC)
N/F
JEFF R. MATTHEWS
TAX PARCEL ID:
V07-0110153
DB 502 PG 513
ZONED (GC)
N/F
SNOWBALL, LLC
TAX PARCEL ID:
V07-0110172
DB 4475 PG 258
ZONED (GC)
N/F
MMCC FUND, LLC
TAX PARCEL ID: V07-0110003
DB 5489 PG 256
N/F
WAFFLE HOUSE, INC.
TAX PARCEL ID:
V07-0110093
DB 567 PG 740
ZONED (GC)
N/F
VED ENTERPRISES, INC.
TAX PARCEL ID: V07-0110096
DB 5580 PG 599
ZONED (GC)
N/F
PAUL PING-YU KIANG &
TAI-YEE KIANG
TAX PARCEL ID: V07-0110092
DB 4431 PG 178
ZONED (GC)
N/F
TY SCHOOL DISTRICT
. ID: 158-0499
05 PG 275
94 PG 77
RROLL COUNTY
TRACT 1
14.876 ACRES
N/F
NN SMITH LEATHERS, SR
PARCEL ID: 148-0129
DB 716 PG 232
DB 1809 PG 198
DINGS OBSERVED"
TRACT 2
1.433 ACRES
"NO BUILDINGS OBSERVED"
P.O.B.
TRACT 2
P.O.C.
TRACT
1 & 2
N89°54'41"W
33.96'
50' ACCESS ESMT
DB 4054 PG 241
N0°00'00"W 222.72'
N89°54'41"W 459.29'
S89°02'12"E
55.57'
S89°02'12"E 1,215.91'
A=44.02'
R=30.00'
N42°56'35"E
CH=40.22'
N82°02'16"E
80.46'
N52°24'47"W
24.42'
S89°55'13"W 239.36'
N89°55'13"E
30.26'
S89°49'13"W
30.03'
S80°17'51"W
88.89'
S75°55'09"W
103.60'
S70°52'38"W
52.85'
S70°48'32"W
24.96'
N0°00'00"W 245.45'
S0°00'00"E 404.70'
S0°00'00"E 404.70'
N0°00'00"W 404.70'
S0°00'00"E 404.70'
N0°00'00"W 404.70'
S0°00'00"E 404.70'
N0°00'00"W

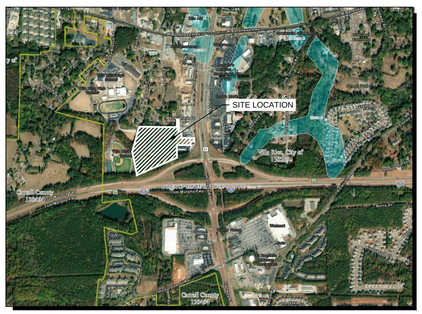
SITE DATA:	
SITE AREA	16.45 +/- ACRES
ZONING	
EXISTING ZONING	RURAL DEVELOPMENT
PROPOSED ZONING	R-14 MULTI-FAMILY RESIDENTIAL
ZONING JURISDICTION	CITY OF VILLA RICA, CARROLL COUNTY, GA.
USE CALCULATIONS	
TOTAL SITE AREA	16.45 +/- ACRES
SETBACK REQUIREMENTS	
FRONT SETBACK	40 FEET
SIDE SETBACK	15 FEET
REAR SETBACK	15 FEET
MIN. BUILDING SEPARATION	15 FEET
PERIMETER LANDSCAPE BUFFER	TYPE 'B'
DEVELOPMENT STANDARDS	
TOTAL APARTMENT UNITS PROVIDED	195 UNITS
SITE DENSITY PROVIDED	11.85 UNITS PER ACRE
DENSITY PERMITTED	8 UPA + DENSITY BONUS FROM AMENITIES (SEE LIST BELOW)
MAXIMUM BUILDING HEIGHT	65 FEET
OPEN SPACE CALCULATIONS	
TOTAL OPEN SPACE REQUIRED	3.26 ACRES (20% OF TOTAL SITE AREA)
TOTAL OPEN SPACE PROVIDED	6.5 ACRES (40% OF TOTAL SITE AREA)
PARKING REQUIREMENTS	
MIN. PARKING REQUIRED	337 SPACES (New Parking Ordinance)
PARKING SPACES PROVIDED	366 SPACES (1.88 SP/ DWELLING UNIT)

NOTES:
1. CONTOURS ON PLAN SHOWN AT 2'.
2. RESIDENTIAL CONSTRUCTION ANTICIPATED TO LAST 22 MONTHS; LEASING OFFICE AND FIRST BUILDING (PHASE I) TO BE DELIVERED IN MONTH 13.

HATCH REPRESENTS OPEN SPACE AREA



SITE LOCATION MAP
NOT TO SCALE



FEMA FIRM MAP
NOT TO SCALE

GEORGIA 811
www.Georgia811.com
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24 HOUR CONTACT:
MARK SHAW
404-574-5919

AMENITIES:
1. CLUBHOUSE
2. POOL WITH CABANA
3. FITNESS CENTER
4. CYBER CAFE
5. BOCCE BALL COURTS
6. PUTTING GREEN
7. BOXED COMMUNITY GARDENING AREA
8. PICNIC TABLES
9. FIRE PIT
10. OUTDOOR GRILLING AREA
11. DOG PARK
12. PET WASH STATION
13. MAINTENANCE/CAR WASH
14. WALKING PATH

PARKSIDE AT VILLA RICA

A MASTER PLANNED RESIDENTIAL DEVELOPMENT
FOR
PARKSIDE REAL ESTATE ACQUISITIONS, LLC
3525 PIEDMONT ROAD, NE.
BUILDING 8, SUITE 205
ATLANTA, GEORGIA 30305
PHONE: 404-574-5919

CITY OF VILLA RICA,
CARROLL COUNTY,
GEORGIA

LAND LOT 132
6th DISTRICT

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@ 350 RESEARCH COURT @ PEACHTREE CORNERS, GEORGIA 30092 @ (770) 451-2741 @ FAX (770) 451-3915 @

REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	*10/15/2019*	*ht*	*Updated Zoning Category*

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OPEN SPACE EXHIBIT

0 30 60 120 180

SCALE: 1" = 60'
DATE: OCTOBER, 2019
PROJECT: 19091.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

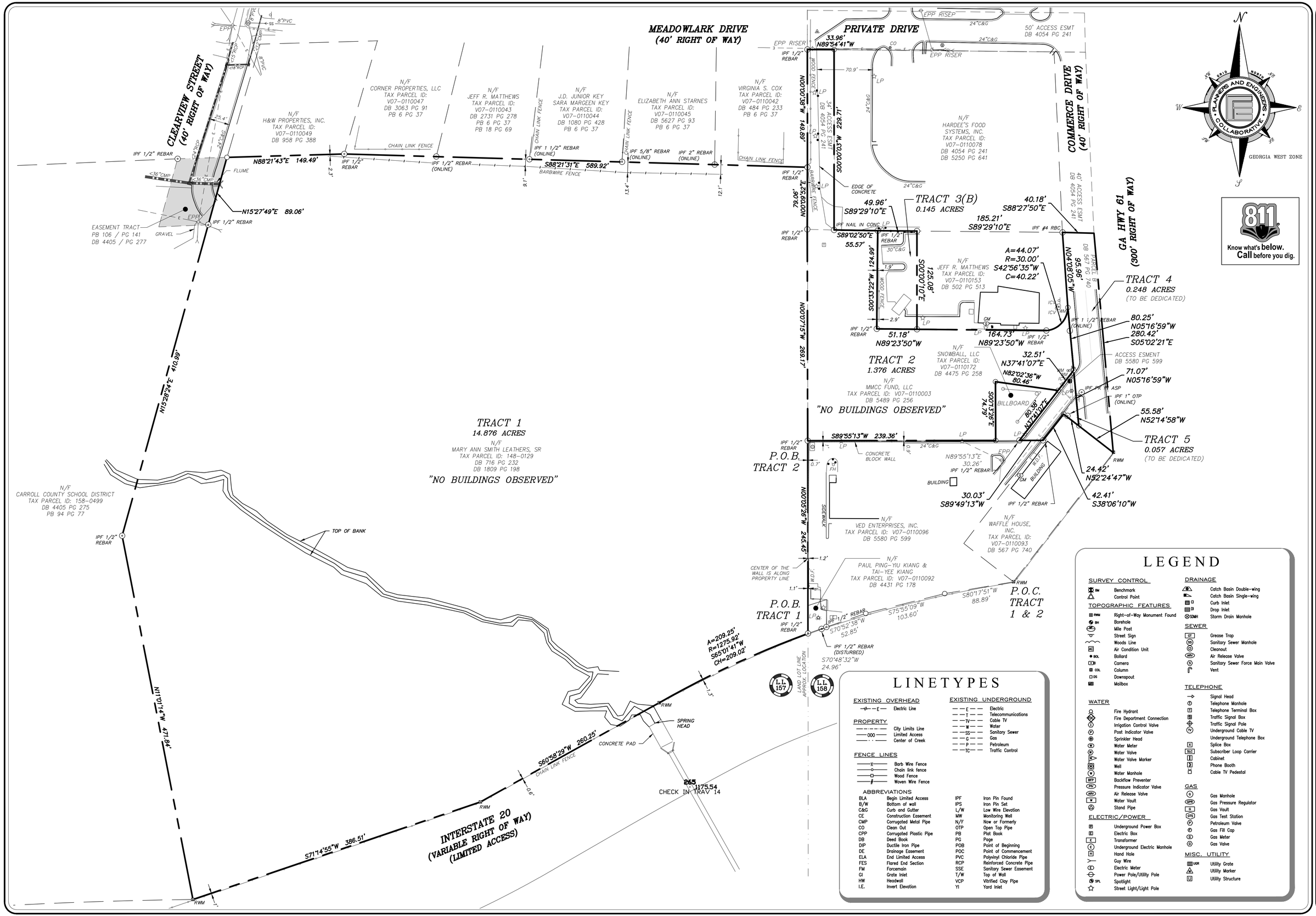
GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/28/2021

GRID NORTH
GEORGIA WEST ZONE

Z10
SHEET

J:\19091\Drawings & Exhibits\Design\19091SD Overlay Site-10 OS Exhibit.dwg, 4 Floor, 10/15/2019 9:55:43 AM, ht



LINETYPES

EXISTING OVERHEAD

- Electric Line

PROPERTY

- City Limits Line
- Limited Access
- Center of Creek

FENCE LINES

- Barb Wire Fence
- Chain link fence
- Wood Fence
- Woven Wire Fence

EXISTING UNDERGROUND

- Electric
- Telecommunications
- Cable TV
- Water
- Sanitary Sewer
- Gas
- Petroleum
- Traffic Control

ABBREVIATIONS

BLA	Begin Limited Access	IPF	Iron Pin Found
B/W	Bottom of wall	IPS	Iron Pin Set
C&G	Curb and Gutter	L/W	Low Wire Elevation
CE	Construction Easement	MW	Monitoring Well
CMP	Corrugated Metal Pipe	N/F	Now or Formerly
CO	Clean Out	OTP	Open Top Pipe
CPP	Corrugated Plastic Pipe	PB	Plat Book
DB	Deed Book	PG	Page
DIP	Ductile Iron Pipe	POB	Point of Beginning
DE	Drainage Easement	POC	Point of Commencement
ELA	End Limited Access	PVC	Polyvinyl Chloride Pipe
FES	Flared End Section	RCP	Reinforced Concrete Pipe
FM	Forcemain	SSE	Sanitary Sewer Easement
GI	Grate Inlet	T/W	Top of Wall
HW	Headwall	VCP	Vitrified Clay Pipe
I.E.	Invert Elevation	YI	Yard Inlet

LEGEND

SURVEY CONTROL

- BM Benchmark
- Control Point

TOPOGRAPHIC FEATURES

- RWM Right-of-Way Monument Found
- BH Borehole
- Mile Post
- Street Sign
- Woods Line
- AC Air Condition Unit
- BOL Bollard
- Camera
- COL Column
- DS Downspout
- Mailbox

WATER

- Fire Hydrant
- Fire Department Connection
- Irrigation Control Valve
- Post Indicator Valve
- Sprinkler Head
- Water Meter
- Water Valve
- Water Valve Marker
- Well
- Water Manhole
- BFP Backflow Preventer
- PRV Pressure Indicator Valve
- ARV Air Release Valve
- W Water Vault
- Stand Pipe

ELECTRIC/POWER

- Underground Power Box
- Electric Box
- Transformer
- Underground Electric Manhole
- Hand Hole
- Guy Wire
- Electric Meter
- Power Pole/Utility Pole
- SPL Spotlight
- Street Light/Light Pole

DRAINAGE

- Catch Basin Double-wing
- Catch Basin Single-wing
- CI Curb Inlet
- DI Drop Inlet
- SDMH Storm Drain Manhole

SEWER

- GT Grease Trap
- SS Sanitary Sewer Manhole
- Cleanout
- ARV Air Release Valve
- Sanitary Sewer Force Main Valve
- Vent

TELEPHONE

- Signal Head
- Telephone Manhole
- Telephone Terminal Box
- Traffic Signal Box
- Traffic Signal Pole
- TV Underground Cable TV
- Underground Telephone Box
- Splice Box
- SLC Subscriber Loop Carrier
- Cabinet
- Phone Booth
- Cable TV Pedestal

GAS

- Gas Manhole
- GPR Gas Pressure Regulator
- Gas Vault
- GTS Gas Test Station
- Petroleum Valve
- Gas Fill Cap
- Gas Meter
- Gas Valve

MISC. UTILITY

- UGR Utility Grate
- Utility Marker
- Utility Structure

DRAWN BY: SM
CHECKED BY: JNH / MCS
FILE NO.: 19091.00
DATE: 07/19/2019
SCALE: 1"=60'
DATE OF FIELD WORK: 07/17/19

0 30 60 120

ALTA/NSPS LAND TITLE SURVEY
FOR
PARKSIDE REAL ESTATE ACQUISITIONS, LLC

CARROLL COUNTY GEORGIA

LAND LOT(S) 157 & 158
DISTRICT 6th

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

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C.O.A.-LSF000004

LEGAL DESCRIPTION

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 157 of the 6th District, Carroll County, Georgia and being more particular described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the concrete right of way monument found at the intersection of the westerly right of way of State Route 61 (300 foot right of way) with the northerly right of way of Interstate 20 (variable right of way); thence along said northerly right of way of Interstate 20 the following courses and distances: South 80 degrees 17 minutes 51 seconds West, a distance of 88.89 feet to a point; South 75 degrees 55 minutes 09 seconds West, a distance of 103.60 feet to a point; South 70 degrees 52 minutes 38 seconds West, a distance of 52.85 feet to a 1/2 inch rebar found; South 70 degrees 48 minutes 32 seconds West, a distance of 24.96 feet to a 1/2 inch rebar found, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established, continue along said northerly right of way of Interstate 20 the following courses and distances: along a curve turning to the left with an arc length of 209.25 feet, having a radius of 1275.92 feet, being subtended by a chord bearing of South 65 degrees 01 minutes 41 seconds West, and a chord length of 209.02 feet to a right of way monument found; South 60 degrees 58 minutes 29 seconds West, a distance of 260.25 feet to a right of way monument found; South 71 degrees 14 minutes 55 seconds West, a distance of 386.51 feet to a right of way monument found; thence leaving said northerly right of way of Interstate 20 and proceed along the common property line between Carroll County School District and Mary Ann Smith Leathers, SR the following courses and distances: North 11 degrees 01 minutes 14 seconds West, a distance of 471.84 feet to a 1/2 inch rebar found; North 15 degrees 28 minutes 24 seconds East, a distance of 410.99 feet to a 1/2 inch rebar found at the southeast corner of the Clearview Street (40 foot right of way); thence along said easterly right of way of Clearview Street North 15 degrees 27 minutes 49 seconds East, a distance of 89.06 feet to a point; thence leaving said easterly right of way of Clearview Street proceed along the common property line between H&W Properties, Inc. and Mary Ann Smith Leathers, SR North 88 degrees 21 minutes 43 seconds East, a distance of 149.49 feet to a 1/2 inch rebar found; thence along the common property line between Corner Properties, LLC, Jeff R. Matthews, J.D. Junior Key & Sara Margeen Key, Elizabeth Ann Starnes, Virginia S. Cox and Mary Ann Smith Leathers, SR South 88 degrees 21 minutes 31 seconds East, a distance of 589.92 feet to a 1/2 inch rebar found; thence along the common property line between MMCC Fund, LLC and Mary Ann Smith Leathers, SR the following courses and distances: South 00 degrees 09 minutes 52 seconds West, a distance of 79.06 feet to a 1/2 inch rebar found; South 00 degrees 07 minutes 15 seconds East, a distance of 269.17 feet to a 1/2 inch rebar found; thence along the common property line between VED Enterprises, Inc. and Mary Ann Smith Leathers, SR the following courses and distances South 00 degrees 05 minutes 26 seconds East, a distance of 245.45 feet a 1/2 inch rebar found, said rebar being the TRUE POINT OF BEGINNING.

Contains 647978.71 square feet or 14.876 acres.

LEGAL DESCRIPTION

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 158 of the 6th District, Carroll County, Georgia and being more particular described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the concrete right of way monument found at the intersection of the westerly right of way of State Route 61 (300 foot right of way) with the northerly right of way of Interstate 20 (variable right of way); thence along said northerly right of way of Interstate 20 the following courses and distances: South 80 degrees 17 minutes 51 seconds West, a distance of 88.89 feet to a point; South 75 degrees 55 minutes 09 seconds West, a distance of 103.60 feet to a point; South 70 degrees 52 minutes 38 seconds West, a distance of 52.85 feet to a 1/2 inch rebar found; South 70 degrees 48 minutes 32 seconds West, a distance of 24.96 feet to a 1/2 inch rebar found; thence leaving said northerly right of way line of Interstate 20 and proceed along the common property line between VED Enterprises, Inc. and Mary Ann Smith Leathers, SR North 00 degrees 05 minutes 26 seconds West, a distance of 245.45 feet to a 1/2 inch rebar found, said rebar being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established, along the common property line between MMCC Fund, LLC and Mary Ann Smith Leathers, SR the following courses and distances: North 00 degrees 07 minutes 15 seconds West, a distance of 269.17 feet to a 1/2 inch rebar found; North 00 degrees 09 minutes 52 seconds East, a distance of 79.06 feet to a 1/2 inch rebar found; thence along the common property line between Virginia S. Cox and MMCC Fund, LLC North 00 degrees 00 minutes 38 seconds West, a distance of 149.89 feet to a 1/2 inch rebar found on the southerly right of way line of Meadowlark Drive (40 foot right of way); thence along said southerly right of way line of Meadowlark Drive South 89 degrees 54 minutes 41 seconds East, a distance of 33.96 feet to a point; thence leaving said southerly right of way line of Meadowlark Drive and proceed along common property line between Hardee's Food Systems, Inc. and MMCC Fund, LLC the following courses and distances: South 00 degrees 00 minutes 03 seconds West, a distance of 229.71 feet to a Nail found in concrete; South 89 degrees 02 minutes 50 seconds East, a distance of 55.57 feet to a 1/2 inch rebar found; thence along common property line between Jeff R. Matthews (Pizza Hut) and MMCC Fund, LLC the following courses and distances: South 00 degrees 33 minutes 22 seconds West, a distance of 124.99 feet to a 1/2 inch rebar found; South 89 degrees 23 minutes 50 seconds East, a distance of 215.91 feet to a point; along a curve turning to the left with an arc length of 44.07 feet, having a radius of 30.00 feet, being subtended by a chord bearing of North 42 degrees 56 minutes 35 seconds East, and a chord length of 40.22 feet to a point located on the westerly right of way line of Commerce Drive (40 foot right of way); thence along said westerly right of way of Commerce Drive South 05 degrees 16 minutes 59 seconds East, 80.25 feet to a point; thence leaving said right-of-way line South 37 degrees 41 minutes 7 seconds West a distance of 32.51 feet to a point; thence proceed along common property line between Snowball, LLC and MMCC Fund, LLC the following courses and distances: North 82 degrees 02 minutes 36 seconds West, a distance of 80.46 feet to a point; South 00 degrees 13 minutes 26 seconds East, a distance of 74.79 feet to a point; thence along common property line between MMCC Fund, LLC and VED Enterprises, Inc South 89 degrees 55 minutes 13 seconds West, a distance of 239.36 feet to a 1/2 inch rebar found, said rebar being the TRUE POINT OF BEGINNING.

Said tract containing 1.376 acres.

LEGAL DESCRIPTION

TRACT 4

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 158 of the 6th District, Carroll County, Georgia and being more particular described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the concrete right of way monument found at the intersection of the westerly right of way of State Route 61 (300 foot right of way) with the northerly right of way of Interstate 20 (variable right of way); thence along said northerly right of way of Interstate 20 the following courses and distances: South 80 degrees 17 minutes 51 seconds West, a distance of 88.89 feet to a point; South 75 degrees 55 minutes 09 seconds West, a distance of 103.60 feet to a point; South 70 degrees 52 minutes 38 seconds West, a distance of 52.85 feet to a 1/2 inch rebar found; South 70 degrees 48 minutes 32 seconds West, a distance of 24.96 feet to a 1/2 inch rebar found; thence leaving said northerly right of way line of Interstate 20 and proceed along the common property line between VED Enterprises, Inc. and Mary Ann Smith Leathers, SR North 00 degrees 05 minutes 26 seconds West, a distance of 245.45 feet to a 1/2 inch rebar found; thence North 89 degrees 55 minutes 13 seconds East a distance of 239.36 feet to a point; thence North 0 degrees 13 minutes 26 seconds West a distance of 74.79 feet to a point; thence South 82 degrees 2 minutes 36 seconds East a distance of 80.46 feet to a point; thence North 37 degrees 41 minutes 7 seconds East a distance of 32.51 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence North 5 degrees 16 minutes 59 seconds West a distance of 80.25 feet to a point; thence North 4 degrees 8 minutes 5 seconds West a distance of 95.96 feet to a point; thence South 88 degrees 27 minutes 50 seconds East a distance of 40.18 feet to a point; thence South 5 degrees 2 minutes 21 seconds East a distance of 280.42 feet to a point; thence North 52 degrees 14 minutes 58 seconds West a distance of 55.58 feet to a point; thence North 5 degrees 16 minutes 59 seconds West a distance of 71.07 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.248 acres (10,801 square feet).

LEGAL DESCRIPTION

TRACT 5

(To Be Dedicated)

PARCEL B OF DB 567 / PG 740

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 158 of the 6th District, Carroll County, Georgia and being more particular described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the concrete right of way monument found at the intersection of the westerly right of way of State Route 61 (300 foot right of way) with the northerly right of way of Interstate 20 (variable right of way); thence along said northerly right of way of Interstate 20 the following courses and distances: South 80 degrees 17 minutes 51 seconds West, a distance of 88.89 feet to a point; South 75 degrees 55 minutes 09 seconds West, a distance of 103.60 feet to a point; South 70 degrees 52 minutes 38 seconds West, a distance of 52.85 feet to a 1/2 inch rebar found; South 70 degrees 48 minutes 32 seconds West, a distance of 24.96 feet to a 1/2 inch rebar found; thence leaving said northerly right of way line of Interstate 20 and proceed along the common property line between VED Enterprises, Inc. and Mary Ann Smith Leathers, SR North 00 degrees 05 minutes 26 seconds West, a distance of 245.45 feet to a 1/2 inch rebar found; thence North 89 degrees 55 minutes 13 seconds East a distance of 239.36 feet to a point; thence North 0 degrees 13 minutes 26 seconds West a distance of 74.79 feet to a point; thence South 82 degrees 2 minutes 36 seconds East a distance of 80.46 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence North 37 degrees 41 minutes 7 seconds East a distance of 32.51 feet to a point; thence South 5 degrees 16 minutes 59 seconds East a distance of 71.07 feet to a point; thence North 52 degrees 24 minutes 47 seconds West a distance of 24.42 feet to a point; thence South 38 degrees 6 minutes 10 seconds West a distance of 42.41 feet to a point; thence South 89 degrees 49 minutes 13 seconds West a distance of 30.03 feet to a point; thence North 37 degrees 41 minutes 7 seconds East a distance of 80.38 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.057 acres (2,492 square feet).

LEGAL DESCRIPTION

TRACT 3B

PORTION OF PIZZA HUT TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 158 of the 6th District, Carroll County, Georgia and being more particular described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the concrete right of way monument found at the intersection of the westerly right of way of State Route 61 (300 foot right of way) with the northerly right of way of Interstate 20 (variable right of way); thence along said northerly right of way of Interstate 20 the following courses and distances: South 80 degrees 17 minutes 51 seconds West, a distance of 88.89 feet to a point; South 75 degrees 55 minutes 09 seconds West, a distance of 103.60 feet to a point; South 70 degrees 52 minutes 38 seconds West, a distance of 52.85 feet to a 1/2 inch rebar found; South 70 degrees 48 minutes 32 seconds West, a distance of 24.96 feet to a 1/2 inch rebar found; thence leaving said northerly right of way line of Interstate 20 and proceed along the common property line between VED Enterprises, Inc. and Mary Ann Smith Leathers, SR North 00 degrees 05 minutes 26 seconds West, a distance of 245.45 feet to a 1/2 inch rebar found, thence along the common property line between MMCC Fund, LLC and Mary Ann Smith Leathers, SR the following courses and distances: North 00 degrees 07 minutes 15 seconds West, a distance of 269.17 feet to a 1/2 inch rebar found; North 00 degrees 09 minutes 52 seconds East, a distance of 79.06 feet to a 1/2 inch rebar found; thence along the common property line between Virginia S. Cox and MMC Fund, LLC North 00 degrees 00 minutes 38 seconds West, a distance of 149.89 feet to a 1/2 inch rebar found on the southerly right of way line of Meadowlake Drive (40 foot right of way); thence along said southerly right of way line of Meadowlake Drive South 89 degrees 54 minutes 41 seconds East, a distance of 33.96 feet to a point; thence leaving said southerly right of way line of Meadowlake Drive and proceed along common property line between Hardee's Food Systems, Inc. and MMCC Fund, LLC the following courses and distances: South 00 degrees 00 minutes 03 seconds West, a distance of 229.71 feet to a Nail found in concrete; South 89 degrees 02 minutes 50 seconds East, a distance of 55.57 feet to a 1/2 inch rebar found;

said rebar being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence South 89 degrees 29 minutes 10 seconds East a distance of 49.96 feet to a point; thence South a distance of 125.08 feet to a point; thence North 89 degrees 23 minutes 50 seconds West a distance of 51.18 feet to a point; thence North 0 degrees 33 minutes 22 seconds East a distance of 124.99 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.145 acres (6,323 square feet).

PARKSIDE EQUITIES

– One Palm – Sarasota, Florida
A Parkside Development

PARKSIDE EQUITIES

Current Projects

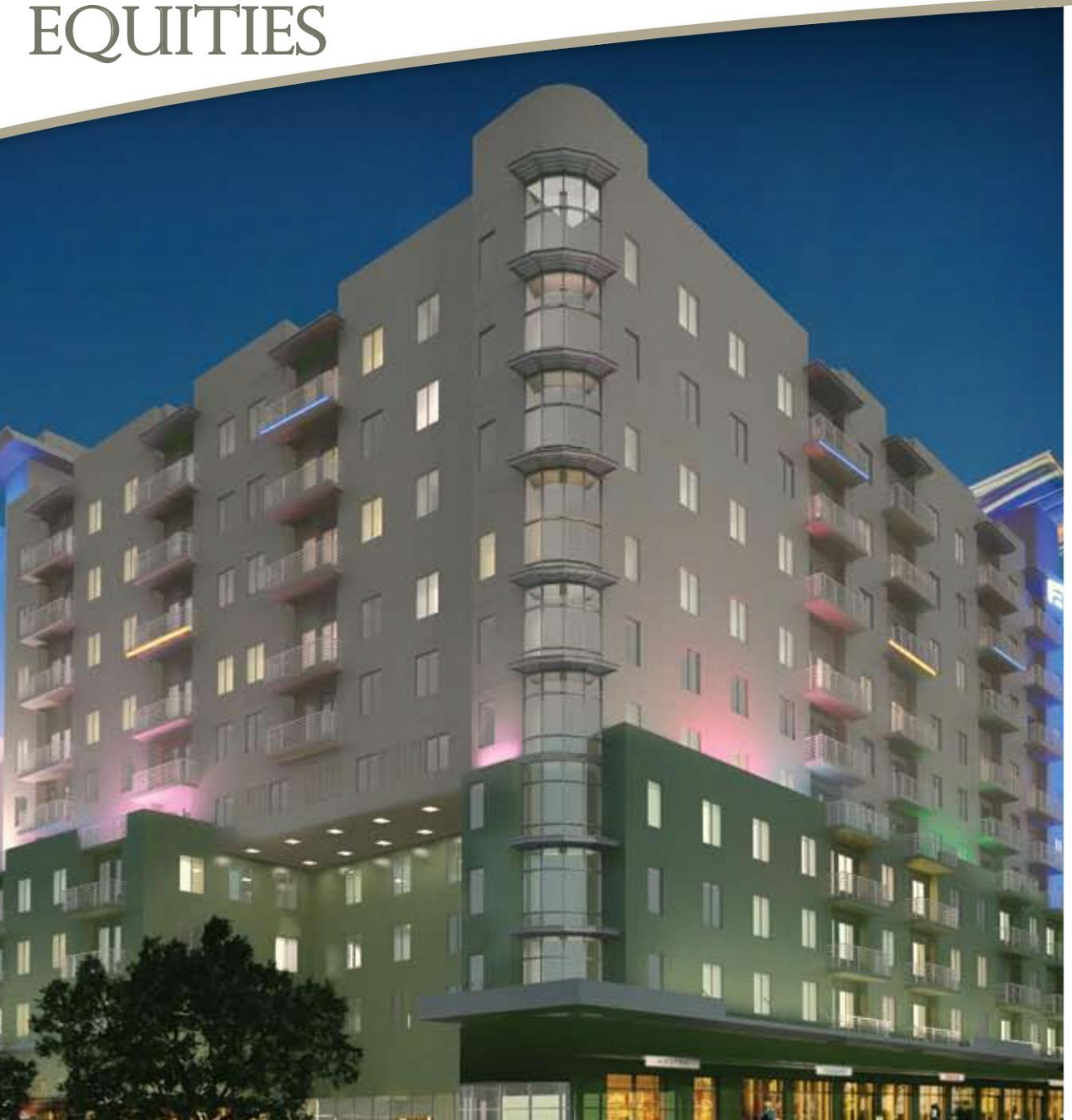
PARKSIDE EQUITIES

Parkside at Cottage Hill

Operating in Atlanta since 1986, Easlan Capital of Atlanta joined with outside equity groups in 2013 to form Parkside Equities, LLC for the purpose of developing urban and suburban apartments and mixed use projects throughout the southeast.

Parkside's first development was a $25,000,000 project in Mobile, Alabama for a 240 unit, Class-A, garden style apartment project called Parkside at Cottage Hill. The project was completed in December 2015.

PARKSIDE EQUITIES



One Palm

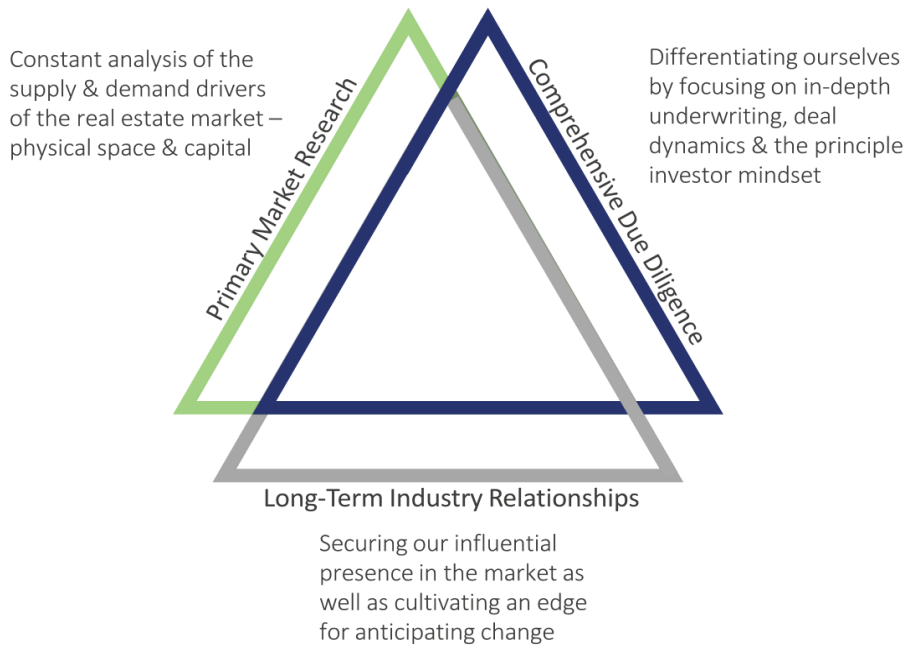
Parkside's second development is a mixed-use project in downtown Sarasota, Florida. **One Palm** consists of an Aloft Hotel and 141 apartments. Completed in 2016.

Also in 2016, Parkside Equities formed a joint venture with the Ardent Companies of Atlanta to act as the development and management entity for all future projects. The Ardent D4 Housing Fund was formed and successfully raised equity for the next four projects.

The Ardent Company is described over the next five pages.

EXECUTIVE SUMMARY

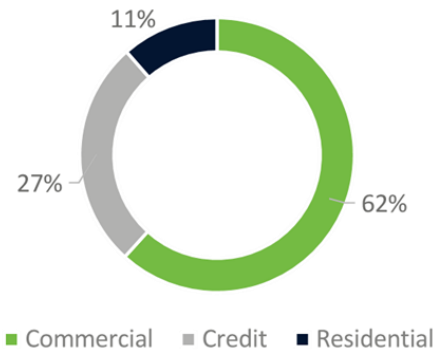
- The Ardent Companies ("Ardent") is a solutions-based real estate investment and asset management firm that combines the disciplines of primary market research & comprehensive due diligence with a commitment to long-term industry relationships to create compelling risk adjusted returns to investors.
- Ardent draws upon its leadership's experience in direct real estate investment to provide operators with equity/debt capital and distressed loan acquisitions. The Ardent team has a long history of generating quality returns and holds to the key fundamentals of thorough due diligence, vertically integrated asset management, and detailed financial reporting. This is enhanced with Ardent's principals investing substantial capital in every investment side-by-side with investors.
- Ardent is owned and managed by highly experienced real estate and investment professionals with an average of 20 years of experience in real estate transactions, working in property acquisitions, underwriting, management, valuation, servicing, and institutional real estate investment banking.



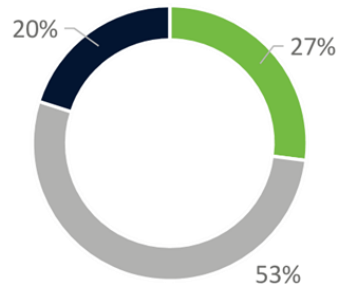
QUICK FACTS

172 Transactions	$1.9 Billion Invested	$1.1 Billion in AUM	Footprint in 28 States	750+ Investor Base	32 Employees

Approximately $1.1 Billion in total assets under management with a presence nationwide



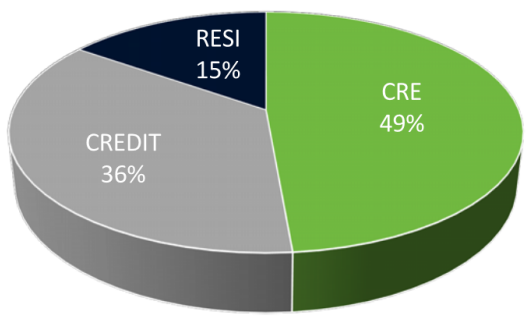
Three debt funds totaling $293 Million under management with a fourth launching by late-2018



SUMMARY OF INVESTMENTS

- At its core, Ardent has an extensive and diverse understanding of real estate, corporate finance, and capital markets that provide multiple investment alternatives.
- Ardent is an active real estate investor, with primary investment strategies including:
  - ❑ High-yield debt opportunities (CREDIT)
  - ❑ Fee simple CRE purchased below replacement cost (CRE)
  - ❑ Land acquisition for single family development (RESI)

TOTAL CAPITAL DEPLOYED $1.9 BILLION



TRACK RECORD

	2011	2012	2013	2014	2015	2016	2017	2018*	TOTAL
Transaction Count	11	15	19	25	22	27	29	23	172
Total Capital**	$43.6	$51.2	$173.4	$189.6	$187.6	$521.9	$470.3	$330.6	$1,962
Closed Investments	0	7	5	6	16	20	17	11	93
IRR	N/A	69%	22%	30%	31%	25%	15%	20%	25%
Equity Multiple	N/A	1.3x	1.2x	1.3x	1.4x	1.2x	1.2x	1.4x	1.3x

*as of 9/30/17
**Millions

25% IRR over lifetime

1.3x Multiple over lifetime

LEADERSHIP TEAM

Matthew Shulman

- 16 years of real estate investment experience
- Fairway Capital Partners – Founding Partner
- Rialto Capital - Managing Director of origination platform
- B.A. in Political Science from the University of Arizona, M.A. in Real Estate Finance from New York University, and adjunct Professor of Real Estate Finance at New York University

Dror Bezalel

- 21 years of real estate investment experience
- Anthem Capital Partners – COO/CFO
- Fairway Capital Partners – COO
- Morgan Stanley – Senior CMBS Large Loan Underwriter
- Undergraduate degree B.A. in Business Management as an undergraduate degree as well as a M.S. in Real Estate Development & M.S. in Finance from New York University

Todd Terwilliger

- 15 years of real estate investment experience
- Rialto Capital – Managing Director of Southeast Region Real Estate Portfolio
- Fairway Capital Partners – Strategic Partner
- Pulte Homes Corporation – VP of Land Acquisition & Development
- B.S. in Engineering Technology from the University of Dayton Ohio & an MBA from Georgia State University

Gregg Goldenberg

- 30 years of real estate investment experience
- Acadia Homes & Neighborhoods – President & CEO
- Morrison Homes – Senior VP of Southeast Region
- Graduate of the McIntire School of Commerce from the University of Virginia & University of North Carolina at Chapel Hill – MBA with concentration in Real Estate Finance from the University of North Carolina at Chapel Hill

PARKSIDE EQUITIES

Projects Under Construction

PARKSIDE EQUITIES

Parkside at the Beach

Parkside's third development and first as partners with Ardent, is located in Panama City Beach, Florida. Under construction, Parkside at the Beach is currently 85% complete and 70% leased. This is Parkside’s first project with Ardent and funded by the Ardent D4 Housing Fund I.

PARKSIDE EQUITIES

The Malone- Chamblee, GA

Parkside is a joint venture with Courtlong Properties for this 205-unit development currently under construction

PARKSIDE EQUITIES

Parkside Estero- Estero Grande, FL

Parkside and Ardent designed, zoned, and fully executed this 198-unit project and pre-sold in October 2018

PARKSIDE EQUITIES

Parkside at the Villages, FL

Parkside at the Villages will be a 282-unit Apartment community located between Orlando and Ocala, Florida and is expected to begin construction in May 2019.

PARKSIDE EQUITIES

Past Projects

PARKSIDE EQUITIES

Glenridge Springs- Sandy Springs, GA

- Urban Mixed Use
- Residential
- Retail
- Office
- Sold 2010

PARKSIDE EQUITIES

St. Regis Buckhead- Atlanta, GA

- AAA
- 5 Diamond Hotel
- 151 Rooms
- 53 Residences
- Sold 2009

PARKSIDE EQUITIES

Rice Creek- Savannah, GA

- Apartment Community
- 240 Units
- Class A
- Sold 2009

PARKSIDE EQUITIES

Vinings at Spanish Fort, AL

- Apartment Community
- 240 Units
- Class A
- Sold 2009

PARKSIDE EQUITIES

Newnan Lakes- Newnan, GA

- Apartment Community
- 268 Units
- Class A
- Sold 2005

PARKSIDE EQUITIES

Vinings at Duncan Chapel

- Apartment Community
- 196 Units
- Class A
- Sold 2003

PARKSIDE EQUITIES

Vinings at Matthews, NC

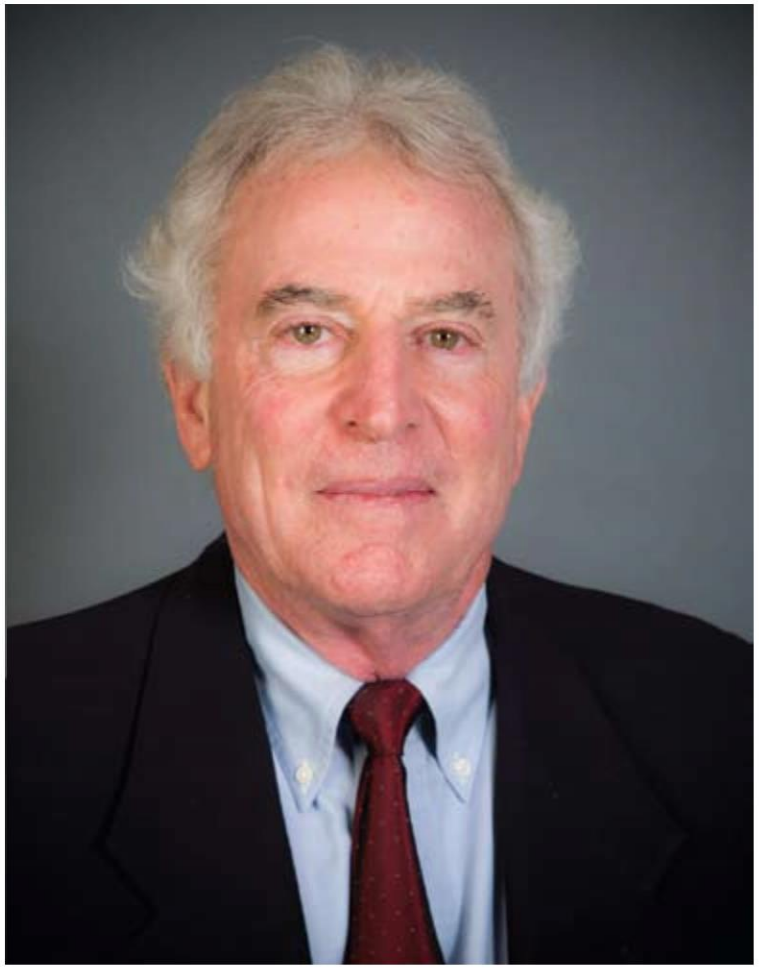
- Apartment Community
- 240 Units
- Class A
- Sold 2001

PARKSIDE EQUITIES

Parkside Principals

PARKSIDE EQUITIES

KENT LEVENSON, SR.



Mr. Levenson is a graduate of Vanderbilt University and received his Masters degree from Georgia State University. He has worked as a real estate broker in the Atlanta area since 1970. In that time he has worked with such institutional investors as the Robert A. McNeal Corporation, Epic Investment Corporation and the Jocks Miller Corporation.

Mr. Levenson formed Easlan Capital of Atlanta, Inc. in 1986 and has served as President and CEO since that time where he oversees the firm's development of apartments, office, retail and hotels throughout the southeast.

In 2013 Mr. Levenson became a principal in Parkside Development Group specializing in multifamily and mixed use developments throughout the southeast.

PARKSIDE EQUITIES

LENNY MELTZ

Mr. Meltz has a BBA degree from the University of Georgia and has been active in various real estate ventures throughout the southeast for forty five years. Mr. Meltz held real estate lending positions with both Trust Company Bank and Citizens and Southern REIT in Atlanta from 1970 to 1976. Moving to Washington DC in 1976 he oversaw the development of the northeastern United States for Ticor Mortgage Insurance Company as its Senior Vice President and Regional Manager. He later became President and COO of The EPIC Group, a national real estate investment firm headquarted in Washington DC until returning to Atlanta in 1988 where he became a partner and President of Noro Capital Advisors, a Dutch real estate advisory firm headquarted in Atlanta.

Since 1990 he has been a principal with Easlan Capital of Atlanta, a regional development firm operating in Greenville, Charlotte and Atlanta, where he has been involved in all aspects of the firm's development of apartments, office, retail and hotels throughout the southeast.

In 2013 Mr. Meltz became a principal in Parkside Development Group specializing in multifamily and mixed use developments throughout the southeast.

PARKSIDE EQUITIES

MARK SHAW

Mr. Shaw graduated from the Georgia Institute of Technology in 1989, where he received his degree in Bachelor of Science in Management. He began his career in the same year as a real estate broker representing office developments in Atlanta, Georgia.

In 1994, Mr. Shaw teamed with the residential development division of Easlan Capital of Atlanta, Inc., where he joint ventured single family and townhome developments throughout Atlanta. During that time, he developed and/or sold to various single family homebuilders such as Pulte Homes, John Wieland Homes and Neighborhoods, Bowen Family Homes, Ashton Woods and Rivercrest Homes.

Beginning in 2007 Mr. Shaw became a partner in Easlan Capital's retail and multifamily developments overseeing the development and construction of various projects.

Mr. Shaw became a principal in Parkside Development Group in 2013 specializing in multifamily and mixed use developments throughout the Southeast.

PARKSIDE EQUITIES

MATT MESHAD

Matthew W. Meshad earned a bachelor's degree in Healthcare Management from the University of Alabama in 1994. In 1996, he started working with Environmental Medical Systems, LLC, where he was positioned as the Chief Operating Officer until a sale of the company was competed in 2002.

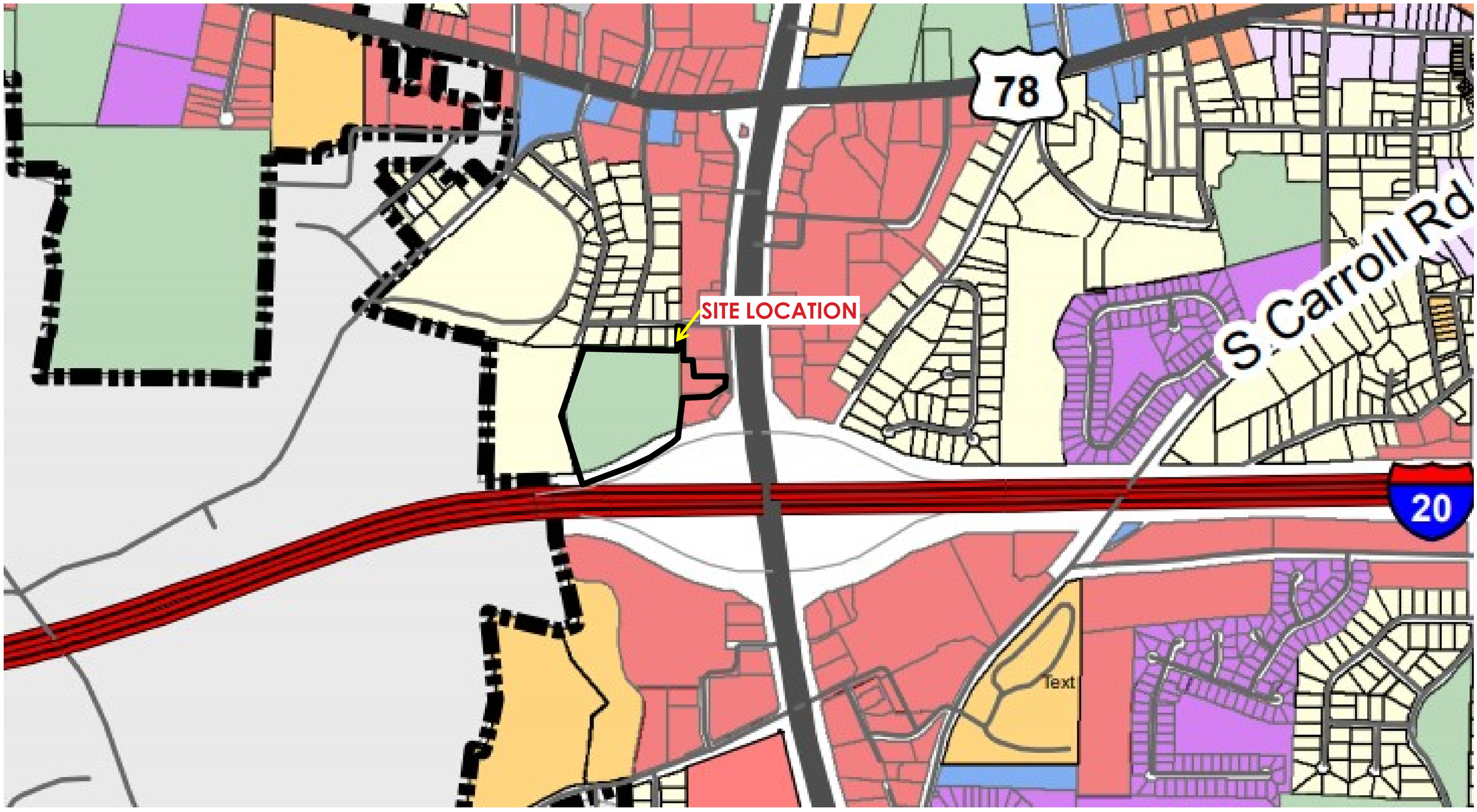
In 2003, Mr. Meshad joined Easlan Capital of Atlanta as an investment sales broker and property manager. Mr. Meshad advanced to oversee management of all the firm's assets, as well as the construction and development of new assets in excess of $150 million. Mr. Meshad is currently a principal with Parkside Development Group, L.L.C. where he is involved in all aspects of the firm's development of apartments, office, retail and hotels throughout the southeast.

360 STUDIO

PLANNERS AND ENGINEERS COLLABORATIVE

PARKSIDE AT VILLA RICA

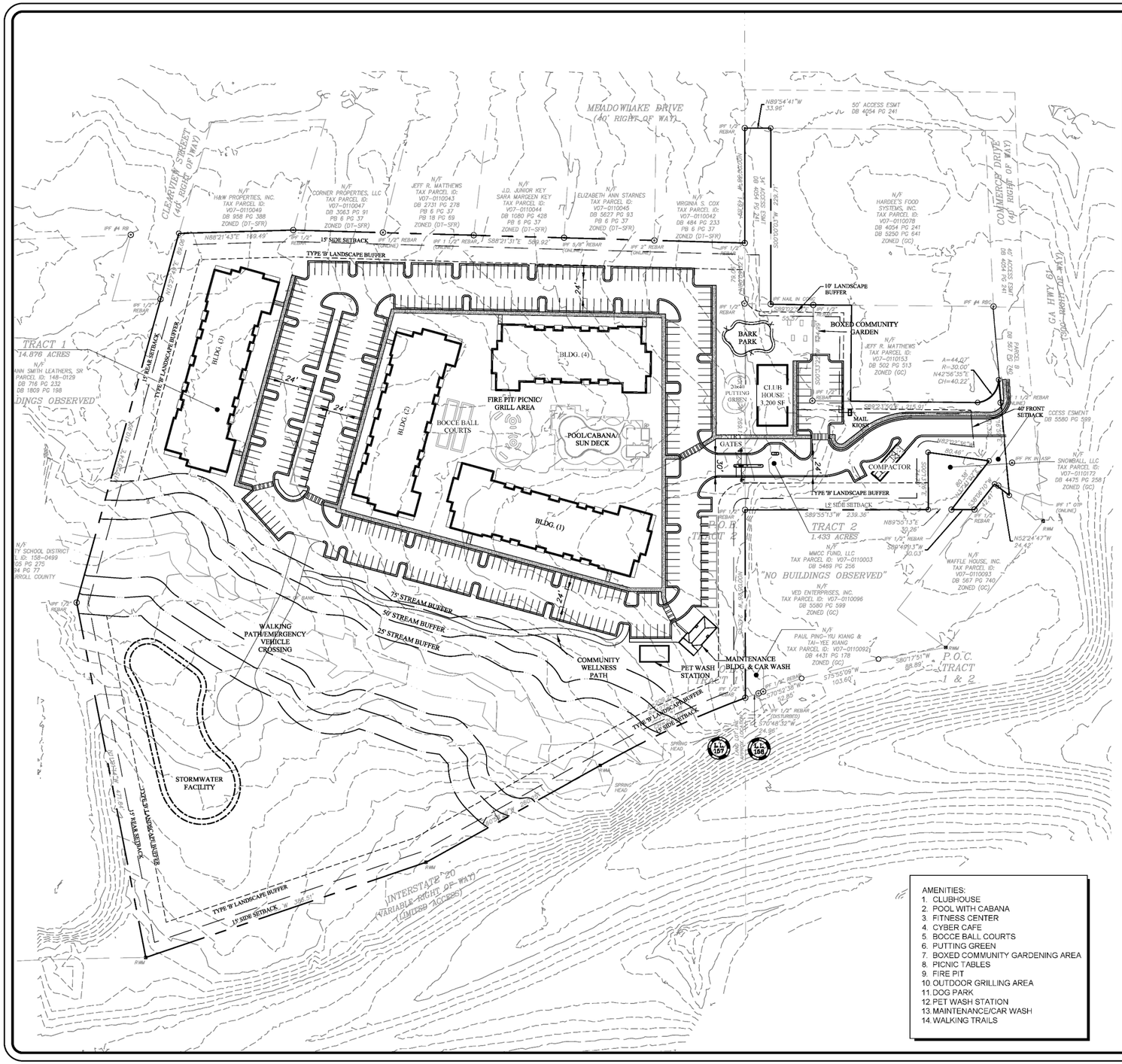
CITY OF VILLA RICA



360 STUDIO | PLANNERS AND ENGINEERS COLLABORATIVE

PARKSIDE AT VILLA RICA

CITY OF VILLA RICA


MEADOWLAKE DRIVE
(40' RIGHT OF WAY)
CLEARVIEW STREET
(40' RIGHT OF WAY)
COMMERCE DRIVE
(40' RIGHT OF WAY)
GA HWY 61
(300' RIGHT OF WAY)
INTERSTATE 20
(VARIABLE RIGHT OF WAY)
(LIMITED ACCESS)
TRACT 1
14.876 ACRES
TRACT 2
1.433 ACRES
P.O.B. TRACT 2
P.O.C. TRACT 1 & 2
"NO BUILDINGS OBSERVED"
H&W PROPERTIES, INC.
TAX PARCEL ID:
V07-0110049
DB 958 PG 388
ZONED (DT-SFR)
CORNER PROPERTIES, LLC
TAX PARCEL ID:
V07-0110047
DB 3063 PG 91
PB 6 PG 37
ZONED (DT-SFR)
JEFF R. MATTHEWS
TAX PARCEL ID:
V07-0110043
DB 2731 PG 278
PB 6 PG 37
PB 18 PG 69
ZONED (DT-SFR)
J.D. JUNIOR KEY
SARA MARGEEN KEY
TAX PARCEL ID:
V07-0110044
DB 1080 PG 428
PB 6 PG 37
ZONED (DT-SFR)
ELIZABETH ANN STARNES
TAX PARCEL ID:
V07-0110045
DB 5827 PG 93
PB 6 PG 37
ZONED (DT-SFR)
VIRGINIA S. COX
TAX PARCEL ID:
V07-0110042
DB 484 PG 233
PB 6 PG 37
ZONED (DT-SFR)
HARDEE'S FOOD SYSTEMS, INC.
TAX PARCEL ID:
V07-0110078
DB 4054 PG 241
DB 5250 PG 641
ZONED (GC)
JEFF R. MATHEWS
TAX PARCEL ID:
V07-0110153
DB 502 PG 513
ZONED (GC)
SNOWBALL, LLC
TAX PARCEL ID:
V07-0110172
DB 4475 PG 258
ZONED (GC)
MMCC FUND, LLC
TAX PARCEL ID: V07-0110003
DB 5483 PG 256
WAFFLE HOUSE, INC.
TAX PARCEL ID:
V07-0110093
DB 587 PG 740
ZONED (GC)
VED ENTERPRISES, INC.
TAX PARCEL ID: V07-0110096
DB 5580 PG 599
ZONED (GC)
PAUL PING-YU KIANG &
TAI-TEE KIANG
TAX PARCEL ID: V07-0110092
DB 4431 PG 178
ZONED (GC)
N/F
TY SCHOOL DISTRICT
L ID: 158-0499
05 PG 275
34 PG 77
RROLL COUNTY
ANN SMITH LEATHERS, SR
PARCEL ID: 148-0129
DB 716 PG 232
DB 1809 PG 198
DINGS OBSERVED"
50' ACCESS ESMT
DB 4054 PG 241
DB 5580 PG 599
15' SIDE SETBACK
TYPE 'B' LANDSCAPE BUFFER
10' LANDSCAPE BUFFER
40' FRONT SETBACK
BARK PARK
BOXED COMMUNITY GARDEN
CLUB HOUSE 3,200 SF
20x40 PUTTING GREEN
MAIL KIOSK
GATES
COMPACTOR
BLDG. (1)
BLDG. (2)
BLDG. (3)
BLDG. (4)
BOCCE BALL COURTS
FIRE PIT/ PICNIC/ GRILL AREA
POOL/CABANA/ SUN DECK
24'
30'
75' STREAM BUFFER
50' STREAM BUFFER
25' STREAM BUFFER
WALKING PATH/EMERGENCY VEHICLE CROSSING
COMMUNITY WELLNESS PATH
PET WASH STATION
MAINTENANCE BLDG. & CAR WASH
STORMWATER FACILITY
15' REAR SETBACK
TYPE 'B' LANDSCAPE BUFFER
15' SIDE SETBACK
N89°54'41"W 33.96'
S00°00'00"W 229.71'
N89°21'43"E 189.49'
S89°21'31"E 589.92'
N89°55'13"E 30.26'
S89°49'13"W 30.03'
S89°57'13"W 239.36'
N52°24'47"W 24.42'
S80°17'51"W 88.85'
S75°55'09"W 103.60'
S70°52'38"W 52.85'
S70°48'32"W 24.96'
A=44.07'
R=30.00'
N42°56'35"E
CH=40.22'
R=30.00'
S89°21'43"E 419.91'
N89°29'56"W 80.46'
S00°13'23"W 305.65'
S00°13'23"W 80.38'
N00°00'00"E 80.38'
N89°29'56"W 80.46'
S89°29'56"E 80.46'
S00°00'00"W 80.38'
N00°00'00"E 80.38

360 STUDIO

PLANNERS AND ENGINEERS COLLABORATIVE

PARKSIDE AT VILLA RICA

CITY OF VILLA RICA

BUFFER TYPE B-2
-TREES SPACED AT 15' INTERVALS
-4 SHRUBS PER TREE
-TREES MAY BE ALL DECIDUOUS

Deciduous Tree Examples

American Hophornbeam

Blackgum

Red Maple

Evergreen Tree Examples

Cryptomeria

Sweetbay Magnolia

Wax Myrtle

Shrub Examples

Yellow Ansie

Oak leaf Hydrangea

Inkberry

360 STUDIO

PLANNERS AND ENGINEERS COLLABORATIVE

PARKSIDE AT VILLA RICA

CITY OF VILLA RICA

CLUBHOUSE ELEVATION
SCALE: 1/4" = 1'-0"

SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

360 STUDIO

PLANNERS AND ENGINEERS COLLABORATIVE

PARKSIDE AT VILLA RICA

CITY OF VILLA RICA

PARKSIDE AT VILLA RICA

CITY OF VILLA RICA

CITY OF VILLA RICA

City Council Packet

SUBJECT: RA-08-19 – 490 Old Stone Road -Walton Trail- Planned Development Initial and Final Concept Plan Approval

CITY COUNCIL AGENDA DATE: November 26, 2019

DATE: November 6, 2019

PREPARED BY: Ronald Johnson, Planning and Zoning Specialist

FISCAL IMPACT: N/A
ANNUAL –
CAPITAL –
OTHER –

FUNDING SOURCE: N/A

PURPOSE: Walton Communities, LLC of Marietta, GA is requesting a rezoning of 490 Old Stone Road (Parcel # V04 0060001) to Planned Unit Development from Multi-Family Residential (R-14). The purpose of the rezoning is to facilitate the permitting and construction of 200 apartments for seniors and families on land owned by the Villa Rica Housing Authority. The properties are proposed to be rezoned Planned Unit Development.

BACKGROUND: Walton Communities is applying on behalf of the Villa Rica Housing Authority for a rezoning of the subject property from Multi-Family Residential (R-14) to Planned Development (PD). Walton is proposing to build and manage the new low/moderate income development whereas the Villa Rica Housing Authority will continue to own the land. The development will host 200 apartments for seniors and families built in two phases. Phase 1 will consist of 90 senior apartments and Phase 2 will consist of 110 family apartments. The development will have 20.1 du/acre on 9.95 acres and have a gated entrance, resident clubhouse, playground area, 1.301 acres of open space, a community seasonal planting garden, playground area and a gazebo. A detention pond is proposed to be constructed to capture stormwater from the site and a street vacation of Walnut Drive is necessary in order to better utilize the land. The development directly supports the Comprehensive Plan goals of redeveloping aging sites, providing several housing choices in the community and providing more senior housing opportunities.

STAFF RECOMMENDATION: Staff recommends approval for rezoning.

IMPACT: N/A

MOTIONS:

I make a motion to approve the Initial and Final Concept Plan to rezone the subject property from Multi-family Residential (R-14) to Planned Development (PD) as presented by Walton Communities, LLC for property located at 490 Old Stone Road.

Planning & Zoning
Community Development Department RA-08-19

Council Ward: 1 & 3
Planning Board Member: Willie Marchman/Tom Flowers
City Council Member: Shirley Marchman/ Leslie McPherson

Public Hearing Dates
Planning Commission: November 5, 2019
City Council: November 26, 2019

Request: Planned Development (PD) Initial Concept Plan and Final Concept Plan approval for a multi-family residential community.

Applicant: Walton Communities
2181 New Market Parkway
Marietta, GA 30067
(678) 303-4100

Acres: 9.95+/- acres
Current Land Use: Multi-Family Residential
Future Development Character Area:
Medical Character Area

Parcel Number(s): V04 006 0001

Location: 490 Old Stone Road, Villa Rica, Georgia 30180, in Land Lot 192 of the 6th District of Carroll County.

Project Description:
The applicant is requesting Planned Development Initial Concept Plan and Final Concept Plan approval for property located at, and encompassing Walnut Drive currently zoned Multi-Family Residential (R-14). The proposed use is a 200-unit multi-family residential development with an assortment of 1, 2 and 3-bedroom units.

Surrounding Properties:

	Current Zoning	Land Use
North	Multi-family Residential (R-14) Planned Development (PD)	Single-Family Residential Townhome Development Commercial (Lawn Care Service)
East	General Commercial (GC) Single-Family Residential (R-20) Office Institutional (OI)	Hospital Commercial & Single-Family Residential Medical Offices
South	Single-Family Residential (R-20) Office Institutional (OI)	Commercial Retail Vacant/Undeveloped Lot
West	Multi-family Residential (R-14)	Single-Family Residential Multi-Family Residential

Rezoning Review Standards:
The Code of the City of Villa Rica, Unified Development Code, requires all Planned Development Concept Plan and Final Development Plan applications to be evaluated using the review criteria established for zoning map amendments (Section 2.03.B) and the Concept Plan criteria (Section 2.03.C).

Zoning Map Amendments:

A. ***Whether the existing zoning was in error at the time of adoption.***
It does not appear that the existing R-14 multi-family zoning designation is in error.

B. ***Whether the proposed change is consistent with, and in furtherance of, the implementation of the goals and objectives of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this Code and other city regulations and guidelines.***

Future Land Use Map
The subject properties are currently located within City limits. The Future Land Use Map designation in the surrounding area is Medical Character Area and Traditional Neighborhood.

Relation to the Comprehensive Plan Polices:

Development Patterns

DP Goal 4: Support mixed use development

DP Strategy 4.2: Encourage an adequate variety of types and densities of housing needed to support higher density development

Social and Economic Development

SED Goal 1: Stimulate revitalization activities and redevelopment of aging properties
SED Strategy 1.4: Promote infill development opportunities in residential and commercial areas by focusing funding for redevelopment within existing city limits

SED Goal 2: Protect and enhance existing neighborhoods while supporting a diverse array of housing options to accommodate future growth
SED Strategy 2.1: Ensure infill development and redevelopment is consistent with existing community character, scale, and aesthetic of surrounding area
SED Strategy 2.3: Maintain quality housing in a variety of dwelling types and densities to support the needs of the population
SED Strategy 2.4: Coordinate with the Housing Authority on the relocation and redevelopment of existing public housing sites

SED Goal 5: Enhance communication and coordination between various local, regional, and state agencies
SED Strategy 5.2: Encourage coordination between the city, county, and regional and state agencies (Housing Authority, Carroll County School District, Regional Water District, MPO, GDOT) to efficiently address the social and economic needs of the city and surrounding area

C. Whether there is a community need for and benefit from the proposed rezoning; or

Rezoning the property to Planned Development (PD) is a benefit to the community as the proposed use is to redevelop an existing public housing multi-family residential complex for 200 new units that will be affordable to the community. Walton Communities and the Villa Rica Housing Authority have partnered in order to develop the property. Rezoning the property to Planned Development would typically increase the density permitted under the R-14 zoning in order to make a project equitable, however the current PD ordinance permits the same densities (including a 50% density bonus for open space) as the current R-14 ordinance, which is 12 du/acre. The applicant is requesting a density of 20.1 du/acre total (19.61 du/acre in Phase 1 and 20.53 du/acre in Phase 2).

Population projections from the Comprehensive Plan indicate that Villa Rica has a growing population of individuals age 55 and above. Additionally, the Plan identifies that seniors will need more attached and communal housing types and increased medical services. Developments such as this will serve the demands of this growing population but also low-income seniors. The property is located across Dallas Highway from Tanner Medical Center and near various medical offices for easy travel for occupants.

D. Whether the proposed change is consistent with the character of the area in which the proposed rezoning is proposed; or

The proposed rezoning is consistent with the character of the area. The surrounding area is mostly developed with high density and intensity uses, such as several two-family residences and a townhome community to the north of the subject site. Tanner Medical Center and several commercial/office developments are nearby. The 2018-2038 Comprehensive Plan Update designates the future development of this area as “Medical Character Area” and “Traditional Neighborhood Character Area” for the area of the proposed detention pond. Primary future land uses in “Medical Character Area” include professional offices; small-scale

commercial and retail uses; residential (single and multi-family, including senior housing and group homes); civic benefit uses such as community centers, libraries, places of worship, and schools; parks; greenways and trails. The "Traditional Neighborhood Character Area" encourages moderate density residential uses including detached single-family dwellings, two-family dwellings, and multi-family dwellings where similar land uses are located, civic uses, parks, greenways and trails. The proposed development demonstrates adherence to some of the core objectives of these character areas.

E. Whether the proposed zoning is compatible with the zoning and uses of property nearby; or

Nearby properties are zoned for single-family, multi-family, commercial, and civic uses. The area has various zoning districts within the area and has experienced a tremendous amount of growth. The proposed multi-family development in the PD zone is compatible with uses and zoning in the area.

F. Whether the existing zoning is suitable for the development of the uses authorized under the existing zoning classification, will be conducive to proper community planning, and is a logical extension of an existing urban area or growth center; and

The existing zoning would permit multi-family development with a maximum density of 12 dwelling units per acre. The proposed project has a Phase 1 and Phase 2 combined density of 20.1 du/acre. Therefore, the existing zoning would not be appropriate for the proposed development. The proposed PD zoning district also has a maximum of 12 du/acre, which appears to be in error as the objective of a PD development is for special exception to density, setbacks, height, uses and other factors. The surrounding area has existing multi-family, commercial, civic uses and two-family residential properties and the scale of 200 units for this project would be a logical redevelopment to the growth this area is experiencing.

G. Whether the public and community facilities, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal, are available and adequate to serve uses authorized under the proposed zoning; and

The subject property is currently provided with community facilities such as water, roads, and solid waste. The public library is located within a mile of the development on Highway 61, along with the route for the proposed Gold Nugget Trail. Tanner Medical Center is directly across Highway 61.

H. Whether the authorized uses will not adversely affect the capacity or safety of the street network in the vicinity of the property; and

While no traffic report was submitted with this project, it appears that a minimal impact to the Dallas Highway is expected. The applicant proposes to have all ingress and egress to be from Dallas Highway and Old Stone Road, and will request a street vacation of Walnut Drive entirely in favor of private driveways. The applicant will have to work with GDOT in order to gain direct access to Highway 61/Dallas Highway. No traffic lights or acceleration/deceleration lanes are proposed based on the concept drawing.

I. Are there potential environmental impacts (e.g., excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

Based on the City's and County's available maps, the lot is located in Flood Zone X, which is an area of minimal risk of flooding and does not require flood insurance. The applicant proposes to have an on-site detention pond to capture stormwater runoff. Should the zoning be approved, Staff will review all site plans for compliance with local and state guidelines for such facilities.

Concept Plan Criteria:

A. Consistency – The development design is consistent with the purposes of the Planned Development (Section 2.03.C.1) and Comprehensive Plan goals and policies

The Planned Development provides design flexibility not available through strict interpretation of the standards established in the Unified Development Code. The project demonstrates some consistency with the Comprehensive Plan goals and policies, in particular, with redeveloping aging properties and providing more housing choices and senior housing. However, at the Concept Plan phase of the application, it is unclear if the development meets the criteria outlined below.

B. Design – The development is designed and phased to make efficient use of existing infrastructure, have lower traffic volumes or contribute to better mobility than would conventional development, provide more usable public or private open space or other recreational amenities than conventional development, and provide needed housing choices

More efficient infrastructure – It is unclear if the development provides more efficient infrastructure. The concept plan does not provide the level of detail necessary to draw conclusions regarding efficiency. The compact nature of the proposed pocket community should facilitate a decreased burden on traffic throughout the inside of the proposed neighborhood. However, significant upgrades to the existing sewer line and Highway 61 will have to be installed to accommodate the increased demand on the existing infrastructure.

Traffic demands – Traffic demands in the area would likely have a very small increase as the number of units proposed is 200, whereas the number of units currently on site is approximately 50 units. The existing road network would change as Walnut Drive would be vacated, and two new gated entries are proposed for Old Stone Road and Dallas Highway. Dallas Highway appears to have the capacity for any increase in proposed trips.

More usable public or private open space –The existing development has one large open space in the center of the development, whereas the proposed development is expected to have a community seasonal planting garden, playground area and a gazebo for the residents. Roughly 1.301 acres of the project will be dedicated to open space/recreation, not including the detention pond area. This constitutes and increase to available on-site recreational activities of all ages. The ordinance requires a minimum of 20% of the total acreage to be dedicated open space, which constitutes 1.99 acres. The applicant is proposing 13.1% of the project to be open space. Section 4.05C.6 permits the Community Development Director to waive up to 50% of the open space requirement should the applicant supply open space and recreational amenities. The applicant does not meet the open space density bonuses. The PD District has a maximum permitted total density of 12 du/acre (and base density of 8 du/acre). 8 du/acre would apply to the project.

Recreational amenities – The applicant has indicated a community seasonal planting garden, playground area and a gazebo will be constructed for the residents.

Housing Choices – The applicant is proposing 200+/- multi-family units. The project will be phased with the senior housing (90 units) constructed first and the family housing (110 units) constructed afterward. An assortment of 1, 2 and 3-bedroom units will be available.

C. Benefits – The development will provide long-term benefits to the neighborhood in which it is located and the community as a whole.

The development proposes to increase the number of senior and affordable housing units by 150, which is an inherently beneficial use to the community. These units will replace aging lower density units on the site with a more attractive layout, structures and amenities. As proposed, it appears that the Concept Plan will provide a number of benefits to the community.

D. Standards – The development complies with the zoning district standards in Article 3 of this Code

The development currently does not comply with the density or amenities requirements of the PD Zone. The maximum density permitted in the PD Zone is 12 du/acre (and base density is 8 du/acre without density bonuses), whereas the project proposes 20.1 du/acre. Staff suspects this is an ordinance related issue with the PD Zone, as the R-14 zone, which is set aside for multi-family developments, also permits only 12 du/acre. The purpose of the PD Zone is to allow for more flexible development which may include increased heights, smaller setbacks and increased density. By not permitting density above 12 du/acre, the PD Zone contradicts the Comprehensive Plan's goals of redeveloping existing sites that may be multi-family. supplying more housing choices such as low income and senior housing.

The PD ordinance also requires three separate amenities to be provided on-site, and gives a list of acceptable amenities:

1. Swimming pool sized to comply with NRPA standards
2. Golf course
3. Resident clubhouse
4. Two tot lots with a minimum size of five-hundred (500) square feet per lot
5. Basketball, volleyball, or other sport court
6. Two picnic areas, with a minimum size of five-hundred (500) square feet per area, and including a minimum of two picnic tables and one (1) barbeque grill/pit per area
7. Other amenity approved by the City Council

Section 4.05C.6 *Open Space* of the Unified Development Code has different amenities listed that can be used to satisfy the 3 required open space amenities requirement, including:

1. Seasonal planting areas
2. Benches or other seating
3. Gazebos or other decorative shelters
4. Play structures for children
5. On-site community recreation amenities.

The applicant is proposing a community seasonal planting garden, playground area and a gazebo. During the Final Concept Plan approval phase, the applicant may request for the landscaped courtyard and single playground to be approved by the City Council in order to conform with the recreational amenity requirements, however the applicant does meet the open space amenity requirement.

Staff Comments:

The applicant is requesting a rezoning of the subject property from the Multi-Family Residential (R-14) to Planned Development (PD). The submitted Planned Development Initial Concept Plan

and Final Concept Plan proposes 200 units at a density of 20.1 du/acre on 9.95 acres of existing developed land (currently used as multi-family), with 335 parking spaces. Walton Communities is working with the land owner, the Villa Rica Housing Authority, in order to raze the current 50-unit development in favor of an improved set of structures. The development is proposed to have a gated entrance, resident clubhouse, playground area, 1.301 acres of open space, a community seasonal planting garden, playground area and a gazebo. The project proposes a detention pond to capture stormwater from the site and a street vacation of Walnut Drive in order to better utilize the land. The project will consist of 110 units of family housing and 90 units of senior housing, directly supporting the Comprehensive Plans of redeveloping aging sites, providing several housing choices in the community and providing more senior housing opportunities. Phase 1 will consist of the senior housing and Phase 2 will consist of the family housing.

The Planned Development (PD) process has three components; the Initial Concept Plan, Final Concept Plan and Final Development Plan.

The application is currently in the Initial and Final Concept Plan phase. The Initial and Final Concept Plan will have to be approved by the Planning Commission and then the City Council. A PD Initial Concept Plan constitutes a major step in the review process and provides general information about the land uses, development patterns, intensities, and street patterns in the proposed Planned Development. The Final Concept Phase provides further information on the land uses (including final density, number of units, etc.), and any street vacations that must be approved during the Final Development Plan Phase. The Planning Commission and City Council may implement any conditions of approval prior to the Final Development Plan phase.

Final Development Plan phase. The Final Plan is approved in conjunction with the rezoning, proposed development phasing and final subdivision plat. The Final Development Plan, together with the development schedule and Final Plat, shall act as the blueprint for development of a Planned Development project over the length of time the project is developed. The Final Development Plan and Final Plat refine the information submitted during the Concept Plan stage. This is a separate application process that has to be approved by the City Council. The Final Development Plan will be reviewed for substantial conformance with the Concept Plan, as well as the review criteria for rezoning and major subdivision. In order to be within substantial conformance of the Concept Plan, the final plan application cannot:

1. Increase the proposed gross residential density or intensity of use;
2. Increase the proposed ratio of residential units to non-residential square footage;
3. Involve a reduction of the area set aside for common space or the substantial relocation of such area;
4. Substantially increase the floor area proposed for non-residential use; or
5. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

Recommendation:

Staff recommendation: **APPROVAL**

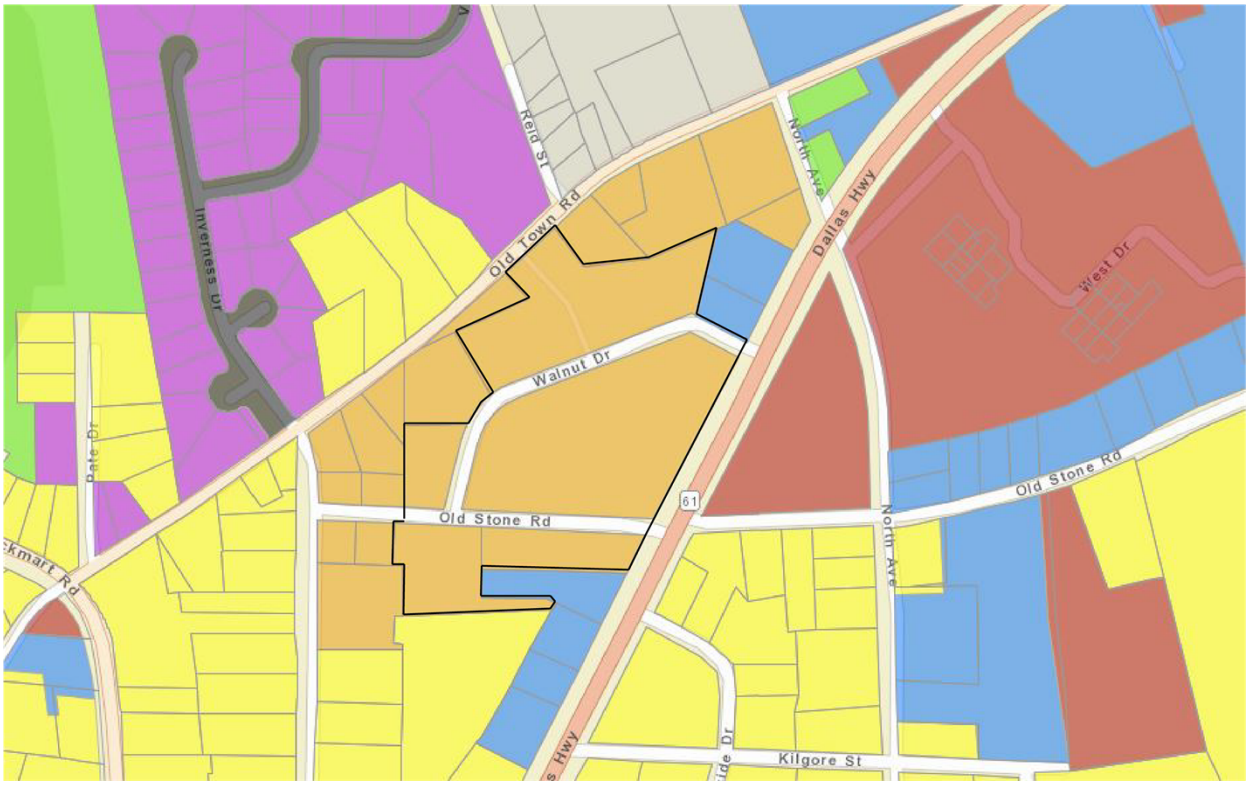
Public Notifications:
As required by *Article 2, Section 2.01* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on October 21th, 2019; a sign has been posted on the subject properties; and all abutting property owners have received notification via certified mail.

Public Response:
In response to the public notifications, no residents have contacted the City at the time of this staff report.

_____
Ronald Johnson, Planning & Zoning Specialist
Office of Community Development

Attachments:
1. Application
2. Campaign Disclosure Statement
3. Lease Agreement
4. Property Owner Authorization
5. Legal Description
6. Conceptual Site Plan
7. Color Rendering of Conceptual Site Plan
8. Representation Photos
9. List of Adjacent Property Owners
10. Zoning Map
11. Future Development Map
12. Site Photos

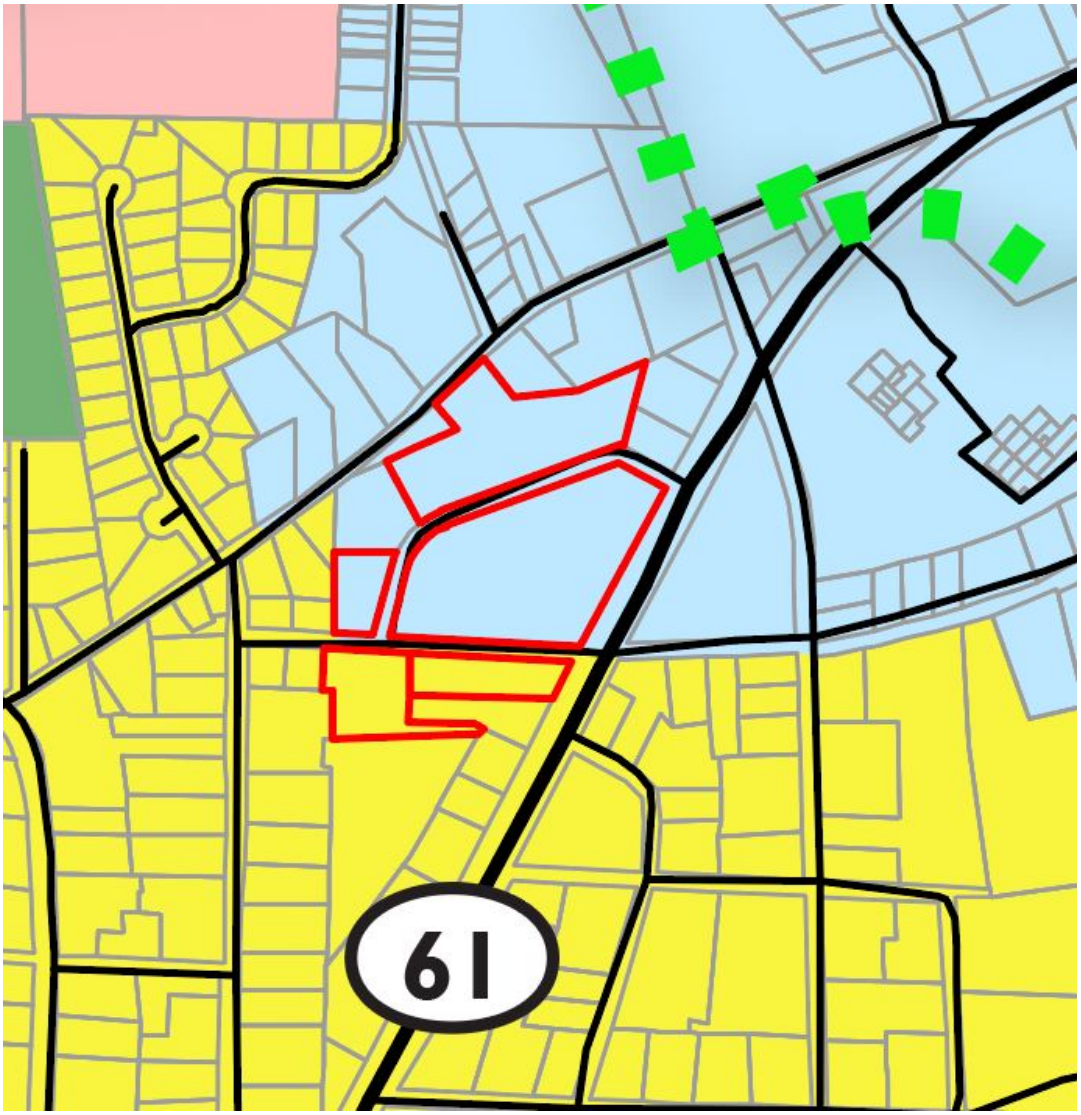
Zoning Map



- Office-Institutional
- General Commercial
- General Industrial
- Limited Industrial
- Planned Development
- Multi-Family Residential
- Single-Family Residential
- Rural Development
- Residential Townhome
- Not Defined

— Subject Site

Future Development Map



CHARACTER AREAS

- CONSERVATION / OPEN SPACE
- TRADITIONAL NEIGHBORHOOD
- SUBURBAN NEIGHBORHOOD
- URBAN VILLAGE
- SUBURBAN VILLAGE
- COMMUNITY CROSSROADS
- I-20 GATEWAY
- COMMERCIAL CORRIDOR

ACTIVITY CENTERS

- DOWNTOWN
- INDUSTRIAL
- COMMERCIAL
- MEDICAL

- PROPOSED GREENWAY TRAIL
- PROPOSED ROAD PROJECTS
- URBAN GROWTH AREA
- CITY BOUNDARY

N

Site Photos

Legal Description
Old Stone Tract 1

All that tract or parcel of land lying and being in Land Lot 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

BEGINNING at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), from point thus established and running along the northerly Right of Way of Old Stone Road North 87º 17' 22" West a distance of 472.31 feet to a magnetic nail set at the intersection of the southeasterly Right of Way of Walnut Drive (40' R/W) and the northerly Right of Way of Old Stone Road; thence running along said Right of Way of Walnut Drive the following courses: North 14º 49' 10" East a distance of 206.95 feet to a point; thence along a curve to the right having a radius of 117.46 feet and an arc length of 108.55 feet, being subtended by a chord of North 41º 17' 39" East for a distance of 104.73 feet to a point; thence North 67º 46' 08" East a distance of 430.60 feet to a point; thence along a curve to the right having a radius of 44.17 feet and an arc length of 37.22 feet, being subtended by a chord of South 88º 05' 14" East for a distance of 36.13 feet to a point; thence South 64º 02' 13" East a distance of 138.96 feet to a ½"rebar set on the aforementioned northwesterly Right of Way of State Road 61; thence running along said Right of Way of State Road 61 South 27º 34' 23" West a distance of 453.46 feet to the POINT OF BEGINNING. Said tract contains 4.621 acres (201,307 square feet).

Legal Description
Old Stone Tract 2

All that tract or parcel of land lying and being in Land Lots 191 & 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), thence running along the aforementioned Right of Way of State Road 61 South 27º 34' 23" West a distance of 44.09 feet to a ½" rebar set at the intersection of the southerly Right of Way of Old Stone Road and the northwesterly Right of Way of State Road 61, said point being the TRUE POINT OF BEGINNING, from point thus established and continuing along said Right of Way of State Road 61 South 27º 34' 23" West a distance of 110.53 feet to a ½" rebar found; thence leaving said Right of Way and running North 86º 56' 20" West a distance of 357.90 feet to a ½" rebar set; thence South 01º 57' 17" West a distance of 86.24 feet to a ½" rebar set; thence South 87º 31' 39" West a distance of 218.46 feet to a concrete monument found; thence North 02º 16' 00" East a distance of 204.07 feet to a point on the southerly Right of Way of the aforementioned Old Stone Road, said point being 0.18 feet south of a concrete monument found; thence running along said Right of Way South 87º 17' 22" East a distance of 622.37 feet to the TRUE POINT OF BEGINNING. Said tract contains 1.838 acres (80,063 square feet).

Legal Description
Old Stone Tract 3

All that tract or parcel of land lying and being in Land Lot 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

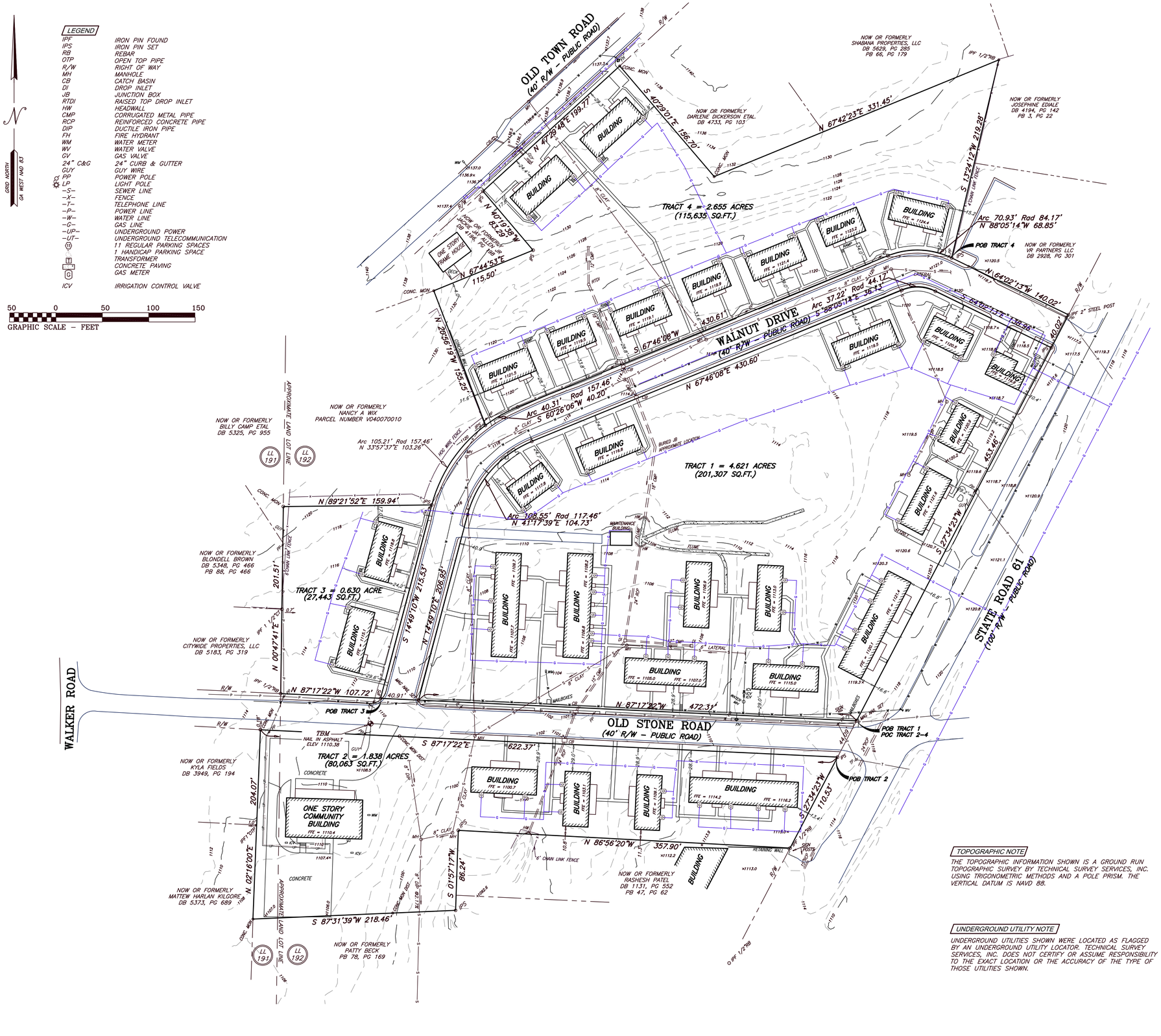
To reach the True Point of Beginning, commence at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), thence running along the aforementioned Right of Way of Old Stone Road North 87º 17' 22" West a distance of 472.31 feet to a magnetic nail set at the intersection of the southeasterly Right of Way of Walnut Drive (40' R/W) and the northerly Right of Way of Old Stone Road; thence continuing along the northerly Right of Way of Old Stone Road North 87º 17' 22" West a distance of 40.91 feet to a ½" rebar set at the intersection of the northwesterly Right of Way of Walnut Drive and the northerly Right of Way of Old Stone Road, said point being the TRUE POINT OF BEGINNING, from point thus established and continuing along the northerly Right of Way of Old Stone Road North 87º 17' 22" West a distance of 107.72 feet to a ½" rebar found; thence leaving said Right of Way and running North 00º 47' 41" East a distance of 201.51 feet to a concrete monument found; thence North 89º 21' 52" East a distance of 159.94 feet to a ½" rebar set on the aforementioned northwesterly Right of Way of Walnut Drive; thence running along said Right of Way South 14º 49' 10" West a distance of 215.53 feet to a ½" rebar set and the TRUE POINT OF BEGINNING. Said tract contains 0.630 acre (27,443 square feet).

Legal Description
Old Stone Tract 4

All that tract or parcel of land lying and being in Land Lot 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), thence running along the aforementioned Right of Way of State Road 61 North 27º 34' 23" East a distance of 453.46 feet to a ½" rebar set on the southerly Right of Way of Walnut Drive (440' R/W); thence continuing along said Right of Way of State Road 61 North 27º 34' 23" East a distance of 40.02 feet to a 2" steel post found at the northerly Right of Way of Walnut Drive; thence running along said northerly Right of Way of Walnut Drive North 64º 02' 13" West a distance of 140.02 feet to a ½" rebar set and the TRUE POINT OF BEGINNING, from point thus established and continuing along said Right of Way of Walnut Drive the following courses: thence along a curve to the left having a radius of 84.17 feet and an arc length of 70.93 feet, being subtended by a chord of North 88º 05' 14" West for a distance of 68.85 feet to a point; thence South 67º 46' 08" West a distance of 430.61 feet to a point; thence along a curve to the left having a radius of 157.46 feet and an arc length of 40.31 feet, being subtended by a chord of South 60º 26' 06" West for a distance of 40.20 feet to a ½" rebar set; thence leaving said Right of Way and running North 20º 56' 19" West a distance of 155.25 feet to a concrete monument found; thence North 67º 44' 53" East a distance of 115.50 feet to a ½" rebar set; thence North 40º 19' 38" West a distance of 83.29 feet to a ½" rebar set on the southerly Right of Way of Old Town Road

(40’ R/W); thence running along said southerly Right of Way of Old Town Road North 47º 29’ 48” East a distance of 199.77 feet to a concrete monument found; thence leaving said Right of Way and running South 40º 29’ 01” East a distance of 156.70 feet to a concrete monument found; thence North 67º 42’ 23” East a distance of 331.45 feet to a ½” rebar found; thence South 13º 24’ 12” West a distance of 219.28 feet to a ½” rebar set and the TRUE POINT OF BEGINNING. Said tract contains 2.655 acres (115,635 square feet).



TOPOGRAPHIC NOTE

THE TOPOGRAPHIC INFORMATION SHOWN IS A GROUND RUN TOPOGRAPHIC SURVEY BY TECHNICAL SURVEY SERVICES, INC. USING TRIGONOMETRIC METHODS AND A POLE PRISM. THE VERTICAL DATUM IS NAVD 88.

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES SHOWN WERE LOCATED AS FLAGGED BY AN UNDERGROUND UTILITY LOCATOR. TECHNICAL SURVEY SERVICES, INC. DOES NOT CERTIFY OR ASSUME RESPONSIBILITY TO THE EXACT LOCATION OR THE ACCURACY OF THE TYPE OF THOSE UTILITIES SHOWN.

CONFORMITY STATEMENT

This survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180–7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15–6–67.

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,956 FEET AND AN ANGULAR ERROR OF .06" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.

A TOPCON GTS 223 TOTAL STATION AND AN ALLEGRO DATA COLLECTOR WERE USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 201,307 FEET.

TSS
TECHNICAL SURVEY SERVICES
Land Surveyors
1641 Autumn Blvd, SW
Conyers, Georgia 30012
(770) 922-6391 Office
(770) 922-0767 Fax
www.tss-atl.com

No	Revision	Date

Field Date: 03/28/2019
Plat Date: 03/29/2019
Scale: 1" =50'

BOUNDARY AND TOPOGRAPHIC SURVEY
FOR
WALTON COMMUNITIES
LAND LOTS 191 & 192 6TH DISTRICT
CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR JONATHAN AKIN

1
SHEET 1 OF 1

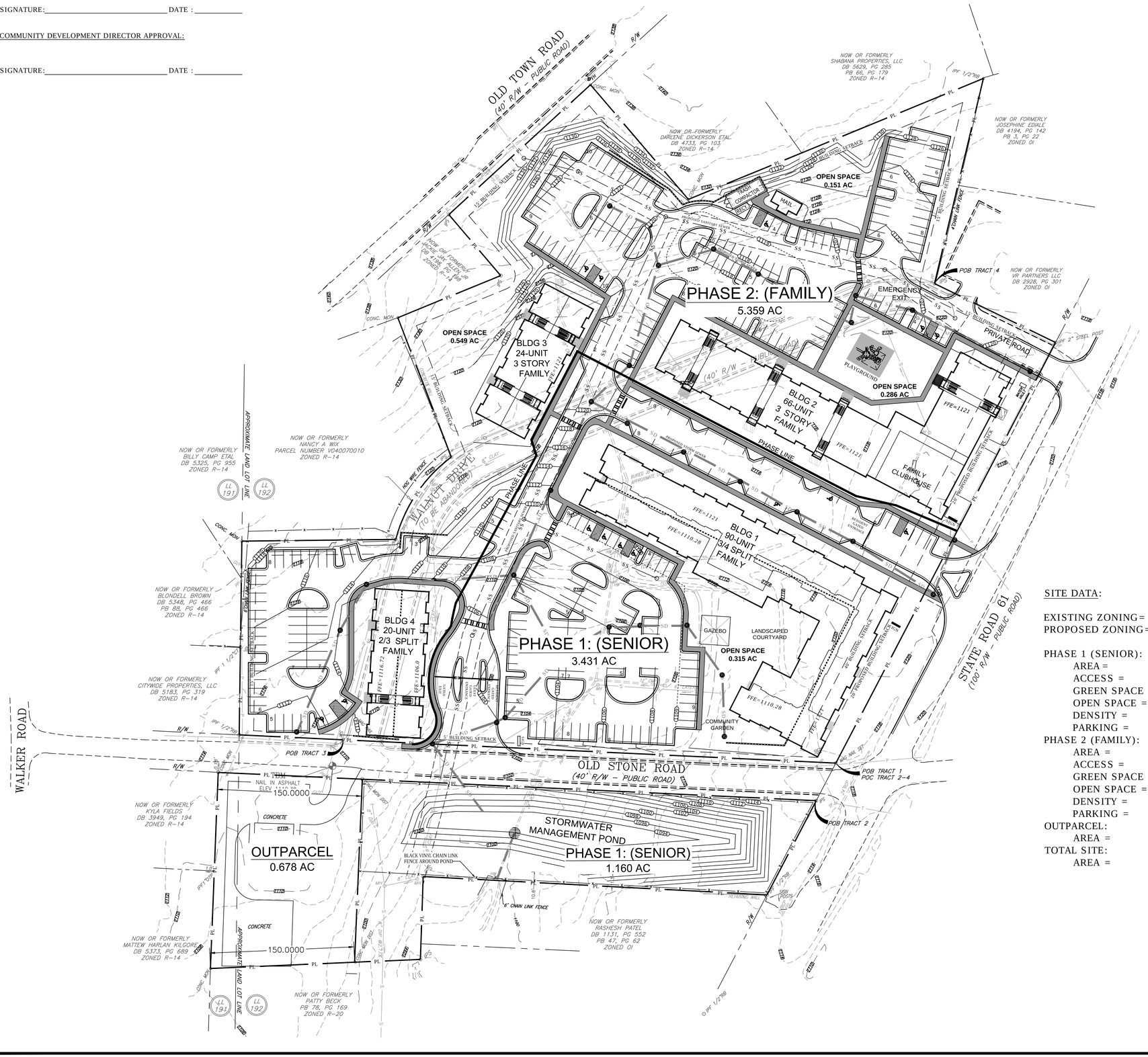
JOB #: 2011-006
CRD: VILRIC.DWG
DWG:VILLARICAOVERALL
LSV:

PLANNING COMMISSION CHAIRMAN APPROVAL:

SIGNATURE:_____ DATE :_____

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL:

SIGNATURE:_____ DATE :_____



PROPOSED BULK REGULATIONS	
MIN. FRONT SETBACK	20'
MIN. SIDE SETBACK	15'
MIN. SIDE SETBACK (ALONG OLD STONE RD.)	5'
MIN. REAR SETBACK	15'
MAX. BUILDING HEIGHT	40'

SITE DATA:

EXISTING ZONING= R-14 - MULTI-FAMILY RESIDENTIAL
PROPOSED ZONING= PD - PLANNED DEVELOPMENT

PHASE 1 (SENIOR):
- AREA = 4.591 AC
- ACCESS = 1.721 AC, 37.5% (ONSITE CIRCULATION, ACCESS, & PARKING)
- GREEN SPACE = 0.926 AC, 20.2% (PARKS, REC.)
- OPEN SPACE = 0.315 AC (AS DEFINED PER ORDINANCE)
- DENSITY = 19.61 UNITS PER ACRE (90 UNITS)
- PARKING = 115 SPACES

PHASE 2 (FAMILY):
- AREA = 5.359 AC
- ACCESS = 1.962 AC, 36.6% (ONSITE CIRCULATION, ACCESS, & PARKING)
- GREEN SPACE = 2.388 AC, 44.5% (PARKS, REC.)
- OPEN SPACE = 0.986 AC (AS DEFINED PER ORDINANCE)
- DENSITY = 20.53 UNITS PER ACRE (110 UNITS)
- PARKING = 195 SPACES + 25 SPACES (FROM PHASE 1) = 220 SPACES

OUTPARCEL:
- AREA = 0.678 AC

TOTAL SITE:
- AREA = 10.628 AC (INCLUDES 0.884 AC OF ABANDONED WALNUT DR R/W)

GEORGIA REGISTERED No. 19994 PROFESSIONAL ENGINEER JOHN DOULGERAKIS 12-05-19

Development Plan

Walton Trail

Walton Communities

LAND LOTS 191 & 192, 6TH DISTRICT, CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

The Housing Authority of the City of Villa Rica, Georgia

DOULGERAKIS CONSULTING ENGINEERS, INC.
planning * civil engineering * sanitary engineering
400 Abbey Court, Alpharetta, Georgia 30004, phone: 770-753-9800

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NO.	DATE	REVISION
1	10-08-19	REVISED

SCALE: 1" = 50'

DATE: 09-11-19

JOB. NO. 1912

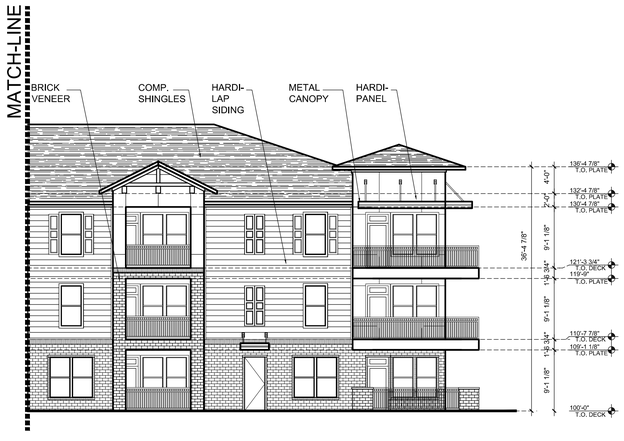
SHEET. 1

NOT FOR CONSTRUCTION

SCALES NOTED ARE ONLY VALID WHEN DRAWING IS PLOTTED AT THE ORIGINAL SIZE: 24" x 36"

Monday, October 7, 2019 8:24:02 AM

01 BUILDING 1 - SENIORS EXTERIOR ELEVATION
SCALE 3/32"= 1'-0"



02 BUILDING 1 - SENIORS EXTERIOR ELEVATION
SCALE 3/32"= 1'-0"

LEGACY AT WALTON TRAIL

VILLA RICA, GEORGIA

Architecture
Planning
Project Management

ARRIVE ARCHITECTURE GROUP

2344 Highway 121 - Suite 100 - Bedford, Texas 76021 - www.ArriveAG.com
Ph 817.514.0584 - Fx 817.514.0694

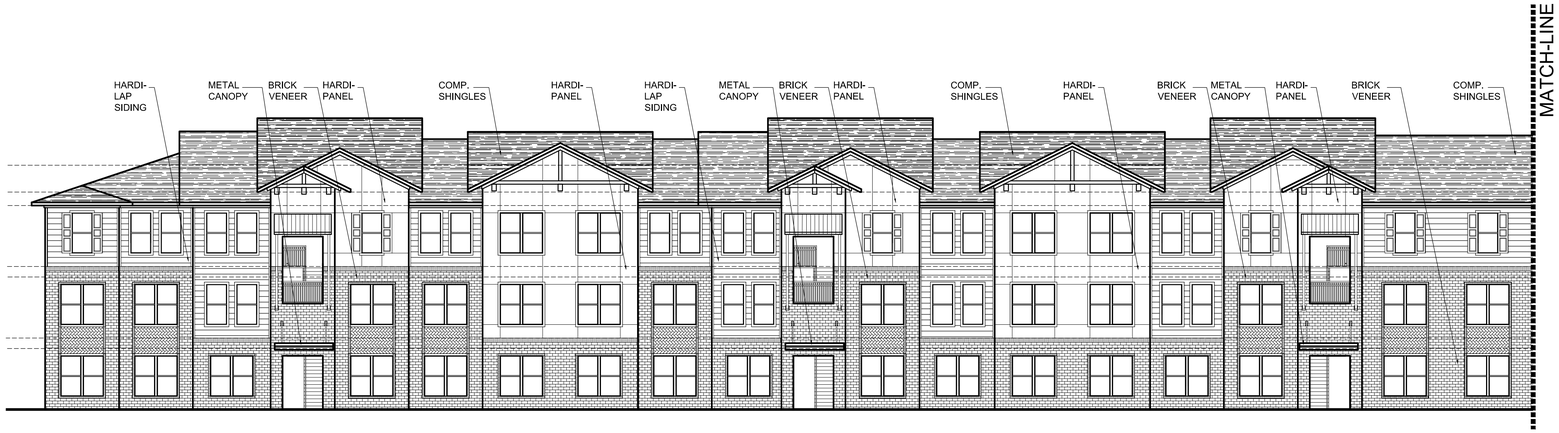
SEAL

REVISION

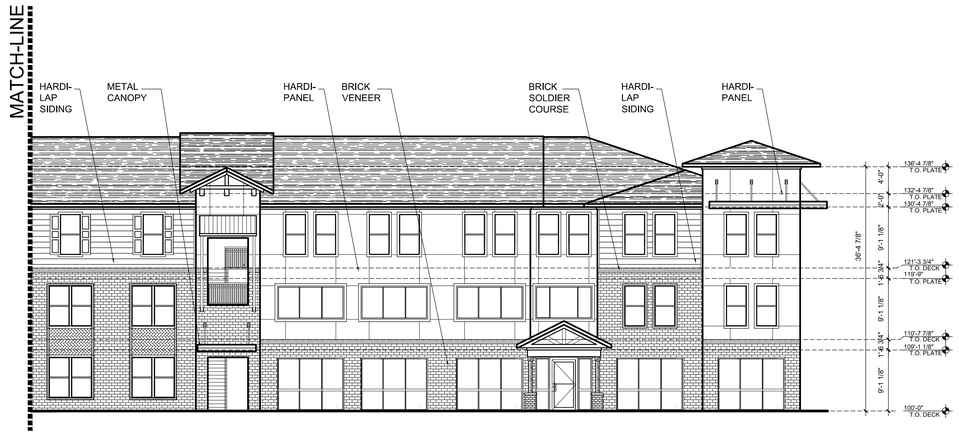
DRAWN BY: ARRIVE	CHECKED BY: JMT
PLOT DATE: ----	REV. DATE:
SUBMITTAL DATE: 2019	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

--- ELEVATIONS - BUILDING 1
X:\Walton Communities\Future Sites\2019 Tax Credits\Villa Rica\Drawings\Architecture\Walton Villa Rica Elevations.dwg

Monday, October 7, 2019 8:24:38 AM



03 BUILDING 2 - MULTI-FAMILY EXTERIOR ELEVATION
SCALE 3/32"- 1'-0"



04 BUILDING 2 - MULTI-FAMILY EXTERIOR ELEVATION
SCALE 3/32"- 1'-0"

LEGACY AT WALTON TRAIL

VILLA RICA, GEORGIA

Architecture
Planning
Project Management

ARRIVE ARCHITECTURE GROUP

2344 Highway 121 - Suite 100 - Bedford, Texas 76021 - www.ArriveAG.com
Ph 817.514.0584 - Fx 817.514.0694

SEAL

REVISION

DRAWN BY: ARRIVE	CHECKED BY: JMT
PLOT DATE: ----	REV. DATE:
SUBMITTAL DATE: 2019	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

---- ELEVATIONS - BUILDING 2
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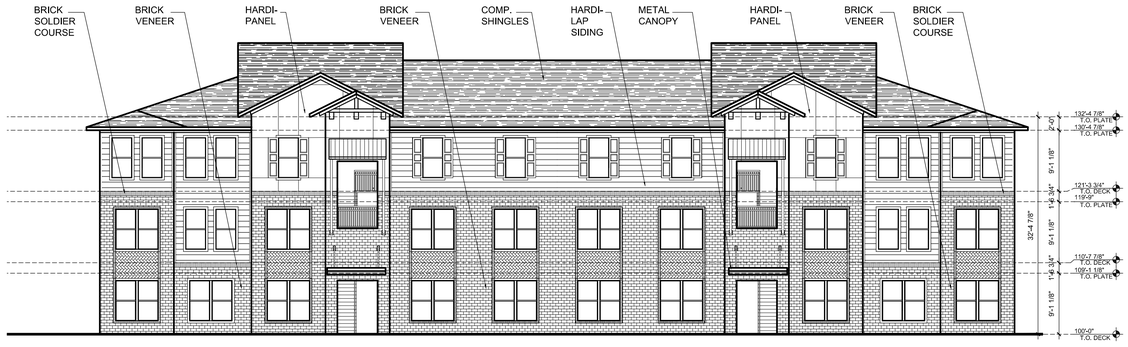
Monday, October 7, 2019 8:25:01 AM



01 BUILDING 5 - EXTERIOR ELEVATION
SCALE 3/32"= 1'-0"

LEGACY AT WALTON TRAIL

VILLA RICA, GEORGIA

Architecture
Planning
Project Management

ARRIVE ARCHITECTURE GROUP

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SEAL

REVISION

DRAWN BY: ARRIVE	CHECKED BY: JMT
PLOT DATE: ----	REV. DATE:
SUBMITTAL DATE: 2019	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

---- ELEVATIONS - BUILDING 5
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Walton Trail

A Planned Development

Terms of Zoning

Owner:

Villa Rica Housing Authority

Contact: Richard Chambers

490 Old Stone Rd

Villa Rica GA 30180

770-456-4946

Submitted:

10/23/2019

Prepared By:

Walton Communities, LLC

Contact: Chase Davidson

2181 Newmarket Parkway

Marietta, GA 30067

678-303-4144

I. **Existing Site Description:**

The subject property, Old Town Homes Apartments, is a single tax parcel of 9.74 acres divided into four tracts designated as 490 Old Stone Rd. Old Stone Road and Walnut Drive divide the four tracts. There are 31 structures on the property including a Maintenance shop, Maintenance Office and the Housing Authority office.

II. **Improved Standards:**

The proposed development will:

- Replace existing public housing apartments with a mixture of affordable and workforce housing units;
- Provide a mixture of family and senior apartments;
- Assist the growing need for quality workforce and affordable housing in the Villa Rica community.

III. **Plan Revisions:**

The staff of the Villa Rica Community Development Department has the authority to grant administrative variances and permits necessary to allow Applicant to develop the property and to interpret the intent of the Plan(s).

IV. **Proposed Development:**

The applicant is proposing a zoning change from R14 to PD. The Applicant plans to demolish and revitalize this community through use of public and private financing relying heavily on the Low Income Tax Credit (LIHTC) program as the primary financial vehicle for residential development. The community will be built in multiple (two) phases and will have a maximum of 200 apartments and approximately 220 parking spaces.

The proposed community will consist of four residential buildings ranging from 2 to 3 stories in height (from street grade) containing 1-,2- and 3- bedroom apartments.

The community will be built by Walton Construction Services and will be managed by Walton Communities. Walton Communities is a privately held company with its principal office located at 2181 Newmarket Parkway in Marietta, Georgia. The company develops, owns and manages apartment communities throughout metro-Atlanta, Gainesville and Augusta, Georgia.

Anticipated amenities for Walton Trail include a playground, community center, Community Garden, Landscaped courtyard with gazebo, mail house, on-site waste

and recycling center and laundry rooms. The community will be designed as a "main street" community comparable to other Walton projects. The community will be gated with the main access gate located on Old Stone Road and a residents-only entrance/exit at Dallas Highway. Walton anticipates a tasteful monument sign will be located along the frontage of Dallas Highway. "Main street" will provide walkable streetscapes, mature trees and shrubs, as well as colorful seasonal planting beds.

Walton Trail's exterior elevations will include attractive materials such as brick, Hardie board siding, decorative metal railing and canopies, and standing seam roofs over breezeway entries. Interior features will include spacious kitchens with large islands, walk-in closets, decorative lighting and a mix of hard surface and carpet flooring. Several apartment units will be fully handicap accessible and some will have features specifically designed for those with audio &/or visual impairments.

The Final Plan anticipates the future abandonment of Walnut Drive, converting a portion of the existing street to a "private drive" at the intersection with Dallas Highway. The abandonment will help facilitate better site circulation, efficient building design and green space while retaining easement rights for adjoining property owners. The private drive will be maintained by the property owners.

V. **Architectural Rendering:**

The attached elevation is representative in nature and is not binding.

VI. **Boundary Survey and Plat:**

The attached survey and plat of the Property was prepared by Aubrey Jonathan Akins, Georgia Registered land surveyor on 3/29/19 and contains 9.74 acres. Also attached is a preliminary Road Abandonment Exhibit using an updated survey of Walnut Drive as prepared by Aubrey Akins on 10/15/19.

VII. **Signage:**

Primary monument signage will be located on Dallas Highway and will include attractive landscaping.

OPEN SPACE DATA:

TOTAL OPEN SPACE AREA = 0.151 AC
0.286 AC
0.315 AC
+ 0.549 AC
1.301 AC

TOTAL SITE AREA = 3.431 AC (PHASE 1: SENIOR)
1.160 AC (PHASE 1: POND)
+ 5.359 AC (PHASE 2: FAMILY)
9.95 AC*

PROPOSED OPEN SPACE = 1.301 AC
÷ 9.95 AC
13.1%

REQUIRED OPEN SPACE = 20%**

* TOTAL SITE AREA DOES NOT INCLUDE THE 0.678 ACRES FROM THE OUTPARCEL.
** REQUIRES APPROVAL FROM THE COMMUNITY DEVELOPMENT DIRECTOR TO WAIVE UP TO 50% OF THE OPEN SPACE REQUIREMENT BECAUSE DEVELOPMENT INCLUDES AN ACTIVE RECREATION AMENITY FOR RESIDENTS SUCH AS A PLAYGROUND. (SECTION 4.05C.6.)
*** THE DEVELOPMENT OPEN SPACE AMENITIES INCLUDE A COMMUNITY SEASONAL PLANTING GARDEN, A GAZEBO, AND A PLAYGROUND TO MEET THE THREE AMENITY REQUIREMENT IN SECTION 4.05C.5.

GEORGIA REGISTERED No. 19994 PROFESSIONAL ENGINEER JOHN DOULGERAKIS

Open Space Plan

DOULGERAKIS CONSULTING ENGINEERS, INC.
planning * civil engineering * sanitary engineering
400 Abbey Court, Alpharetta, Georgia 30004, phone: 770-753-9800

Walton Trail

Walton Communities

The Housing Authority of the City of Villa Rica, Georgia

LAND LOTS 191 & 192, 6TH DISTRICT, CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

THIS DRAWING IS THE PROPERTY OF DOULGERAKIS CONSULTING ENGINEERS, INC. AND IS NOT TO BE COPIED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED UPON REQUEST.
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NO.	DATE	REVISION
	-	

SCALE: 1" = 50'

DATE: 10-08-19

JOB. NO. 1912

SHEET. 1

NOT FOR CONSTRUCTION

SCALES NOTED ARE ONLY VALID WHEN DRAWING IS PLOTTED AT THE ORIGINAL SIZE: 24" x 36"

OPTION TO LEASE

THIS OPTION TO LEASE (this "Option") is made and entered into as of this 16th day of May, 2019, by and between **THE HOUSING AUTHORITY OF THE CITY OF VILLA RICA, GEORGIA** ("VRHA") and **LEGACY AT WALTON TRAIL PHASE 1, L.P.**, a Georgia limited partnership, its successors and assigns ("Optionee").

WITNESSETH:

WHEREAS, VRHA owns that certain parcel of land located at 490 Old Stone Road, Villa Rica, Carroll County, Georgia, 30181, as more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Optionee intends to apply to the Georgia Department of Community Affairs ("DCA") for low-income housing tax credits to assist in the development of a multifamily rental housing development on the Property (the "Project"); and

WHEREAS, in connection with the process of applying for low-income housing tax credits from DCA, Optionee must demonstrate that it has sufficient "site control" over the real estate that will be included in the development; and

WHEREAS, the Property will be leased by VRHA to the Optionee (or its assignee) under a long-term ground lease (the "Ground Lease"); and

WHEREAS, VRHA intends to grant to Optionee, under the Ground Lease, an easement for ingress, egress, utilities, storm water management and for ground and air rights for guy wires and anchors (if applicable) for the Property, or portions thereof, for the duration of the Ground Lease; and

WHEREAS, VRHA and the Optionee desire to enter into this Option describing their mutual intention for VRHA and the Optionee (or its assignee) to enter into the Ground Lease; and

NOW THEREFORE, in consideration of TEN AND NO/100 DOLLARS ($10.00) and the mutual covenants of VRHA and Optionee and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, VRHA and the Optionee hereby agree as follows:

1. Option: At any time on or before the date on which Optionee is notified that it has received an award of 2019 low-income housing tax credits ("Notification"),or at any time on or before the date that is twelve months after Notification, Optionee shall have the right and option to enter into the Ground Lease. Optionee may exercise the option granted herein at any time during the time period set forth above by notifying VRHA in writing at least ninety (90) days prior to the date the Ground Lease shall become effective.

2. Terms and Conditions of Ground Lease: The material terms of the Ground Lease shall be as follows:

   a. It is anticipated that the term shall be no less than ninety-nine (99) years. Notwithstanding the foregoing, the exact term of the Ground Lease (including but not limited to a term that could exceed ninety-nine (99) years will be determined

based on requirements of the tax credit equity investor that is obtained for the Project.

b. The base annual rent payable under the Ground Lease shall be TEN AND NO/100 DOLLARS ($10.00).

c. Title to the Property shall be good and marketable, and free and clear of all liens, charges, encumbrances, encroachments, easements, restrictions, leases, tenancies, occupancies or agreements or other matters unduly burdening the development of the Project other than any mortgages placed upon the Property in connection with the financing of the Project, any Regulatory and Operating Agreement to be entered into between VRHA and the Optionee, any Department of Housing and Urban Development ("HUD") Declaration of Trust, and any VRHA, DCA or lender Restrictive Covenants.

d. The Optionee (or its assignee), as lessee ("Lessee") under the Ground Lease, will pay all real estate taxes for the Property (to the extent any are due).

e. The Lessee under the Ground Lease will be responsible for all operating expenses of the Property, including insurance.

f. The Project will be subject to applicable public housing regulations.

g. Neither VRHA nor the Optionee will have the right to transfer or assign its rights under the Ground Lease, except with the consent of the other and, if applicable, of HUD.

h. VRHA (or its assignee), as lessor ("Lessor") under the Ground Lease, will grant to Lessee, under the Ground Lease, an easement for ingress, egress, utilities, storm water management and for ground and air rights for guy wires and anchors (if applicable) for the duration of the Ground Lease. The easement rights shall include the right of Lessee to grant or assign to third parties all or some of the easement rights granted to Lessee. The Lessor agrees and acknowledges the Lessee may, at Lessee's sole cost and expense, have a metes and bounds survey prepared of the leased premises and the easement(s), and that the legal description of the leased premises and the easement(s), as shown on the survey, shall thereafter become the legal description of the leased premises and the easements(s).

3. The Optionee will be permitted to assign or encumber its leasehold interest under the Ground Lease as security for debt financing for the Project. Such assignments or encumbrances will be subject to the approval of VRHA and HUD, as applicable.

4. This Agreement shall not be recorded, although the Ground Lease is expected to be recorded or memorialized in the appropriate office of public records. All costs of transfer and recordation will be borne by the Optionee as a project expense.

5. The obligation of VRHA to enter into the Ground Lease shall be conditioned upon award(s) or commitments of funding sufficient to complete the Project as designed, and all such documents and arrangements related to such funding to be subject to the approval of VRHA and HUD (if required). This Option will terminate if the Optionee does not secure such funding; provided, however, VRHA shall have no right to terminate this Option prior to DCA's issuance

that Project will not receive a Notification (or such other funding that Optionee may have applied for from DCA).

6. Time of Essence: TIME IS OF THE ESSENCE OF THIS OPTION.

7. Notices: Any and all notices, elections, demands or communications permitted or required to be made under this Option shall be in writing, signed by the party giving such notice, and shall be delivered in person or sent by registered or certified mail to the other party hereto. The date of personal delivery or the date of such mailing, as the case may be, shall be the date that such notice or election shall be deemed to have been given. For the purpose of this Option:

The address of VRHA is:	The Housing Authority of the City of Villa Rica, Georgia 320 Tower Heights Road Villa Rica, Georgia 30180 Attn: Executive Director
With a copy to:	_____ _____ _____ _____ Attn: _____
The address of Optionee is:	Legacy at Walton Trail Phase 1, L.P. 2181 Newmarket Parkway Marietta, Georgia 30067 Attn: Keith A. Davidson
With a copy to:	Legacy at Walton Trail Phase 1 VRHA GP, LLC 320 Tower Heights Road Villa Rica, Georgia 30180 Attn: Richard Chambers

8. Choice of Law: This Option shall be governed by and construed in accordance with the laws of the State of Georgia.

9. Assignment: Optionee has the right to assign its interest in this Option to any currently existing or to-be formed limited partnership affiliated with Optionee, the Developer or their principals whose role shall be to develop the Project without the prior written consent of VRHA or Villa Rica Affordable Housing & Development Corp.

10. Counterparts: This Option may be executed in multiple original counterparts, each of which shall constitute an original document binding upon the party or parties signing the same. It shall not be necessary that all parties sign all counterparts and this Option shall be binding if each party shall have executed at least one counterpart.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties herein have hereunto set their hands and seal the day and year first above written.

VRHA:

Signed, sealed and delivered
in the presence of:

Tamikea Mathews
Unofficial Witness

THE HOUSING AUTHORITY OF THE CITY OF VILLA RICA, GEORGIA

By: Richard Chambers
Richard Chambers, Executive Director

Maureen K Freehill-Demarest
Notary Public
My commission expires: 11/27/2020

Maureen K Freehill Demarest
NOTARY PUBLIC
DeKalb County, GEORGIA
My Comm. Expires 11/27/2020

OPTIONEE:

Signed, sealed and delivered
in the presence of:

Tamikea Mathews
Unofficial Witness

M. LaPointe
Notary Public
My commission expires: 5/14/22

M LAPOINTE
NOTARY PUBLIC
MY COMMISSION EXPIRES
MAY 14, 2022
COBB COUNTY, GEORGIA

LEGACY AT WALTON TRAIL PHASE 1, L.P., a Georgia limited partnership

By: Legacy at Walton Trail Phase 1 GP, LLC
Its: General Partner

By: Legacy at Walton Trail Phase 1 Walton GP, LLC
Its: Manager

By: _____
Keith A. Davidson, Co-Manager

EXHIBIT "A"

Property Description

Legal Description
Old Stone Tract 1

All that tract or parcel of land lying and being in Land Lot 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

BEGINNING at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), from point thus established and running along the northerly Right of Way of Old Stone Road North 87º 17' 22" West a distance of 472.31 feet to a magnetic nail set at the intersection of the southeasterly Right of Way of Walnut Drive (40' R/W) and the northerly Right of Way of Old Stone Road; thence running along said Right of Way of Walnut Drive the following courses: North 14º 49' 10" East a distance of 206.95 feet to a point; thence along a curve to the right having a radius of 117.46 feet and an arc length of 108.55 feet, being subtended by a chord of North 41º 17' 39" East for a distance of 104.73 feet to a point; thence North 67º 46' 08" East a distance of 430.60 feet to a point; thence along a curve to the right having a radius of 44.17 feet and an arc length of 37.22 feet, being subtended by a chord of South 88º 05' 14" East for a distance of 36.13 feet to a point; thence South 64º 02' 13" East a distance of 138.96 feet to a ½"rebar set on the aforementioned northwesterly Right of Way of State Road 61; thence running along said Right of Way of State Road 61 South 27º 34' 23" West a distance of 453.46 feet to the POINT OF BEGINNING. Said tract contains 4.621 acres (201,307 square feet).

Legal Description
Old Stone Tract 2

All that tract or parcel of land lying and being in Land Lots 191 & 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), thence running along the aforementioned Right of Way of State Road 61 South 27º 34' 23" West a distance of 44.09 feet to a ½" rebar set at the intersection of the southerly Right of Way of Old Stone Road and the northwesterly Right of Way of State Road 61, said point being the TRUE POINT OF BEGINNING, from point thus established and continuing along said Right of Way of State Road 61 South 27º 34' 23" West a distance of 110.53 feet to a ½" rebar found; thence leaving said Right of Way and running North 86º 56' 20" West a distance of 357.90 feet to a ½" rebar set; thence South 01º 57' 17" West a distance of 86.24 feet to a ½" rebar set; thence South 87º 31' 39" West a distance of 218.46 feet to a concrete monument found; thence North 02º 16' 00" East a distance of 204.07 feet to a point on the southerly Right of Way of the aforementioned Old Stone Road, said point being 0.18 feet south of a concrete monument found; thence running along said Right of Way South 87º 17' 22" East a distance of 622.37 feet to the TRUE POINT OF BEGINNING. Said tract contains 1.838 acres (80,063 square feet).

Legal Description
Old Stone Tract 3

All that tract or parcel of land lying and being in Land Lot 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), thence running along the aforementioned Right of Way of Old Stone Road North 87º 17' 22" West a distance of 472.31 feet to a magnetic nail set at the intersection of the southeasterly Right of Way of Walnut Drive (40' R/W) and the northerly Right of Way of Old Stone Road; thence continuing along the northerly Right of Way of Old Stone Road North 87º 17' 22" West a distance of 40.91 feet to a ½" rebar set at the intersection of the northwesterly Right of Way of Walnut Drive and the northerly Right of Way of Old Stone Road, said point being the TRUE POINT OF BEGINNING, from point thus established and continuing along the northerly Right of Way of Old Stone Road North 87º 17' 22" West a distance of 107.72 feet to a ½" rebar found; thence leaving said Right of Way and running North 00º 47' 41" East a distance of 201.51 feet to a concrete monument found; thence North 89º 21' 52" East a distance of 159.94 feet to a ½" rebar set on the aforementioned northwesterly Right of Way of Walnut Drive; thence running along said Right of Way South 14º 49' 10" West a distance of 215.53 feet to a ½" rebar set and the TRUE POINT OF BEGINNING. Said tract contains 0.630 acre (27,443 square feet).

Legal Description
Old Stone Tract 4

All that tract or parcel of land lying and being in Land Lot 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), thence running along the aforementioned Right of Way of State Road 61 North 27º 34' 23" East a distance of 453.46 feet to a ½" rebar set on the southerly Right of Way of Walnut Drive (440' R/W); thence continuing along said Right of Way of State Road 61 North 27º 34' 23" East a distance of 40.02 feet to a 2" steel post found at the northerly Right of Way of Walnut Drive; thence running along said northerly Right of Way of Walnut Drive North 64º 02' 13" West a distance of 140.02 feet to a ½" rebar set and the TRUE POINT OF BEGINNING, from point thus established and continuing along said Right of Way of Walnut Drive the following courses: thence along a curve to the left having a radius of 84.17 feet and an arc length of 70.93 feet, being subtended by a chord of North 88º 05' 14" West for a distance of 68.85 feet to a point; thence South 67º 46' 08" West a distance of 430.61 feet to a point; thence along a curve to the left having a radius of 157.46 feet and an arc length of 40.31 feet, being subtended by a chord of South 60º 26' 06" West for a distance of 40.20 feet to a ½" rebar set; thence leaving said Right of Way and running North 20º 56' 19" West a distance of 155.25 feet to a concrete monument found; thence North 67º 44' 53" East a distance of 115.50 feet to a ½" rebar set; thence North 40º 19' 38" West a distance of 83.29 feet to a ½" rebar set on the southerly Right of Way of Old Town Road

(40’ R/W); thence running along said southerly Right of Way of Old Town Road North 47º 29’ 48” East a distance of 199.77 feet to a concrete monument found; thence leaving said Right of Way and running South 40º 29’ 01” East a distance of 156.70 feet to a concrete monument found; thence North 67º 42’ 23” East a distance of 331.45 feet to a ½” rebar found; thence South 13º 24’ 12” West a distance of 219.28 feet to a ½” rebar set and the TRUE POINT OF BEGINNING. Said tract contains 2.655 acres (115,635 square feet).

GA WEST NAD 83 GRID NORTH

LEGEND

IPF	IRON PIN FOUND
IPS	IRON PIN SET
RB	REBAR
OTP	OPEN TOP PIPE
R/W	RIGHT OF WAY
MH	MANHOLE
CB	CATCH BASIN
DI	DROP INLET
JB	JUNCTION BOX
RTDI	RAISED TOP DROP INLET
HW	HEADWALL
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
FH	FIRE HYDRANT
WM	WATER METER
WV	WATER VALVE
GV	GAS VALVE
24" C&G	24" CURB & GUTTER
GUY	GUY WIRE
PP	POWER POLE
LP	LIGHT POLE
-S-	SEWER LINE
-X-	FENCE
-T-	TELEPHONE LINE
-P-	POWER LINE
-W-	WATER LINE
-G-	GAS LINE
-UP-	UNDERGROUND POWER
-UT-	UNDERGROUND TELECOMMUNICATION
(11)	11 REGULAR PARKING SPACES
	1 HANDICAP PARKING SPACE
T	TRANSFORMER
	CONCRETE PAVING
G	GAS METER
ICV	IRRIGATION CONTROL VALVE

40 0 40 80 120

GRAPHIC SCALE – FEET

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,956 FEET AND AN ANGULAR ERROR OF 06" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.

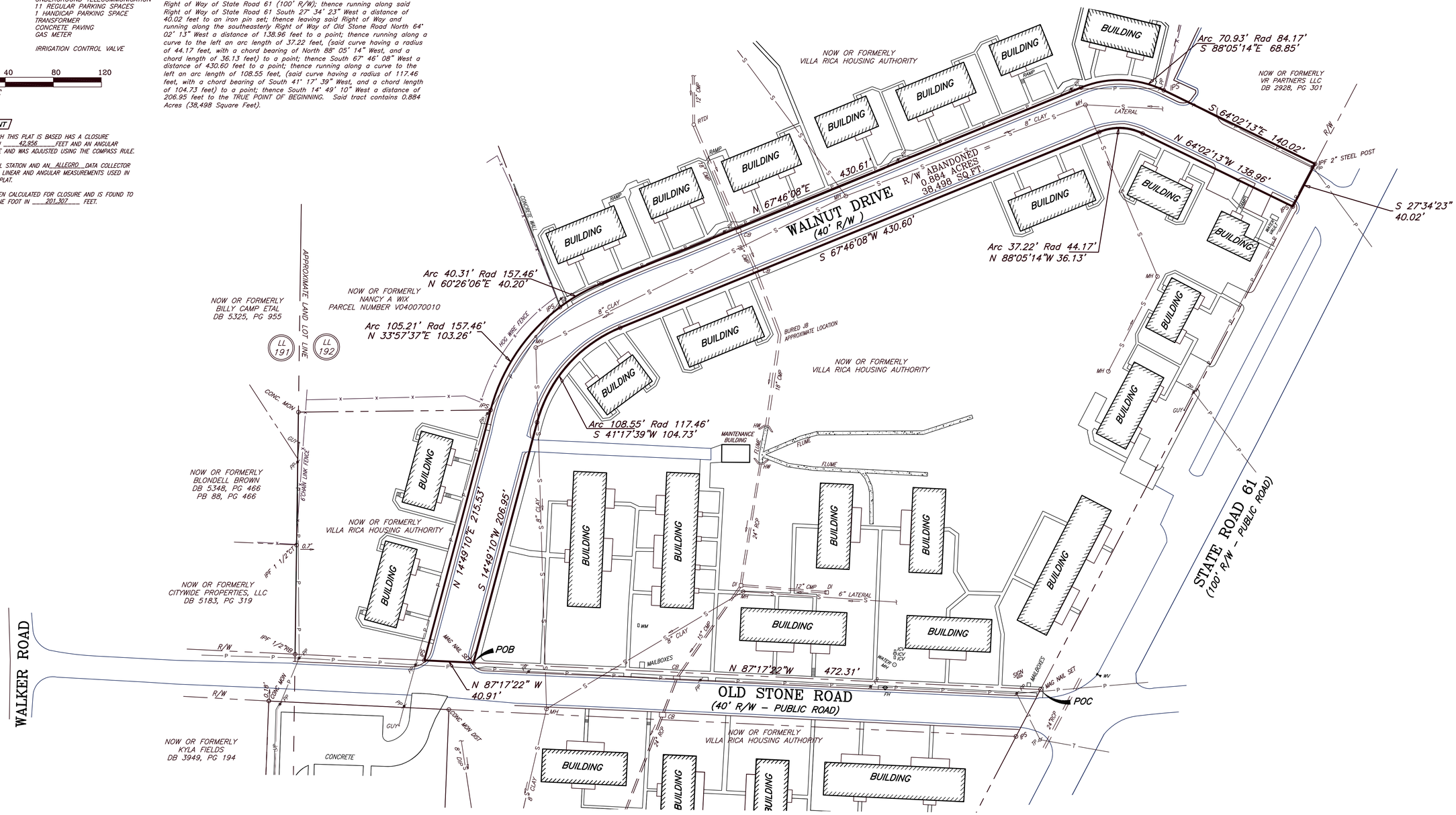
A TOPCON GTS 223 TOTAL STATION AND AN ALLEGRO DATA COLLECTOR WERE USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 201,307 FEET.

Legal Description
Walnut Drive R/W Abandonment

All that tract or parcel of land lying and being in Land Lot 192 of the 6th District of the City of Villa Rica, Carroll County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a magnetic nail set at the intersection of the northwesterly Right of Way of State Road 61 (100' R/W) and the northerly Right of Way of Old Stone Road (40' R/W), from point thus established and running along the northerly Right of Way of Old Stone Road North 87° 17' 22" West a distance of 472.31 feet to a magnetic nail set at the intersection of the southeasterly Right of Way of Walnut Drive (40' R/W) and the northerly Right of Way of Old Stone Road and the TRUE POINT OF BEGINNING, from point thus established and continuing along said Right of Way of Old Stone Road North 87° 17' 22" West a distance of 40.91 feet to a point on the westerly Right of Way of Walnut Drive; thence leaving said Right of Way of Old Stone Road and running along the northwesterly Right of Way of Walnut Drive North 14° 49' 10" East a distance of 215.53 feet to an iron pin set; thence running along a curve to the right an arc length of 105.21 feet, (said curve having a radius of 157.43 feet, with a chord bearing of North 33° 57' 37" East, and a chord length of 103.26 feet) to an iron pin set; thence running along a curve to the right an arc length of 40.31 feet, (said curve having a radius of 157.46 feet, with a chord bearing of North 60° 26' 06" East, and a chord length of 40.20 feet) to a point; thence North 67° 46' 08" East a distance of 430.61 feet to a point; thence running along a curve to the right an arc length of 70.93 feet, (said curve having a radius of 84.17 feet, with a chord bearing of South 88° 05' 14" East, and a chord length of 68.85 feet) to an iron pin set; thence South 64° 02' 13" East a distance of 140.02 feet to a 2" steel post found on the northwesterly Right of Way of State Road 61 (100' R/W); thence running along said Right of Way of State Road 61 South 27° 34' 23" West a distance of 40.02 feet to an iron pin set; thence leaving said Right of Way and running along the southeasterly Right of Way of Old Stone Road North 64° 02' 13" West a distance of 138.96 feet to a point; thence running along a curve to the left an arc length of 37.22 feet, (said curve having a radius of 44.17 feet, with a chord bearing of North 88° 05' 14" West, and a chord length of 36.13 feet) to a point; thence South 67° 46' 08" West a distance of 430.60 feet to a point; thence running along a curve to the left an arc length of 108.55 feet, (said curve having a radius of 117.46 feet, with a chord bearing of South 41° 17' 39" West, and a chord length of 104.73 feet) to a point; thence South 14° 49' 10" West a distance of 206.95 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.884 Acres (38,498 Square Feet).



No	Revision	Date

Field Date: 03/28/2019
Plat Date: 03/29/2019
Scale: 1" = 40'

RIGHT OF WAY ABANDONMENT PLAT
OF
WALNUT DRIVE
LAND LOT 192 6TH DISTRICT
CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

TSS
TECHNICAL SURVEY SERVICES
Land Surveyors
1641 Autumn Blvd, SW
Conyers, Georgia 30012
(770) 922-6391 Office
(770) 922-0767 Fax
www.tss-atl.com

GEORGIA REGISTERED LAND SURVEYOR JONATHAN AKIN

1
SHEET 1 OF 1

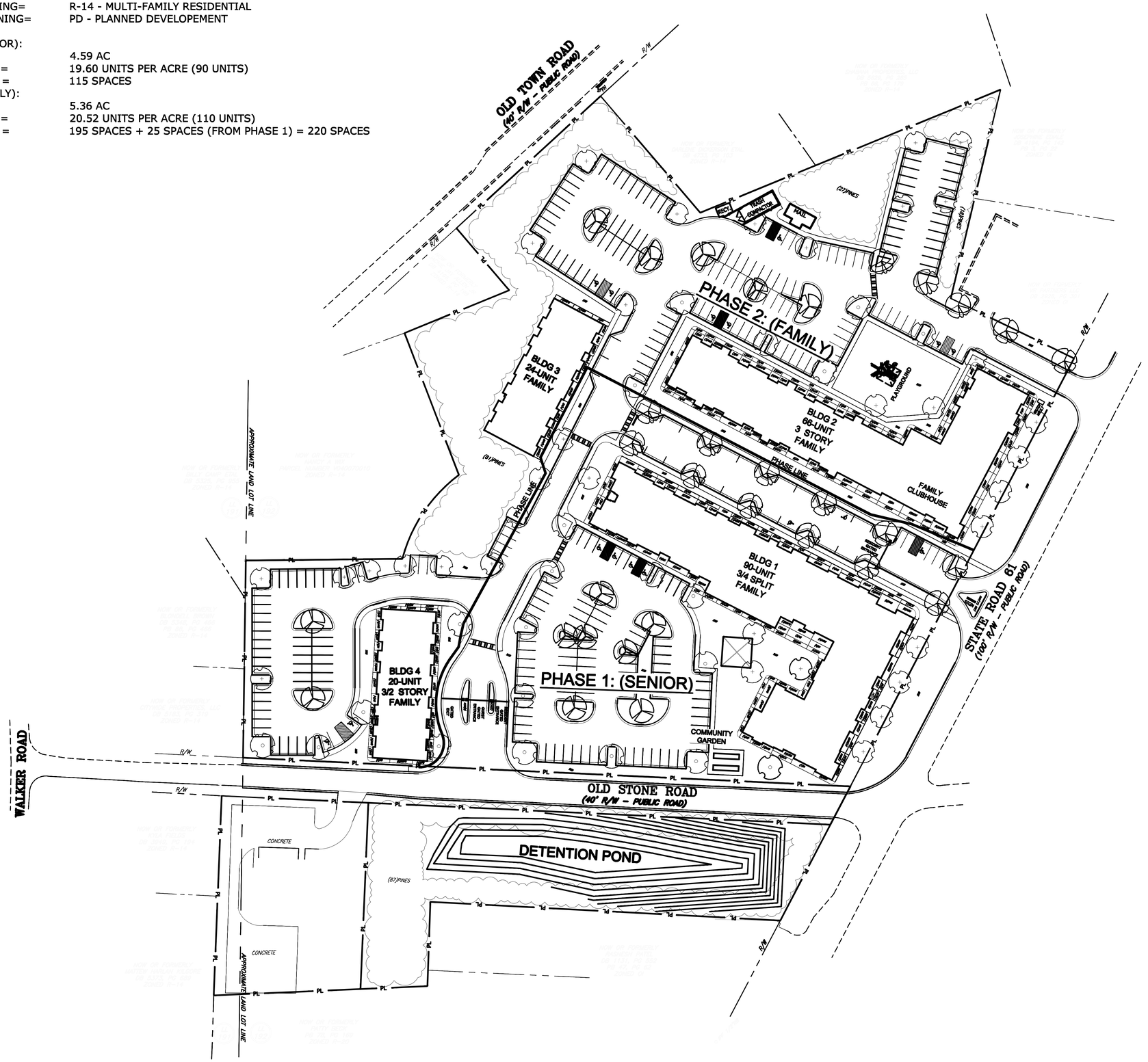
JOB #: 2011-006
CRD: VILRIC.DWG
DWG:VILLARICA rw abandon
LSV:

Owner	Property Address	Mailing Address	Parcel #
Citywide Properties	531 Old Stone Rd	402 Adamson Sq, Carrollton, GA 30117	V04 0070012
Daniel L Gibson	535 Old Stone Rd	9090 Meadow Walk, Villa Rica, GA 30180	V04 0070013
Ruth & Dennis (Sr) Weiss	443 Walker St	113 Cedars Glen Cir, Villa Rica, GA 30180	V04 0070015
Blondell & Beck Ellis Brown	605 Old Town Rd	P.O. Box 5392, Douglasville, GA 30154	V04 0070016
Christina & Billy Camp	609 Old Town Rd	P.O. Box 845, Villa Rica, GA 30180	V04 0070011
Nancy Wix	615 Old Town rd	615 Old Town rd	V04 0070010
Jackey Jay Allen Jr	621 Old Town rd	170 W. Ranchette Rd, Temple, GA 30179	V04 0070009
Darlene & Howard Anna Dickerson	637 Old Town Rd	157 Quarter Horse Dr, Hayesville, NC 28904	V04 0070008
Adrienne Brooks	641 Old Town Rd	4541 Denise Dr, Decatur, GA 30035	V04 0070007
Shabana Properties LLC	651 Old Town rd	160 Brookside Way, Villa Rica, GA 30180	V04 0070014
Frances Newton		211 S Carroll Rd, Villa Rica, GA 30180	V04 0070006
Robert Woodall	632 Dallas Rd	174 Brookside Dr, Villa Rica, GA 30180	V04 0070005
Josephine Ediale	626 Dallas Rd	4480 Blue Ridge Dr, Douglasville, GA 30135	V04 0070004
Kyla Fields	532 Old Stone Rd	P.O. Box 1080, Villa Rica, GA 30180	V04 0050001
Kyla Fields	528 Old Stone Rd	528 Old Stone Rd, Villa Rica, GA 30180	V04 0050022

SITE DATA:

EXISTING ZONING= R-14 - MULTI-FAMILY RESIDENTIAL
PROPOSED ZONING= PD - PLANNED DEVELOPEMENT

PHASE 1 (SENIOR):
AREA = 4.59 AC
DENSITY = 19.60 UNITS PER ACRE (90 UNITS)
PARKING = 115 SPACES
PHASE 2 (FAMILY):
AREA = 5.36 AC
DENSITY = 20.52 UNITS PER ACRE (110 UNITS)
PARKING = 195 SPACES + 25 SPACES (FROM PHASE 1) = 220 SPACES



0 50' 100' 150'
GRAPHIC SCALE : 1" = 50'

Date	Revision/Issue

Walton Trail Apartments
Overall Site Plan Layout
Land Lots 191 & 192,6th DISTRICT, City of Villa Rica, Carroll County, Georgia

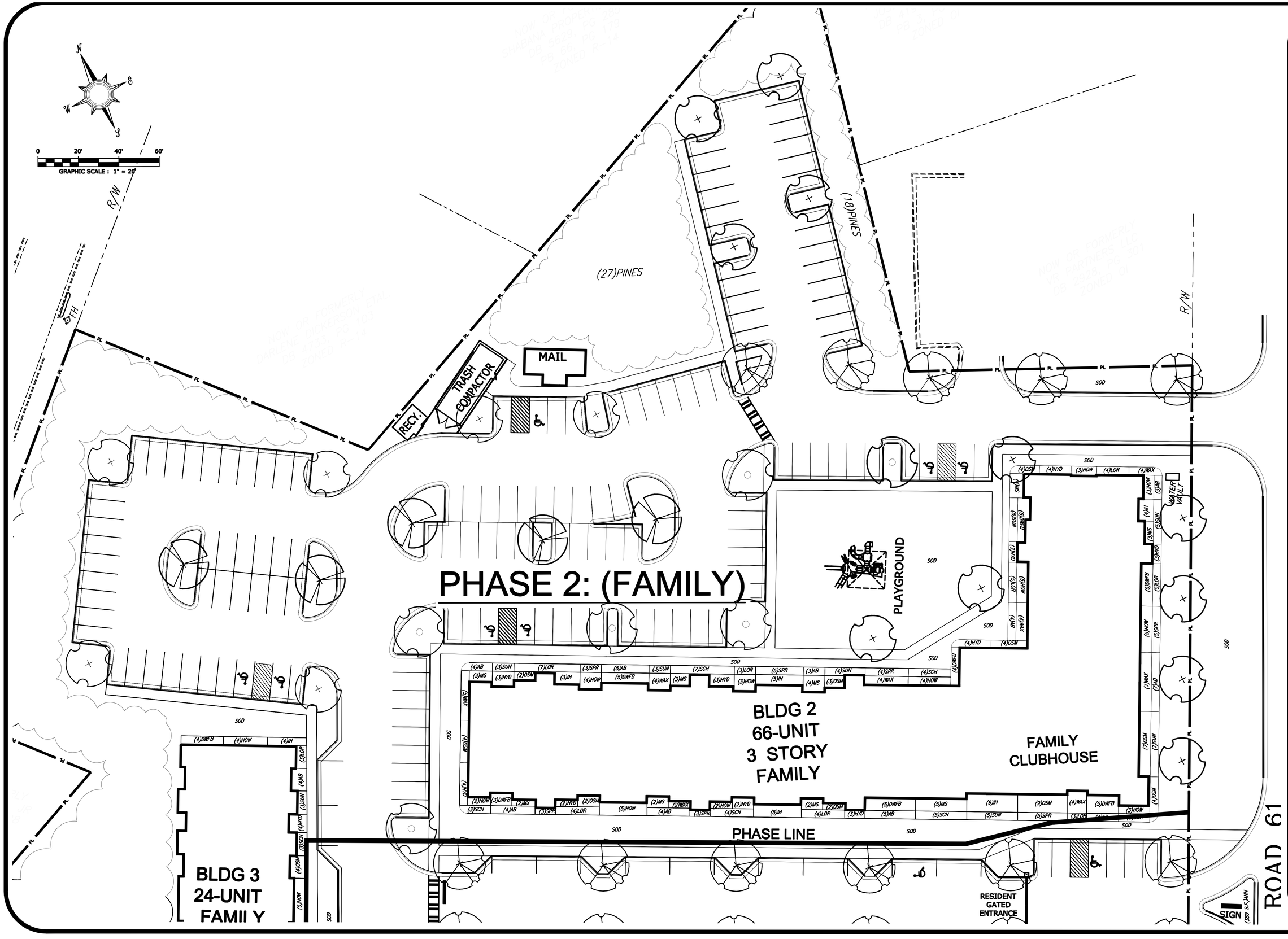
WALTON COMMUNITIES LLC.
2181 New Market Parkway, Marietta, GA 30067
Phone (678) 303-4100

GEORGIA REGISTERED No. 1458 LANDSCAPE ARCHITECT JOSHUA F. WINTER

WINTER DESIGN
Landscape Architecture + Planning
2090 Seybrook Court, Marietta, GA 30068
Phone (678) 776 - 3842 www.joshwinterdesign.com

Project WTA001
Date 10/21/19
Scale 1"= 50'

Sheet C-1



Date	Revision/Issue

Walton Trail Apartments
Landscape Layout Plan
Land Lots 191 & 192,6th DISTRICT, City of Villa Rica, Carroll County, Georgia

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Project: WTA001
Date: 10/21/19
Scale: 1'= 20'
Sheet: L-1

BLDG 3
24-UNIT
FAMILY

(81)PINES

PHASE LINE

BLDG 1
90-UNIT
3/4 SPLIT
FAMILY

PHASE 1: (SENIOR)

BLDG 4
20-UNIT
3/2 STORY
FAMILY

RESIDENT
GATED
ENTRANCE

GUEST
GATED
ENTRANCE

GATED
EXIT

COMMUNITY
GARDEN

OLD STONE ROAD
(40' R/W - PUBLIC ROAD)

RETENTION POND

SIGN
(180 S.F.MAX)

SOD

PL

0 20' 40' 60'
GRAPHIC SCALE : 1" = 20'

Date Revision/Issue

Walton Trail Apartments
Landscape Layout Plan
Land Lots 191 & 192,6th DISTRICT, City of Villa Rica, Carroll County, Georgia

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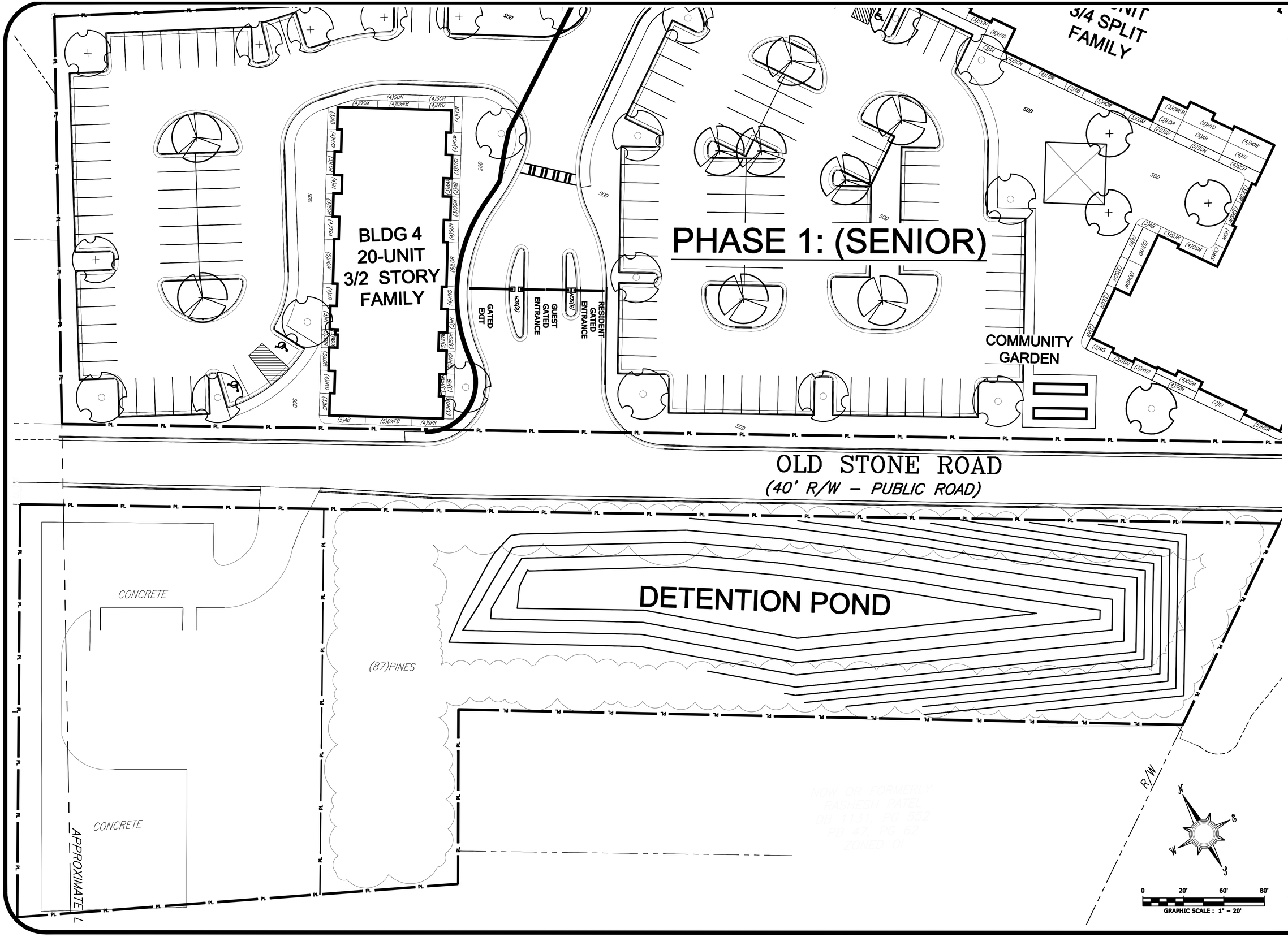
Project WTA001
Date 10/21/19
Scale 1"= 20'

Sheet L-2



Date Revision/Issue

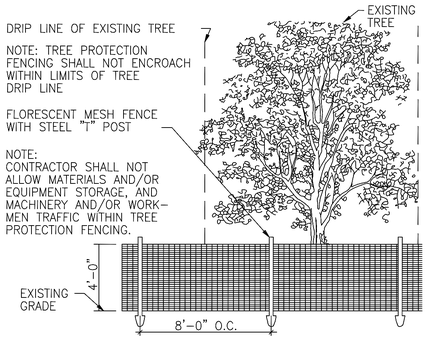
Walton Trail Apartments
Landscape Layout Plan
Land Lots 191 & 192,6th DISTRICT, City of Villa Rica, Carroll County, Georgia

WALTON COMMUNITIES LLC.
2181 New Market Parkway, Marietta, GA 30067
Phone (678) 303-4100

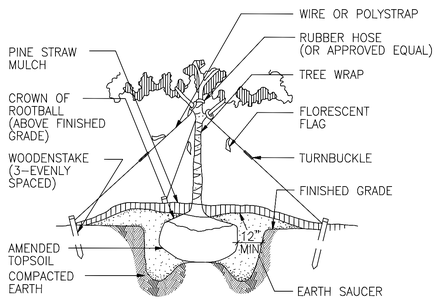
GEORGIA REGISTERED No. 1458 LANDSCAPE ARCHITECT JOSHUA F. WINTER

WINTER DESIGN
Landscape Architecture + Planning
2090 Sephrook Court, Marietta, GA 30068
Phone (678) 776 - 3842 www.joshwinterdesign.com

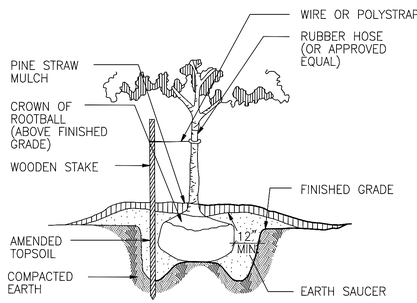
Project: WTA001
Date: 10/21/19
Scale: 1"= 20'
Sheet: L-3



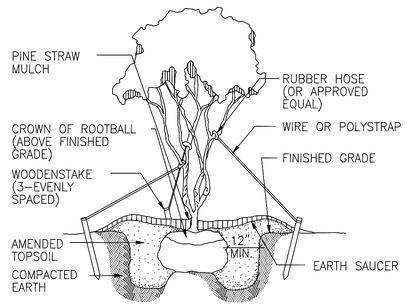
Tree Protection Fencing
NTS



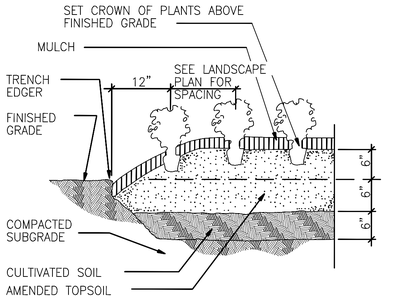
Tree Planting
NTS



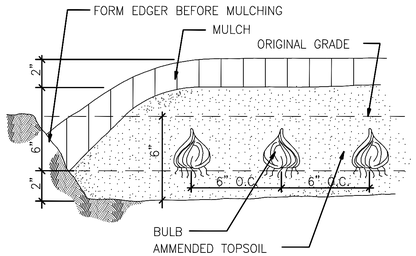
Pine or Small Tree Planting
NTS



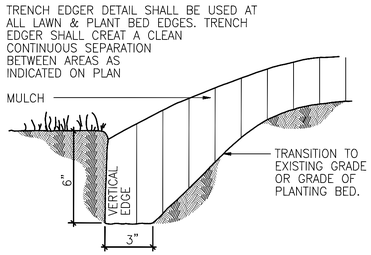
Multi-trunk Tree Planting
NTS



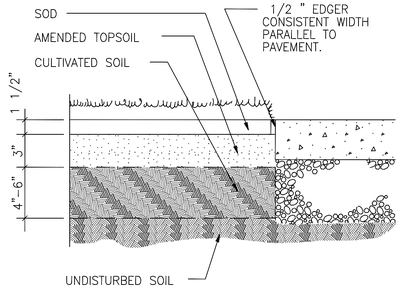
Perennial and Annual Color Beds
NTS



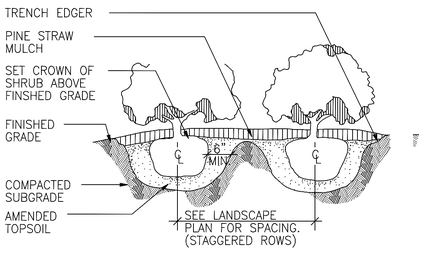
Bulb Planting
NTS



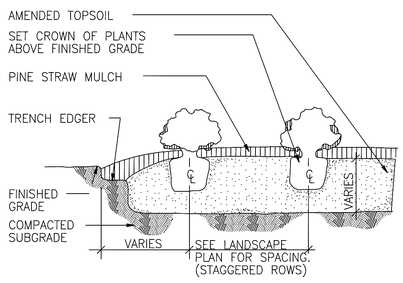
Trench Edger Detail
NTS



Sod Installation Detail
NTS



Shrub Planting
NTS



Shrub/Ground Cover Mass Planting
NTS

PLANTING NOTES

SECTION I : GENERAL

CONTRACTOR SHALL BE RESPONSIBLE FOR THE SITE INSPECTION PRIOR TO LANDSCAPE CONSTRUCTION AND INSTALLATION IN ORDER TO ACQUAINT HIMSELF WITH EXISTING CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES BEFORE BEGINNING CONSTRUCTION. PRIOR TO SUBMITTING A BID, VERIFY ANY DISCREPANCIES BETWEEN THE NOTES, SPECIFICATIONS, DRAWINGS, OR SITE CONDITIONS WITH THE LANDSCAPE ARCHITECT.

CONTRACTOR SHALL COMPLETE SOIL TEST IN ALL PLANTING AREAS TO DETERMINE SOIL AMENDMENT REQUIREMENTS AND SUBMIT TEST RESULTS TO LANDSCAPE ARCHITECT FOR APPROVAL. CONTRACTOR SHALL ADJUST PH AND FERTILITY BASED UPON THESE RESULTS. NO ADDITION TO OR PLACEMENT OF SOIL IS TO BE DONE PRIOR TO INITIAL SOIL TEST REPORT APPROVAL. TESTING SHALL BE DONE BY SUITABLE LABORATORY. NO PLANTING SHALL BEGIN UNTIL RESULTS AND PROPER ADJUSTMENT HAVE BEEN DONE.

SECTION II : MATERIALS

PLANTS SHALL BE WELL FORMED, VIGOROUS, GROWING SPECIMENS WITH GROWTH TYPICAL OR VARIETIES SPECIFIED AND SHALL BE FREE FROM INJURY, INSECTS AND DISEASEES. PLANTS SHALL EQUAL OR SURPASS #1 QUALITY AS DEFINED IN THE CURRENT ISSUE OF "AMERICAN STANDARDS FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN NURSERYMEN, INC.

ALL PLANT MATERIALS ARE SUBJECT TO APPROVAL OR REFUSAL BY THE LANDSCAPE ARCHITECT AT THE JOB SITE. ALL MATERIAL REJECTED SHALL BE REMOVED FROM THE PROJECT SITE AT NO ADDITIONAL COST TO THE OWNER.

ALL PLANT MATERIAL IS TO BE CAREFULLY HANDLED BY THE ROOT BALL, NOT THE TRUNK, BRANCHES, AND/OR FOILAGE OF THE PLANT. MISHANDLED PLANT MATERIAL MAY BE REJECTED.

ALL PLANT MATERIAL IS TO BE WELL ROOTED, NOT ROOT BOUND, SUCH THAT THE ROOT BALL REMAINS INTACT THROUGHOUT THE PLANTING PROCESS. REJECT ALL CRACKED ROOTBALLS.

SECTION III : EXECUTION

ALL TREES SHALL BE STAKED AND GUYED ON THREE SIDES. SEE DETAIL.

ALL SHRUB AND TREE PITS SHALL BE AMENDED WITH A SOIL MIXTURE CONSISTING OF GRO-TONE BED MIX (1/4 LB. PER GALLON OF PLANT SIZE), 1/2 BLACK KOW COMPOSTED COW MANURE,(1 LB PER GALLON OF PLANT SIZE).

ALL GROUNDCOVER AND COLOR BEDS SHALL HAVE THE ABOVE SOIL MIXTURE TILLED INTO BED AREA TO A DEPTH OF 4".

BACK ROW OF SHRUBS SHALL BE PLANTED AT 36" FROM FACE OF WALL OR FENCE WALL, GROUNDCOVERS SHALL BE 12" OUT FROM WALL OR FENCE AS REQUIRED BY PLANT SPECIFICATIONS.

FRONT ROW OF SHRUBS SHALL BE PLANTED A MINIMUM OF 24" BEHIND (12" FOR GROUND COVER) BED LINE @ LAWNS OR WALKS AND MINIMUM 36" BACK FROM DRIVEWAY AND PARKING AREAS.

CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING 2% POSITIVE DRAINAGE IN ALL PLANT AREAS.

BERM ENTRANCE ISLAND WITH TOPSOIL TO 30" BEFORE SETTLING.

ALL PLANTING BEDS AND TREE PITS SHALL BE MULCHED WITH A 3" (AFTER SETTLEMENT) LAYER OF PINE STRAW.

EXCAVATE EDGE OF ALL PLANTING BEDS TO 2" DEPTH TO FORM A NEAT CRISP DEFINITION. SEE DETAIL.

CONTRACTOR SHALL REMOVE ALL DEBRIS AND FINE GRADE ALL AREAS FOR APPROVAL BY LANDSCAPE ARCHITECT.

*USE ONE PACKET OF MYCHORIZE FOR EVERY 1 1/2" CALIPER OR TREE TO BE PLANTED.

Date	Revision/Issue

Walton Trail Apartments
Planting Details
Land Lots 191 & 192,6th DISTRICT, City of Villa Rica, Carroll County, Georgia

WALTON COMMUNITIES LLC.
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Phone (678) 303-4100

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Project	WTA001
Date	10/21/19
Scale	NTS
Sheet	D-1

TREE LEGEND

TREE SCHEDULE

COMMON NAME	BOTANICAL NAME	QTY.	SIZE
WILLOW OAK	QUERCUS PHELLOS	17	3" CAL
CHINESE ELM	ULMUS PARVIFOLIA 'ELSMO'	14	3" CAL
MAPLE 'OCT. GLORY'	ACER RUBRUM 'OCT. GLORY'	34	3" CAL
NUTTALL OAK	QUERCUS NUTTALI	21	3" CAL
LOBLOLLY PINE	PINUS TAEDA	213	3 GALLON

SHRUB & GROUNDCOVER SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	QTY.	SIZE
ANN	ANNUAL COLOR	NA	380	S.F.
HOW	LIGUSTRUM 'HOWARDI'	LIGUSTRUM JAPONICUM 'HOWARDI'	108	3 GALLON
MS	MISCANTHUS GRASS	MISCANTHUS SINESIS 'GRACILLIMUS'	57	3 GALLON
SUN	LIGUSTRUM 'SUNSHINE'	LIGUSTRUM JAPONICUM 'SUNSHINE'	79	3 GALLON
IH	INDIAN HAWTHORN	RAPHIOLEPIS INDICA	81	3 GALLON
DWFB	DWARF BURFORD HOLLY	ILEX CORNUTA 'DWARF BURFORD'	77	3 GALLON
LOR	LOROPETULUM 'PURPLE DIAMOND'	LOROPETALUM CHINENSE 'PURPLE DIAMOND'	95	3 GALLON
SPR	SPIREA 'LITTLE PRINCESS'	SPIREA JAPONICA 'LITTLE PRINCESS'	39	3 GALLON
WAX	WAX LIGUSTRUM	LIGUSTRUM LUCIDUM 'WAX'	64	3 GALLON
AB	ABELIA 'ROSE CREEK'	ABELIA X GRANDIFLORA 'ROSE CREEK'	108	3 GALLON
BB	BIG BLUE LIRIOPE	LIRIOPE MUSCARI 'BIG BLUE'	45	1 GALLON
SCH	SCHILLINGS HOLLY	ILEX VOMITORIA 'SCHILLINGS'	94	3 GALLON
HYD	HYDRANGEA 'LITTLE LIME'	HYDRANGEA PANICULATA 'LITTLE LIME'	106	3 GALLON
OSM	OSMANTHUS	OSMANTHUS FRAGRANS VAR.	88	3 GALLON

SOD/TURF SCHEDULE

SOD	ALL SOD AREAS SHALL BE TIFT 419 BERMUDA

Date	Revision/Issue

Walton Trail Apartments
Planting Schedule
Land Lots 191 & 192,6th DISTRICT, City of Villa Rica, Carroll County, Georgia

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Project: WTA001
Date: 10/21/19
Scale: NTS

Sheet: D-2

SITE DATA:

EXISTING ZONING=	R-14 - MULTI-FAMILY RESIDENTIAL
PROPOSED ZONING=	PD - PLANNED DEVELOPEMENT
PHASE 1 (SENIOR):	
AREA =	4.59 AC
DENSITY =	19.60 UNITS PER ACRE (90 UNITS)
PARKING =	115 SPACES
PHASE 2 (FAMILY):	
AREA =	5.36 AC
DENSITY =	20.52 UNITS PER ACRE (110 UNITS)
PARKING =	195 SPACES + 25 SPACES (FROM PHASE 1) = 220 SPACES

Walton Trail

LAND LOTS 191 & 192, 6TH DISTRICT, CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

Walton Communities

Conceptual Site Plan

DOULGERAKIS CONSULTING ENGINEERS, INC.
planning • civil engineering • sanitary engineering
100 Abbey Court, Alpharetta, Georgia 30004, phone: 770-753-9800

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NO.	DATE	REVISION
-	-	-

SCALE: 1" = 50'

DATE: 09-09-19

JOB. NO. 1912

SHEET. 1

NOT FOR CONSTRUCTION

APPLICATION FOR

PLANNED DISTRICT CONCEPT PLAN

The procedure for approval of a Planned Development Concept Plan, the first step in a Planned Development process, is set forth in Section 2.03.C.3 of the Unified Development Code (UDC). Generally, the process involves review by the Community Development Director and the Planning Commission with a final review and decision by the City Council.

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 9/16/19

APPLICANT

Applicant Name: Walton Communities
Address: 2181 New Market Pkwy City: Marietta State: GA Zip: 30067
Phone: (678) 303 - 4100 Fax: ( ) -
Project Representatives Names: Chase Davidson, Development Manager
Address: 2181 New Market Pkwy City: Marietta State: GA Zip: 30067
Phone: (678) 303 - 4100 Fax: ( ) -
Engineer/Surveyor/Designer: Doulgerakis Consulting Engineers, Inc.
Address: 400 Abbey Ct City: Alpharetta State: GA Zip: 30004
Phone: (770) 753 - 9800 Fax: ( ) -
Owner Name *(If different from applicant)*: Housing Authority of City of Villa Rica
Address: 35 Walnut Dr. City: Villa Rica State: GA Zip: 30180
Phone: (770) 456 - 4946 Fax: ( ) -
(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

PROPOSED PLANNED DEVELOPMENT

Proposed Name of PD: Walton Trail
General Street Location and Boundaries of the PD: Dallas Hwy, Old Stone Rd & Old Town Rd
Legal Description of Entire PD *(Attach additional sheet if needed.)*: Lot Block
Addition/Subdivision or Metes and Bounds: See Attached legal description
Assessor's Parcel Number: 04 006 0001
Total Acreage: 9.95 acres (Total area minus "outparcel") (outparcel not included in zoning application)
Approximate Number of Lots: 2
Land Use Density – Number of Units per Acre and Breakdown of Units:
(90 units) phase 1: 19.61 units/acre ; phase 2 (110 units): 20.53 units/acre.
Approximate Amount of Open Space and Recreation: 4.87 acres
Describe Proposed Public Improvements to be Installed by the Applicant: N/A

CASE # _____
PLANNED DEVELOPMENT – CONCEPT PLAN

PROPOSED DEVELOPMENT CONT'D.

Describe the Proposed Public Improvements:

Public Road Improvements: N/A

Sanitary Sewer: per plans

Water Mains and Service Including Fire Hydrants per plans

Stormwater Management: per plans

Street Trees and Landscaping: per plans

Describe Private Improvements:

On-Site Circulation, Access and Parking: Square Footage/Acres _____ % of Total Site _____.
phase 1 parking area = 1.53 acres or 33.3% total area / 115 surface spaces
phase 2 parking area = 1.79 acres or 33.4% total area / 220 surface spaces

Parks, Open Space and Recreation: Square Footage/Acres _____ % of Total Site _____.
phase 1 green space = 2.31 acres or 50.5% total area
phase 2 green space = 2.56 acres or 47.7% total area
phase 1 7800 SF courtyard and landscaped main street
phase 2 landscaped central park + playground

Single Family Residential: ____ Total units
2-Family Residential: ____ Total units
Multi-Family Residential: 200 Total units
Commercial: type and number of units _____, Square Footage/Acres _____
Office: type and number of units _____, Square Footage/Acres _____
Other: type and number of units _____, Square Footage/Acres _____

Drainage Improvements On-Site – Method: Detention pond

Perimeter Vegetation and / or Fencing / Buffers:
Fencing and landscaped perimeter

Development Timetable – Number of Construction Phases: multi phase with first phase anticipated to begin in the fall of 2020

I, Chase Davidson *, hereby state that all of the above statements and statements contained in the documents submitted with this application are true.*

Signature of Applicant

9/16/19
Date

Required Materials to Accompany the Application:
The Community Development Director may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2. A conceptual site plan showing the locations, intensity and types existing and proposed land uses, proposed street patterns, and buffers;
   a. The scale and north point;
   b. Boundaries of the property to be developed;
   c. Legal description of the area proposed for rezoning;
   d. The names of the owners of the property and the individual or firm responsible for the preparation of the Concept Plan;
   e. The existing zoning of the tract and the zoning of properties which are within 200 feet of the boundaries of the property;
   f. The location, type and size of structures on properties within 200 feet of the boundaries of the property;
   g. Acreage of the property in each proposed land use to be included in the Planned District;
   h. Existing contours on an interval of not more than five (5) feet and not less than two (2) feet. However, the Community Development Director may require contour intervals not greater than two (2) feet if the subject property is located in a floodplain or in flat areas where drainage may be a problem;
   i. The location and direction of drainage of all water courses and a drainage plan with sufficient information to indicate the intent of the owner;
   j. The location of existing and proposed sanitary sewers;
   k. The proposed size, location, height, use and arrangement of all buildings except on single-family and duplex lots, the location and capacity of off-street parking areas, entrance and exit driveways and their relationship to existing and proposed streets; building lines; easements; common land and open space; and proposed streets, alleys and pedestrian ways;
   l. Proposed density;
   m. Proposed landscaping and buffer zones;
   n. Development of more than 10 acres shall indicate whether portions of the total land area will be phased; projects of less than ten (10) acres shall submit the entire area for preliminary review at one time;
   o. Provide for the dedication of any right-of-way for the widening, extension or connection of major streets as shown in the Thoroughfare Plan; and
   p. Date and signature lines for execution by the Planning Commission Chairman and the Community Development Director to show the date of Plan approval.
3. If subdivision of land is required, the applicant shall submit a preliminary plat prepared in accordance with all application requirements; and
4. A listing of all owners of property located within 250 feet of the boundaries of the property and their mailing addresses; and
5. Any other exhibits as may be required by the Community Development Director.

CASE # _____
PLANNED DEVELOPMENT – CONCEPT PLAN

Return Form to:
Planning & Zoning Department
City of Villa Rica
571 West Bankhead
Villa Rica, GA 30180
(678) 785-1004
Fax: (770) 459-7003

For Department Use Only
Case No: _____
Filing Fee: _____
Pre-Application Conf: _____
Date Advertised: _____
Date Notices Sent: _____
Date Sign Posted: _____
PC Public Hearing Date: _____
PC Recommendation: _____
CC Public Hearing Date: _____
Action: _____
Approved by Resolution #: _____

For Department Use Only
Case No: _____
Filing Fee: _____
Pre-Application Conf: _____
Date Advertised: _____
Date Notices Sent: _____
Date Sign Posted: _____
PC Public Hearing Date: _____
PC Recommendation: _____
CC Public Hearing Date: _____
Action:

Planned Development Application, Owner Authorization

The Housing Authority of the City of Villa Rica, Georgia as the owner of the property known as "Old Town Homes" located at 490 Old Stone rd, Villa Rica GA 30180, Tax Parcel Id# V04 0060001, hereby authorizes the applicant, Walton Communities, LLC to request amendment to the current zoning.

Richard Chambers

Richard Chambers, Executive Director

State of Georgia

County of Carroll

This instrument was acknowledged before me this 16th day of September (month), 2019 (year), by Richard Chambers (name of signer).

(Signature Notary)

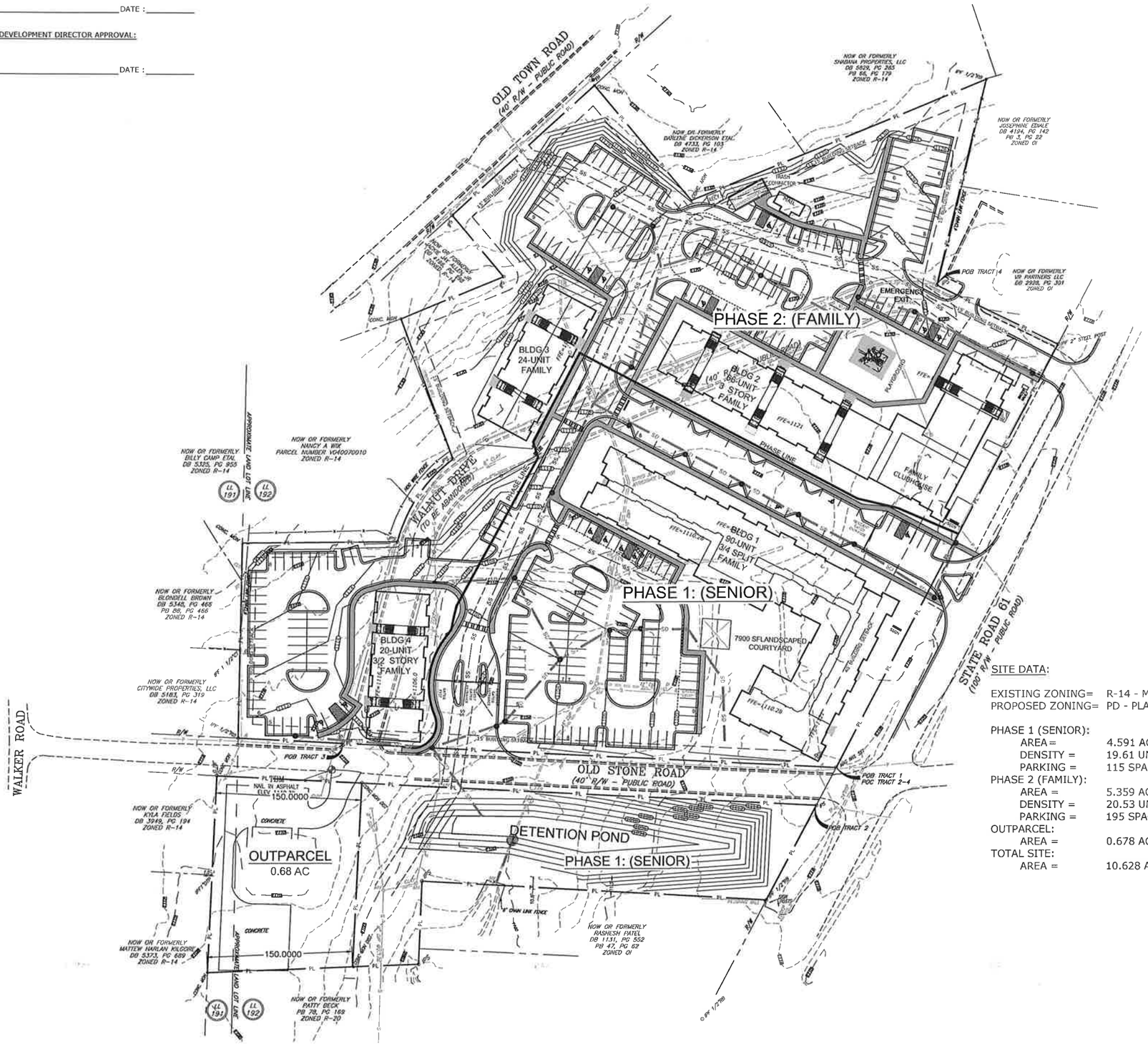
JUDY P. POPE
My Commission
NOTARY
PUBLIC
EXPIRES
10-06-2019
HARALSON COUNTY, GEORGIA

PLANNING COMMISSION CHAIRMAN APPROVAL:

SIGNATURE:_____ DATE :_____

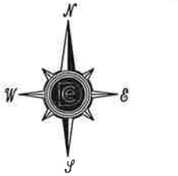
COMMUNITY DEVELOPMENT DIRECTOR APPROVAL:

SIGNATURE:_____ DATE :_____



SITE DATA:

EXISTING ZONING=	R-14 - MULTI-FAMILY RESIDENTIAL
PROPOSED ZONING=	PD - PLANNED DEVELOPMENT
PHASE 1 (SENIOR):	
AREA=	4.591 AC
DENSITY =	19.61 UNITS PER ACRE (90 UNITS)
PARKING =	115 SPACES
PHASE 2 (FAMILY):	
AREA =	5.359 AC
DENSITY =	20.53 UNITS PER ACRE (110 UNITS)
PARKING =	195 SPACES + 25 SPACES (FROM PHASE 1) = 220 SPACES
OUTPARCEL:	
AREA =	0.678 AC
TOTAL SITE:	
AREA =	10.628 AC (INCLUDES 0.884 AC OF ABANDONED WALNUT DR R/W)



0 50' 100' 150'

GRAPHIC SCALE : 1" = 50'

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 19994 GEORGE DOULGERAKIS
9-11-19

Conceptual Site Plan

DOULGERAKIS CONSULTING ENGINEERS, INC.
planning • civil engineering • sanitary engineering
400 Abbey Court, Alpharetta, Georgia 30004, phone: 770-753-9800

Walton Trail

LAND LOTS 191 & 192, 6TH DISTRICT, CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

Walton Communities

The Housing Authority of the City of Villa Rica, Georgia

THIS DRAWING IS THE PROPERTY OF DOULGERAKIS CONSULTING ENGINEERS, INC. AND IS NOT TO BE COPIED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED UPON REQUEST.
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NO.	DATE	REVISION

SCALE: 1" = 50'

DATE: 09-11-19

JOB. NO. 1912

SHEET. 1

NOT FOR CONSTRUCTION

CITY OF VILLA RICA

City Council Packet

SUBJECT: CU-02-19- 101 Three West Pkwy Ste. A

CITY COUNCIL AGENDA DATE: October 22, 2019

DATE: November 6, 2019

PREPARED BY: Ronald Johnson, Planning and Zoning Specialist

FISCAL IMPACT: N/A
ANNUAL –
CAPITAL –
OTHER –

FUNDING SOURCE: N/A

PURPOSE:
Ijeoma Vero George of Villa Rica, GA of Christ Squad Evangelical Ministries requests a Conditional Use Permit for property located at 101 Three West Parkway, Suite A, Villa Rica, GA, Parcel No: V07 0100142, in Land Lot 165 of the 6th District in Carroll County, for the purpose of a house of worship. The property consists of 1.07+/- acres and is located in Ward 2.

BACKGROUND: The applicant is requesting a Conditional Use Permit for the purpose of a house of worship. A previous application was approved for ASAW Church in Suite E in December of 2018. Suite E has a history of houses of worship that have occupied that space dating back to at least application CU-02-13 in 2013, but Suite A has not had a house of worship previously. The current house of worship has services on Saturdays as stipulated by conditions the City Council placed on the applicant in 2018, whereas the current applicant intends to have services on Sundays.

STAFF RECOMMENDATION: Staff recommends Approval with conditions:

- All parking to be provided on site. No parking is to be allowed on adjoining parcels or on the street.
- Conditional use permit shall require annual review and approval by the city council.
- The consequence of a substantial violation shall be revocation of the conditional use permit by the City Council. The applicant will be allowed 30 days to resolve the violation prior to the City initiating revocation procedures. Grounds for revocation include the following:
    - Non-compliance with any special conditions imposed by the Code or by the Council at the time of approval.
    - Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises.
    - Violation of any other applicable Code provisions or any state or federal law or regulation.

IMPACT: N/A

PLANNING COMMISSION: Approved October 1, 2019, with conditions.

MOTION: I make a motion to approve the conditional use permit application for a church with the aforementioned conditions at 101 Three West Parkway, Suite A, from Ijeoma Vero George.

Planning & Zoning

Community Development Department CU-02-19

Council Ward: 2
Planning Board Member: Kurt Kraft **City Council Member:** Matthew Momtahan

Public Hearing Dates
Planning Commission: October 1, 2019

City Council: October 22, 2019

Request: Conditional Use Permit

Applicant: Ijeoma Vero George
129 Ashbury Dr.
Villa Rica, GA 30180

Parcel Number(s): V07 0100142
Acres: 1.07+/-
Current Land Use: Commercial
Future Development: Suburban Village

Location: 101 Three West Parkway, Suite A, in Land Lot 165 of the 6th District in Carroll County.

Project Description:
The applicant is requesting a Conditional Use Permit for the purpose of a church.

Surrounding Properties:

	Current Zoning	Land Use
North	General Commercial (GC)	Mini-Storage
East	General Commercial (GC)	Restaurant
South	General Commercial (GC)	Retail
West	Planned Development (PD)	Residential/Agricultural

Conditional Use Review Standards:
The Code of the City of Villa Rica, Unified Development Code Section 2.03, the following criteria shall be used when determining approval of a Conditional Use Permit:

(1) The proposed use at the specified location is consistent with the goals, objectives and policies of the Comprehensive Plan;
The Comprehensive Plan does not distinguish the usability of the property for the purpose of a church.

(2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with requirements of the Code;
The general purpose and intent of the General Commercial (GC) zoning district is to accommodate commercial uses that conduct operations within enclosed areas. The proposed use does typically operate within enclosed areas and is allowed as a conditional use.

The Unified Development Code requires that places of worship be located on lots which have frontage on or direct access to an arterial street. This location meets that requirement, as it is located on Highway 78. Parking is currently shared with all suites on the property, including another house of worship that was approved as a part of CU-03-18, ASWA Community Church.

(3) The proposed use is not materially detrimental to the public health, safety, comfort and general welfare, and will not result in material damage or prejudice to other property in the vicinity;
Three of the four surrounding properties are all commercial in nature and another suite in the building has been previously issued a conditional use permit for a place of worship (CU-02-13 and CU-03-18). There are no public health, safety, comfort, and general welfare concerns with the use.

(4) The proposed use is compatible with and preserves or enhances the character and integrity of adjacent development and includes improvements necessary to mitigate adverse development-related impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
While the proposed use is compatible with the surrounding area from a zoning perspective, the traffic generated on days of worship may be detrimental to the surrounding developments and businesses within the strip center should worship times not be staggered with the existing house of worship on site in Suite E. Suite E is currently being used for ASWA Community Church, and the additional house of worship on the property may overwhelm the parking lot and intersection of Three West Parkway and US-78 should the times not be staggered. While house of worship uses have been operated out of Suite E for several years, a house of worship

has not operated from Suite A previously. The proposed use will not adversely affect the adjacent developments and neighborhoods and change the integrity of the area.

(5) The proposed use does not generate vehicular traffic that will be hazardous to the existing neighborhood;
Places of worship shall be permitted only on a lot which has frontage on or direct access to arterial street. Three West Parkway has direct access to U.S. Highway 78, which is classified as a major arterial road. The proposed use in conjunction with the existing house of worship will generate approximately 30 total vehicular movements in and out of the site per visit that should not prove hazardous to the existing neighborhood and businesses unless times of use are not staggered with the existing house of worship in Suite E.

(6) The proposed use will comply will all fire, health, building, plumbing, electrical and stormwater drainage regulations of the City, County, State and federal agencies; and
The use must comply with all local, state and federal rules and regulations.

(7) Adequate public facilities exist to service the proposed use.
Public and community facilities are available for the proposed request and should not cause any excessive or burdensome use upon other public facilities.

Staff Comments:
The applicant is requesting a Conditional Use Permit for the purpose of a house of worship. The purpose of Conditional Use review is to allow the City to exercise some discretion over the extent and design of certain activities that could have a detrimental effect on the community if permitted to exist in large numbers, in certain locations or without special conditions. Therefore, these regulations enable the City to authorize a Conditional Use subject to conditions that mitigate the potential problems associated with the use or its location in relation to the neighboring properties. A Conditional Use is not a use by right.

Listed below are standards for Places of Worship set forth in the Unified Development Code: Section 5.19 – Places of Worship [staff comments in red]

A. Location Places of Worship shall be permitted only on a lot which has frontage on or direct access to an arterial street as identified in the Major Street Map. The use has direct access to Highway 78.

B. Parking Off-street parking shall be provided as specified in the Section 4.03 of this Code. 35 parking spaces have been provided for the entire retail center that includes an insurance agency, florist, realtor, blinds retailer, ASAW Church, and a 24/7 laundry/wash-and-fold. A parking plan and hours of use have not been submitted with the application.

The ordinance has a parking tabulation of 1 space per 4 seats or bench seating spaces. The applicant has indicated that a total of 60 patrons will utilize the facility, which equates 15 parking spaces required. The hours of operation of ASAW Church in Suite E is limited to Saturdays after 5:00PM via City Council resolution, therefore parking for any Sunday services for this house of worship should exclude Saturday evenings after 5:00PM.

C. Setbacks All buildings shall be setback thirty feet from the side and rear property lines. One existing building exists on the site that houses all 6 tenants in addition to the proposed tenant. The building appears to be 66' from the public right-of-way line based on the submitted property survey dated March 28, 2002, prepared by Brian R. Carr of BC Designs, unsigned.

D. Buffers When a church adjoins a residential use, a Type A buffer shall be provided within a thirty (30) foot setback area. (See Section 6.05) A residential use is located directly west of the property, and the included property survey does not indicate the amount of feet between the building and the property line. The building appears to be 30' from an approximately 15' buffer area, which is required as a Type A buffer. The buffer has a variety of mature, tall trees and shrubs that is adequate for the use as it is located on the opposite end of the building than the residential property, in addition to the residential property having a setback on their property in an approximate excess of 50'.

E. Accessory Uses A conditional use permit shall be required prior to establishing school, over-night shelter, indigent food service or full-time child care facilities. No such services are being applied for.

Recommendation:

APPROVAL WITH CONDITIONS

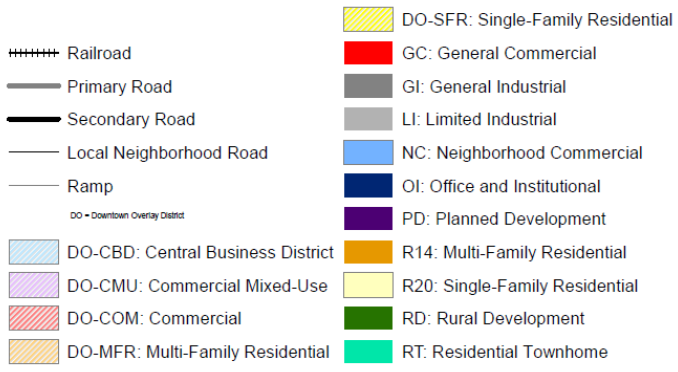
CONDITIONS:
1. All parking to be provided on site. No parking is to be allowed on adjoining parcels or on the street.
2. Conditional use permit shall require annual review and approval by the city council.
3. The consequence of a substantial violation shall be revocation of the conditional use permit by the City Council. The applicant will be allowed 30 days to resolve the violation prior to the City initiating revocation procedures. Grounds for revocation include the following:
    A. Non-compliance with any special conditions imposed by the Code or by the Council at the time of approval.
    B. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises.
    C. Violation of any other applicable Code provisions or any state or federal law or regulation.

Public Notifications:
As required by *Article 2, Section 2.01* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on September 14th, 2019; a sign has been posted on the subject property; and all abutting property owners have received notification via certified mail.

Public Response:
In response to the public notifications, property owners within the surrounding neighborhoods have not contacted the City.

Ronald Johnson, Planning & Zoning Specialist
Office of Community Development

Attachments:
1. Application
2. Zoning Map
3. Site Photos



This map is intended for only the Mayor and City Council of Villa Rica use. The City of Villa Rica does not assume any responsibility for the use of this product by any other party. The official version of this map resides within the Planning & Zoning Department of Villa Rica, and is the only official copy. Only a copy signed by the Planning & Zoning Manager reflects official data as of the date signed. This information is only a representation of the current information, and all information should be verified by the Planning & Zoning Manager. The City of Villa Rica does not assume responsibility for the use of the data on this map.

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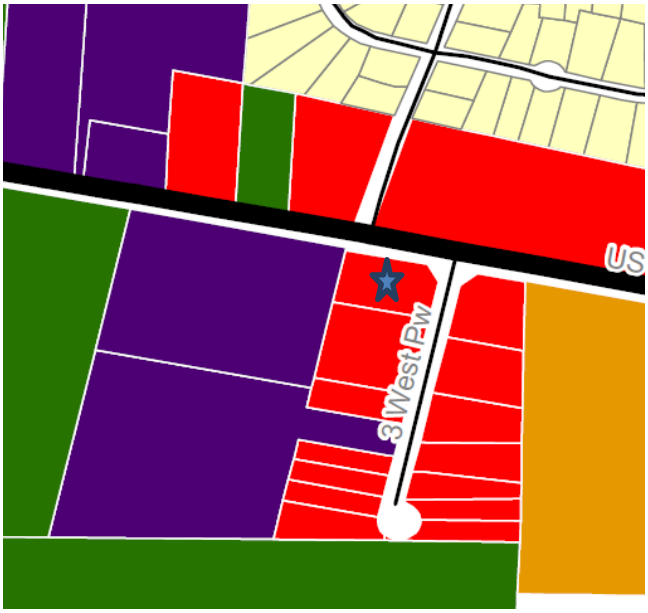


Site Photos

Three West Parkway
24/7 LAUNDRY
Wash-N-Fold Service
INTEGRA
Christi Howell Agency
770-462-1072
Express
Realty
770-459-1979
Realistic
Holistic
INSPIRED
DRAPES
BUDGET
BLINDS
770-462-1201
ASAW
Community Church
101

ASAW
Community Church
Where Serving & Giving Begins
770-462-1120
www.asawcc.org

APPLICATION FOR CONDITIONAL USE PERMIT

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 07/23/2019

APPLICANT

Applicant Name: IJEOMA VERO GEORGE

Address: 129 ASHBURY DR **City:** VILLA RICA **State:** GA **Zip:** 30180

Phone: (4) 384-9369 **Fax:** ( ) - **Email:** info-christsquad.com

Agent Name:

Address: **City:** **State:** **Zip:**

Phone: ( ) - **Fax:** ( ) - **Email:**

Owner Name *(If different from applicant)*: Mitchell Kaye for Heuron Properties, LLC

Address: P.O. Box 715533 **City:** Marietta **State:** GA **Zip:** 30007

Phone: 678 596-5293 **Fax:** ( ) n/a **Email:** mkaye26@gmail.com

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

CONDITIONAL USE

Project Name: CHRIST SQUAD EVANGELICAL MINISTRIES

Conditional Use Location (attach location map): 101 THREE WEST PARKWAY, VILLA RICA

Proposed Use: Church - Place of Worship

Square Footage of Site: 1,860 Square Feet

Assessor's Parcel Number: V070100142

Describe Proposed Conditional Use: Place of Worship

(For Office Use Only)

Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

City Council Decision: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

Manager's Signature: _____ Date: _____

CASE # _____
CONDITIONAL USE PERMIT

The procedure for approval of a Conditional Use Permit or a Communications Tower Special Use Permit is set forth in Section 2.03.D of the Unified Development Code (UDC). Generally, the process involves review by the Community Development Manager and the Planning Commission with a final review and decision by the City Council.

I, IJEOMA VERO GEORGE, ***hereby state that all of the above statements and statements contained in the documents submitted with this application are true.***

Signature of Applicant **Date** 07/23/19

Required Materials to Accompany the Application:
The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

☐ 1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
☐ 2. A site development plan prepared in conformance with all application requirements;
☐ 3. A written statement describing the following:
   a. The proposed use;
   b. The effect the proposed development may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;
   c. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;
   d. The areas that are most likely to be directly affected by such change and the likely effects;
   e. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.
☐ 4. Any other exhibits as may be required by the Community Development Manager.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Has the applicant[1] made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating $250 or more or made gifts having in the aggregate a value of $250 or more to a member of the City Council or Planning Commission who will consider the application?

Yes _____ **No** X

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this _____ day of _____, 20____.

IJEOMA VERO GEORGE
Applicant's Name – Printed

Signature of Applicant

Applicant's Attorney, if applicable – Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 26th day of July, 2019.

Notary Public

NYREE SIMPSON
NOTARY PUBLIC
Carroll County
State of Georgia
My Comm. Expires December 3, 2021

1. *Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.*

Hevron Properties, LLC
Mitchell Kaye
P.O. Box 71533
Marietta, GA 30007
(678) 596-5293

July 25, 2019

City of Villa Rica
Planning Commission and City Council
571 West Bankhead Highway
Villa Rica, GA 30180

Re: Ijeoma Vero George Conditional Use Permit
101 Three West Parkway, Suite A

To Whom It May Concern:

I manage the above referenced property and formally authorize Ijeoma Vero George's request to exercise her First Amendment rights to congregate for religious purposes on our property. Their House of Worship is called Christ Squad Evangelical Ministries.

Please keep in mind that we rented to other Churches at this same location and have another church currently who is an excellent tenant. Specifically:

Pastor Rodney Johnson is currently leasing suite E

Pastor Anthony Dunson leased our facility for Church purposes from January 1, 2014 through the current period until Pastor Johnson signed the lease.

Pastor Gregory Carpenter of New Creation Love Fellowship Church leased our facility from January 8, 2013 to December 31, 2013.

From August 15, 2008 through August 31, 2012, the property was leased to Pastor Benny Momoh of Overcomers Christian Fellowship Church.

As you can see above, our property has and continues to have as valued tenants houses of worship. They have all been outstanding tenants and we have received no complaints about them or their members. Let all have been a Blessing to the community!

I know Pastor George will also be a good tenant and valued member of our community. **Please grant his request for a Conditional Use Permit.**

Sincerely,

Hevron Properties, LLC
by Mitchell Kaye

KRISTEN JONES
Notary Public - State of Georgia
Fulton County
My Commission Expires Jan 26, 2021

State of Georgia, County of Cobb
The foregoing instrument was acknowledged by Mitchell Kaye, **who has placed his/her signature on this instrument before me personally, and who is known to me or has produced** GADL **as identification and who did take an oath, this** 25 **day of** July ,2019.

Notary Public signature Kristen Jones

My commission expires 1/26/21

Christ Squad Evangelical Ministries
Villa Rica – GA 30180
July 26, 2019

City of Villa Rica
Planning Commission and City Council

Re: Written Statement Describing Proposed Use of 101 Three West Parkway, Suite A, Villa Rica

To Whom It May Concern:

The Proposed Use of this facility is coming together of individual believers, to study and share the word of God and individual experience at the cause of their journey so far. We believe that no knowledge is wasted so by coming together to listen to different opinion and share scripture and educative ideas. We will be well informed with clear understanding for what the scripture teaches, of what is expected from us as a believer.

The proposed development has no element of negative effects of whatsoever to the surrounding properties because the small group of individual include peace abiding and respected individuals with the fear of God and respect for law and humanity. The proposed development will surely attract the group members to patronize already existing businesses within the environment. Each time we come together, before or after our meeting. Some of the members of the group may like to patronize the businesses Instead of going out of range before purchasing their goods and services. No action or activities of the group will complicate in anyway the content of the established code

The purpose of using this facility as initially stated is consistent and also maintain the lane of the code for the use of the intent and the purpose of this code with the goals and policies of the comprehensive plan

As far as we can see from our end, no area is likely or expected to be negatively affected, However, we can foresee a positive impact of our ministry in that vicinity contributing our quarter especially by given back to the community.

Yours Sincerely,

Pastor George

COMMERCIAL LEASE AGREEMENT

THIS COMMERCIAL LEASE AGREEMENT (the "Lease") is made and entered into as of the _21st_ day of July, 2019, by and between HEVRON PROPERTIES, LLC, a Georgia limited liability company, or its assign ("Landlord"), and Ijeoma Vero George ("Tenant").

ARTICLE I
DEFINITIONS

Section 1.1. Reference Provisions. Where used in this Lease, the designated terms hereinafter set forth shall have the following meanings:

(a) "PREMISES" 101 Three West Parkway, Villa Rica, Georgia 30180 B Suite A, containing approximately 1,860 square feet.

(b) LEASE TERM" Two (2) years commencing on the 1st day of August, 2019 and continuing until July 31, 2021.

(c) "RENEWAL TERM" – If Tenant has not made more than one late payment, Tenant will be allowed to renew lease for a two (2) year period commencing on the 1st day of August, 2021 and ending on July 31, 2023.

(d) "BASE RENT" - The Base Rent shall be paid monthly in advance according to the schedule below. Base Rent for any period during the Term hereof which is less than one month shall be a prorated portion of the monthly rental due.

Total Base Rents and Additional Rents shall be paid thereafter in accordance with the following schedule:

Lease Period	Total	Monthly Base Rent
1. 7/21/19-7/31/19	$0.00	free
2. 8/1/19-7/31/21	$24,0000.00	$1,000.00

Renewal Period	Total	Monthly Base Rent
1. 8/1/21-7/31/22	$13,200.00	$1,100.00
2. 8/1/22 -7/31/23	$13,800.00	$1,150.00

(e) **Security deposit of $1,000 and August 2019 rent of $1,000 paid on July 21, 2019; next rent payment due on September 1, 2019.** $2,000 paid in cash 7/21/19

(f) "UTILITY CHARGES" - as specified in Section 2.2.

(g) "INSURANCE PREMIUMS" - as specified in Section 5.1.

(h) "USE" - Tenant shall use the Premises for the operation of a church and related religious purposes on a non exclusive basis and shall not permit the Premises to be used for any other purpose.

If to Tenant:

Ijeoma Vero George
7595 Stonebush Way
Douglasville, , GA 30134

If to Landlord:

Attn: Mitchell Kaye
Hevron Properties, LLC
P.O. Box 71533
Marietta, GA 30007

678-596-5293

(j) BUSINESS- see (h) above.

(k) SHOPPING CENTER 101 Three West Parkway, Villa Rica, Georgia, with a building located thereon containing 10,500 rentable square feet.

(l) SECURITY DEPOSIT $1,000 in total.

(m) FRACTIONAL MONTHS/YEARS: Rents, billings and other charges under this Lease shall be, when appropriate, prorated for the fractional year or month as the case may be in which the Term commences and/or ends.

LANDLORD:

HEVRON PROPERTIES, LLC

By:_____

Mitchell Kaye

(Licensed Real Estate Broker and Agent for Landlord)

TENANT:

By:_____

Ijeoma Vero George

EXHIBIT A

LEGAL DESCRIPTION

Land Lot 165, 6th District, 5th Section, Carroll County, Georgia and being Lot 7 as shown in Final Plat of 3-West Development as per Plat recorded in Plat Book 66, page 147, Carroll County, Georgia.

City of
Villa Rica

Mayor Jeff Reese • Mayor Pro-tem Gil McDougal • Shirley Marchman • Leslie McPherson •Danny Carter

State of Georgia
County of Carroll
County of Douglas

THE CITY OF VILLA RICA
LETTER OF DECISION
Case No.: RA-03-18

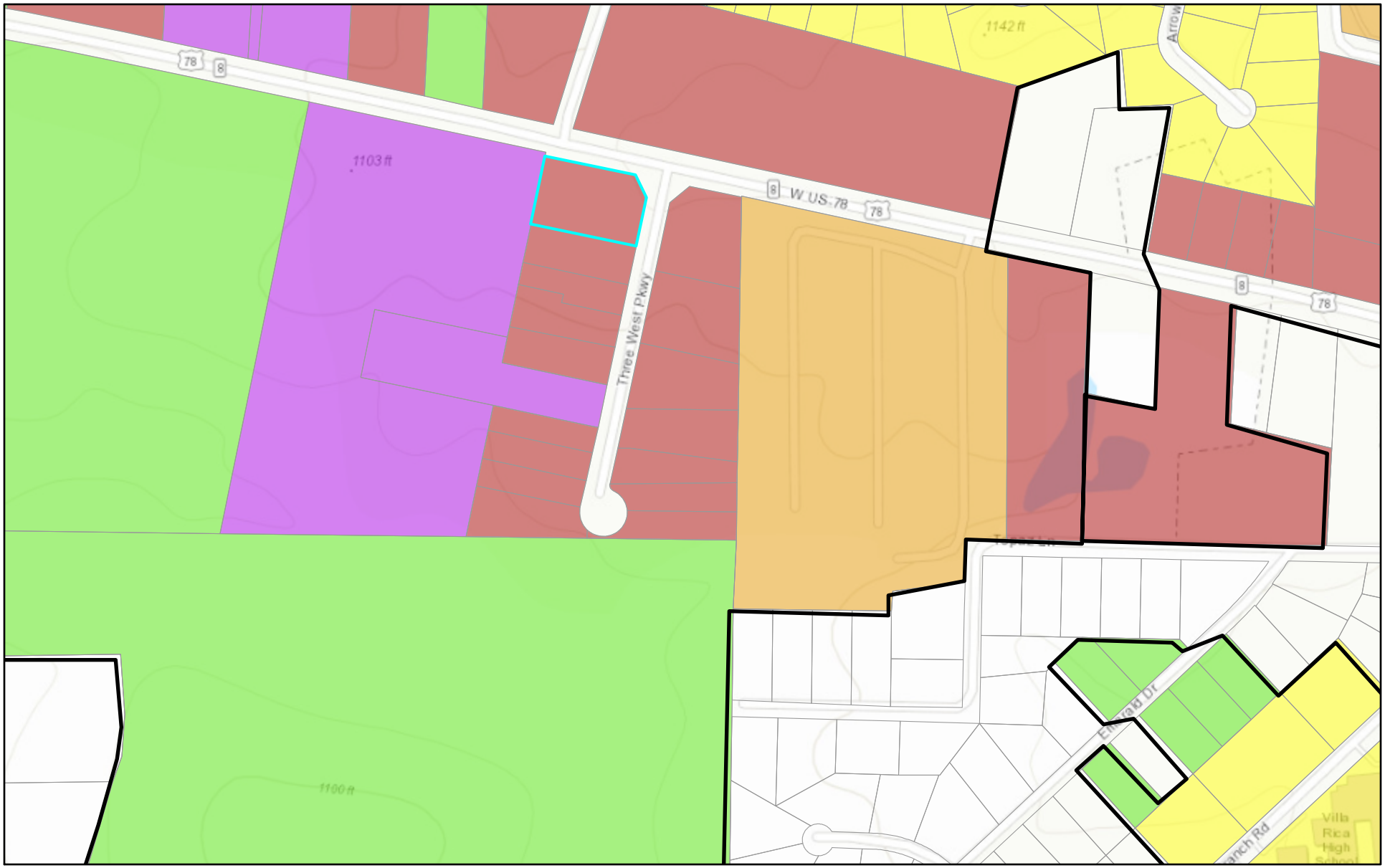
On December 11, 2018, the Mayor and Council of the City of Villa Rica approved with conditions CU-03-18. The request was for a conditional use permit for the purpose of church located at 101 Three West Parkway, Suite E, Villa Rica, GA, Parcel No: V07 0100142, in Land Lot 165 of the 6th District in Carroll County, in Ward 2.

The conditions are as follows:

1. All parking to be provided on site. No parking to be allowed on adjoining parcels or on street.
2. Conditional use permit shall require annual review and approval by the City Council.
3. Hours of operation for assembly to be limited to Saturday evenings after 5:00 p.m.
4. The consequence of a substantial violation shall be revocation of the conditional use permit by the City Council. The applicant will be allowed 30 days to resolve the violation prior to the City initiating revocation procedures. Grounds for revocation include the following:
    a. Non-compliance with any special conditions imposed by the Code or by the Council at the time of approval
    b. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises
    c. Violation of any other applicable Code provisions or any state or federal law or regulation

Bobby Elliott
Community Development Director

City of Villa Rica



11/9/2018 3:51:01 PM

City Limits

Carroll County Parcels

Zoning

General Commercial

Planned Development

Multi-Family Residential

Single-Family Residential

Rural Development

1:5,000

0 0.04 0.07 0.14 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

LOCATION: HIGHWAY 78
VILLA RICA, GEORGIA 30180

DEVELOPER: WESTSIDE DEVELOPEMENT, INC
7909 POST ROAD
DOUGLASVILLE, GEORGIA 30135

CONTACT PERSON:
HOWARD J. PIRIGYL
770 920-9034

DESIGNER: B/C DESIGNS
9330 EAST HIGHWAY 78
VILLA RICA,GEORGIA
30180

CONTACT PERSON
BRIAN R. CARR
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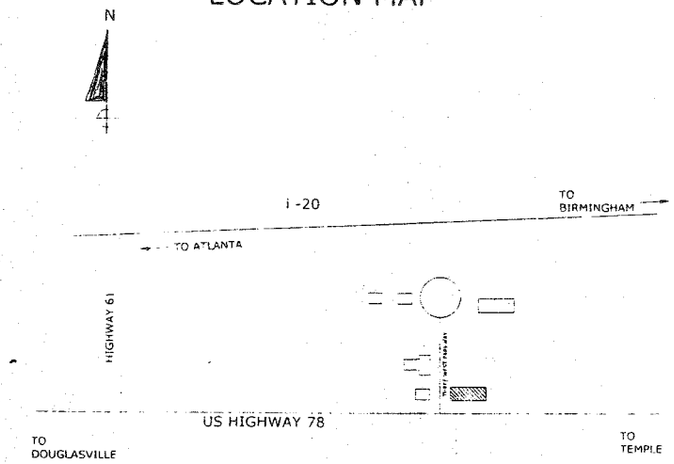
SHEET LEGEND

SHEET NO:	T	TITLE SHEET	SHEET NO:	E-3	ELECTRICAL RISER DIAGRAM
SHEET NO:	1	SITE PLAN	SHEET NO:	E-4	PANEL SCHEDULES
SHEET NO:	2	DIMENSION FLOOR PLAN	SHEET NO:	E-5	PANEL SCHEDULES
SHEET NO:	3	EXTERIOR WALL ELEVATION OF BUILDING			
SHEET NO:	4	WALL SECTIONS			
SHEET NO:	5	FOUNDATION PLAN			
SHEET NO:	6	ADA SPECIFICATIONS			
SHEET NO:	S-1	ROOFING PLAN			
SHEET NO:	P-1	PLUMBING PLAN			
SHEET NO:	M-1	MECHANICAL PLAN			
SHEET NO:	E-1	POWER PLAN			
SHEET NO:	E-2	LIGHTING PLAN			

"The Shops @ Villa Rica"

LOCATION MAP



DIVISION I

GENERAL SPECIFICATIONS:

ARTICLE I- PERMITS
CONTRACTOR SHALL OBTAIN ALL LICENSES PERMITS, APPROVALS AND CERTIFICATES (COLLECTIVELY,THE PERMITS") NECESSARY TO COMPLETE THE WORK IN COMPLIANCE WITH ALL APPLICABLE RULES AND REGULATIONS UNLESS OBTAINED BY THE OWNER.

ARTICLE II

1. CONTRACTOR SHALL MEET WITH THE OWNER AND /OR B/C DESIGNS. SEVEN (7) DAYS BEFORE THE OPENING OF THE PROJECT IN ORDER TO ESTABLISH A FORMAL LIST OF CONSTRUCTION DEFICIENCES (THE " PUNCHLIST"). IF THE PUNCHLIST ITEMS ARE NOT CORRECTED WITHIN (7) SEVEN DAYS THEREAFTER, THE OWNER MAY HIRE AN INDEPENDENT CONTRACTOR TO PERFORM SAME AND MAY DEDUCT REASONABLE COSTS FROM THE MONIES RETAINED FROM CONTRACTOR DRAW ON LETTER OR CREDIT/PERFORMANCE BOND OR MAY BILL CONTRACTOR FOR SUCH COSTS BILLED BY OWNER. IF ANY ITEM CANNOT REASONABLY BE CORRECTED WITHIN SUCH SEVEN (7) DAYS, THE REASONS THEREFORE SHALL BE EXPLAINED IN WRITING ON THE PUNCHLIST TO OWNER'S SATISFACTION.

2. THE PREPARATION OF PUNCHLIST BY THE OWNER AND OR B/C DESIGNS SHALL IN NO WAY WAIVE OR EFFECT ANY OTHER RIGHTS OF THE OWNER UNDER THIS CONTRACT PERTAINING TO WARRANTIES. LATENT DEFECTS ETC.

ARTICLE 3 - CHANGE ORDERS
1. THE OWNER MAY ALTER THIS CONTRACT BY ADDING TO OR DEDUCTING FROM OR OTHERWISE MODIFYING THE WORK, WITHOUT INVALIDATING THIS CONTRACT. ALL SUCH CHANGES SHALL BE PERFORMED UNDER THE CONDITIONS OF THE ORIGINAL CONTRACT. EXCEPT THAT NO EXTRA WORK OR MODIFICATION SHALL BE DONE OR PAID FOR BY THE OWNER WITHOUT A WRITTEN ORDER FROM THE OWNER SIGNED BY THE OWNER AND /OR B C DESIGNS. THE CONTRACT SUM SHALL BE INCREASED OR DECREASED BY AN AMOUNT AGREED TO IN WRITING BY THE PARTIES PRIOR TO THE COMMENCEMENT OF ANY SUCH CHANGE, WHICH AMOUNT SHALL NOT INCLUDE MORE THAN 10% MARK-UP TO CONTRACTOR. CONTRACTOR SHALL PROVIDE ADEQUATE PROOF OF COST OF EACH SUCH ITEM.

2. ANY EXTENSION OF TIME FOR THE COMPLETION OF THE WORK AS A RESULT OF A CHANGE ORDER SHALL BE AGREED TO IN THE WRITTEN AUTHORIZATION FOR SUCH CHANGE ORDER.

3. ALL REQUESTS FOR PAYMENT UNDER CHANGE ORDER MUST BE SUBMITTED TO THE OWNER WITHIN ONE (1) WEEK OF SUBSTANTIAL COMPLETION

ARTICLE 4 - COMPLIANCE WITH LAW
CONTRACTOR SHALL FULLY COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, CODES, REGULATIONS ,ETC. (COLLECTIVELY, THE "LAW") INITS PERFORMANCE UNDER THE CONTRACT. PRIOR TO COMMENCING THE WORK, THE CONTRACTOR SHALL REVIEW THE DRAWINGS AND SPECIFICATIONS TO DETERMINE THEIR CONFORMANCE TO THE LAW. IF CONTRACTOR THEN OR THERE AFTER FINDS THEW DRAWINGS AND SPECIFICATIONS VARIANCE WITH THE LAW. THEN CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER IN WRITING BEFORE PRECEDING WITH THE WORK. THE COST OF ANY NECESSARY CHANGES TO COMPLY WITH LAW SHALL BE AGREED TO BY THE OWNER BEFORE PROCEEDING WITH THE WORK. IF ANY WORK IS DONE CONTRARY TO THE LAW THE CONTRACTOR SHALL BEAR ALL COSTS REQUIRED TO CORRECT THE WORK.

ARTICLE 5 - CONTRACTORS WARRANTY
1. CONTRACTOR WARRANTS THAT ALL THE WORK SHALL BE DONE IN A FIRST CLASS WORKMAN LIKE MANNER AND IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS WITH NEW QUALITY MATERIALS AND WARRANTS ALL WORK AND MATERIALS AGAINST DEFECTS IN THE MATERIALS OR WORKANSHIP FOR PERIOD OF ONE(1) YEAR FROM THE OPENING DATE OF THE PROJECT, UNLESS STATED OTHERWISE IN SPECIFICATIONS. IF A DEFECT IN MATERIAL OR WORKANSHIP OR A DEVIATION FROM THE DRAWINGS AND SPECIFICATIONS IS LATENT, HIDDEN OR NOT READILY OBSERVABLE. CONTRACTOR'S WARRANTY SHALL BE EXTENDED FOR ONE (1) YEAR FROM THEN DATE OF DISCOVERY OF THE DEFECT OR DEVIATION CONTRACTOR SHALL WITHOUT COST TO THE OWNER REMEDY AND REPAIR SAME AND ANY DAMAGE TO OTHER WORK, RESULTING THEREFORE

2. IF ANY ITEM CANNOT, WITH REASONABLE DILIGENCE BE CORRECTED WITHIN THIRTY (30) DAYS CONTRACTOR AGREES TO SET FORTH IN WRITING A REASONABLE SCHEDULE IS NOT MET THE OWNER MAY IMMEDIATELY UPON NOTICE TO CONTRACTOR COMPLETE THE WORK AND BE INTITLED TO PROMPT REIMBURSEMENT FROM CONTRACTOR

GEORGIA REGISTERED No. 23238 PROFESSIONAL ENGINEER JOHN R. HODGSON

PROJECT COORDINATION:

NOTE
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Project: " The Shops @ Villa Rica"
WEST HIGHWAY 78
VILLA RICA, GEORGIA

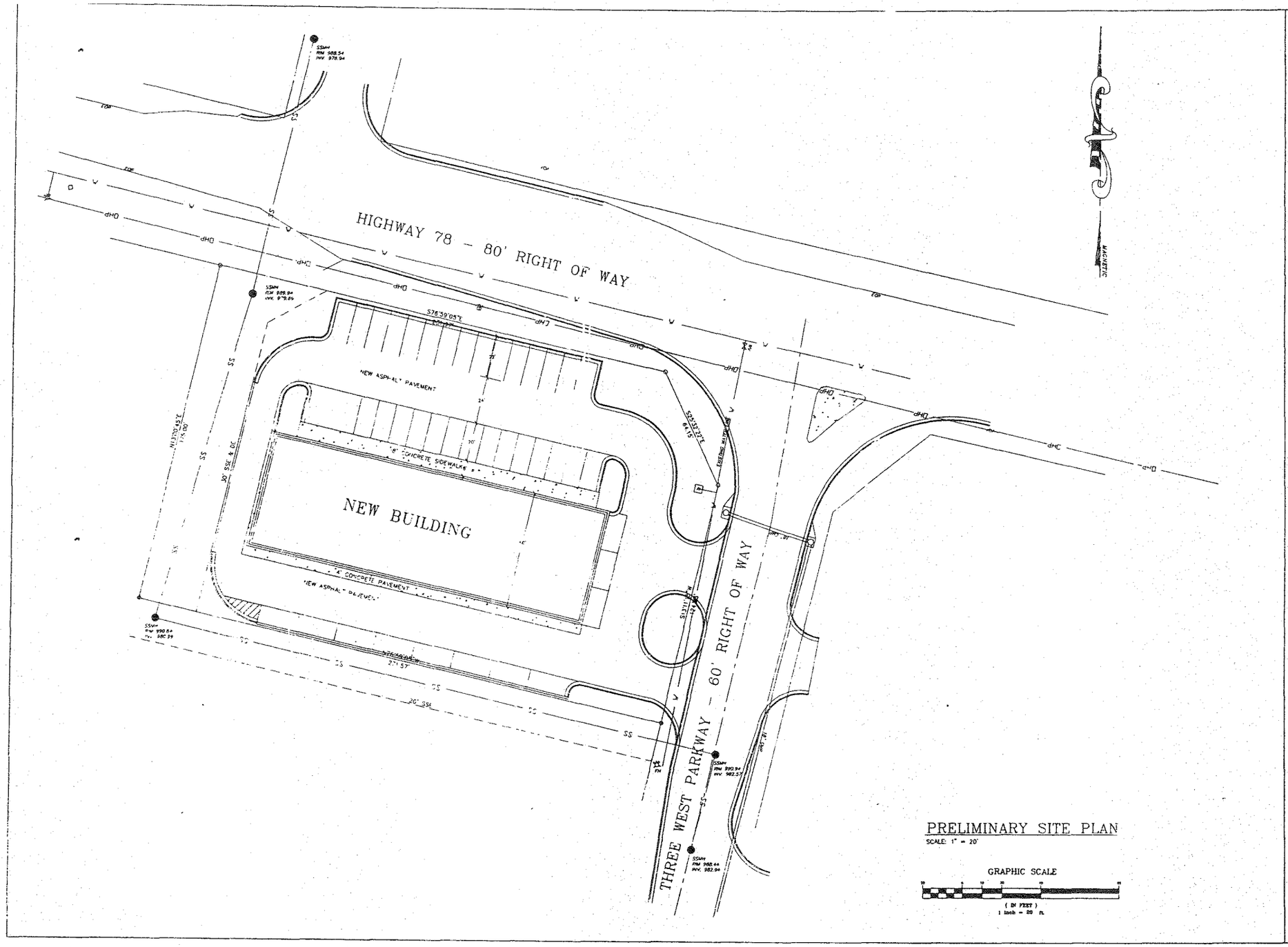
GENERAL NOTES:

THIS IS AN INSTRUMENT OF SERVICE FOR THE CONVENIENCE OF OTHER CONTRACTORS AND IS ACCURATE AS CAN BE DETERMINED AT THIS DATE. B/C DESIGNS HAS NOT SEALED WRITTEN OR PRINTED DIMENSIONS SHOWN AND DETAIL SUN MUSHES BUILT SHEETS MUST BE MADE FOR TRUSS , I-JOISTS, ETC. ELECTRICAL OR CONNECTION REQUIREMENTS PROVIDED BY OTHERS B/C DESIGNS IS NOT RESPONSIBLE FOR CONSTRUCTION

date: APRIL 9, 2002
project # 2118
drawn by: B.CARR
checked by: B.CARR
rev:

SHEET NUMBER

T



PRELIMINARY SITE PLAN

SCALE: 1" = 20'

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PROJECT COORDINATION

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PROJECT:
THE "SHOPS @ VILLA RICA"
HIGHWAY 78
VILLA RICA ,GEORGIA 30180

GENERAL NOTES:

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date: MARCH 28, 2002

project # 2218

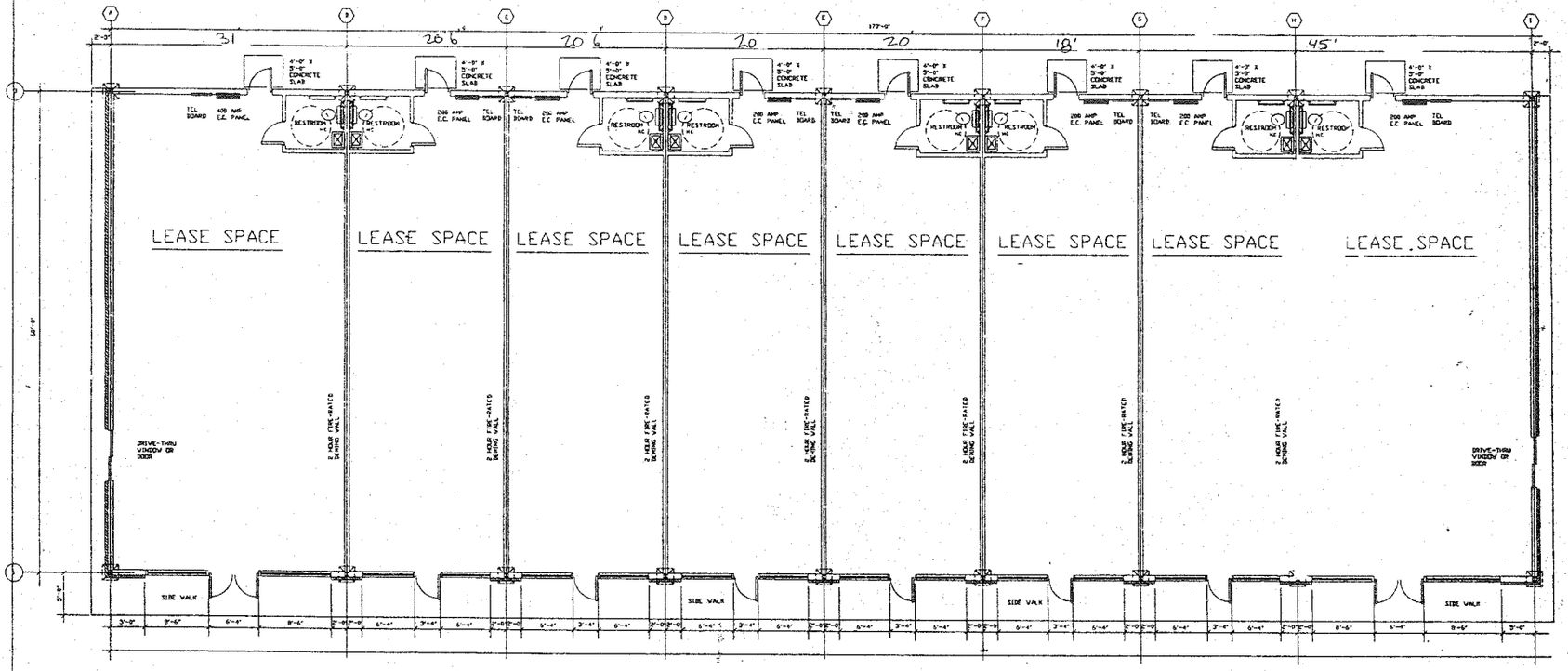
drawn by: B.CARR

checked by: B.CARR

rev:

SHEET NUMBER

1



LEASE SPACES FLOOR PLAN - DIMENSION PLAN

SCALE: 1/8" = 1'-0"

CONTRACTORS NOTES:

1 CONTRACTOR TO POUR 3000 PSI CONCRETE FLOOR W/ #4 REBARS

2 CONTRACTOR TO BUILD 8" CONCRETE BLOCK WALLS

3 CONTRACTOR TO INSTALL RUBBER ROOFING W/ ROOF PAPER

GEORGIA REGISTERED No. 23238 PROFESSIONAL ENGINEER JOHN R. HODGSON

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PROJECT:
THE "SHOPS @ VILLA RICA"
HIGHWAY 78
VILLA RICA, GEORGIA 30180

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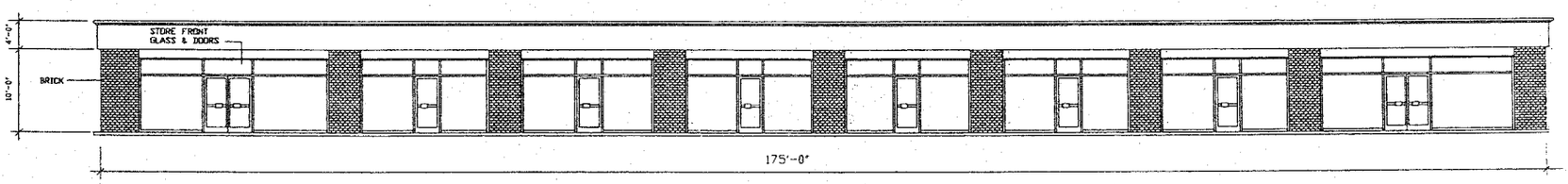
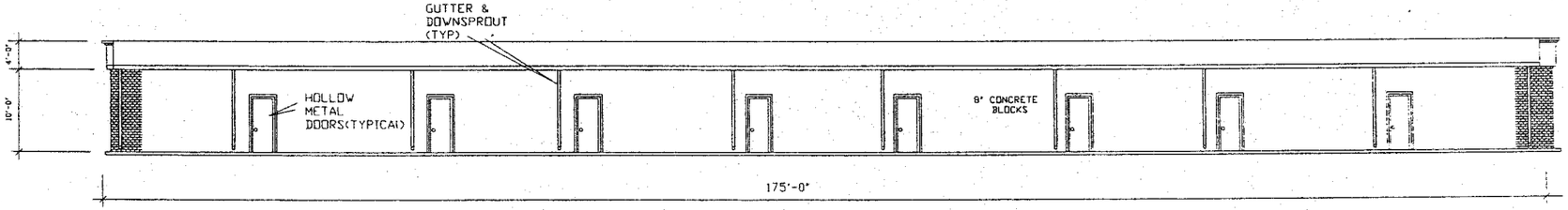
date: MARCH 28, 2002
project # 2218
drawn by: B.CARR
checked by: B.CARR
rev.

SHEET NUMBER
2



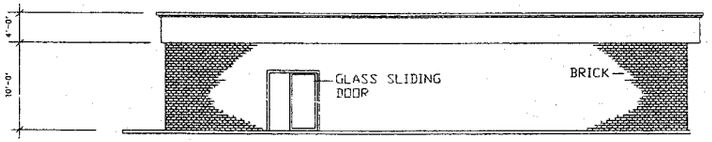
FRONT ELEVATION OF BUILDING

SCALE: 1/8" = 1'-0"



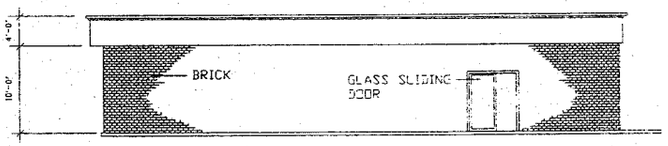
REAR ELEVATION OF BUILDING

SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION OF BUILDING

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION OF BUILDING

SCALE: 1/8" = 1'-0"

GEORGIA REGISTERED No. 23238 PROFESSIONAL ENGINEER JOHN R. HODGSON

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PROJECT:
THE "SHOPS @ VILLA RICA"
HIGHWAY 78
VILLA RICA, GEORGIA 30180

GENERAL NOTES

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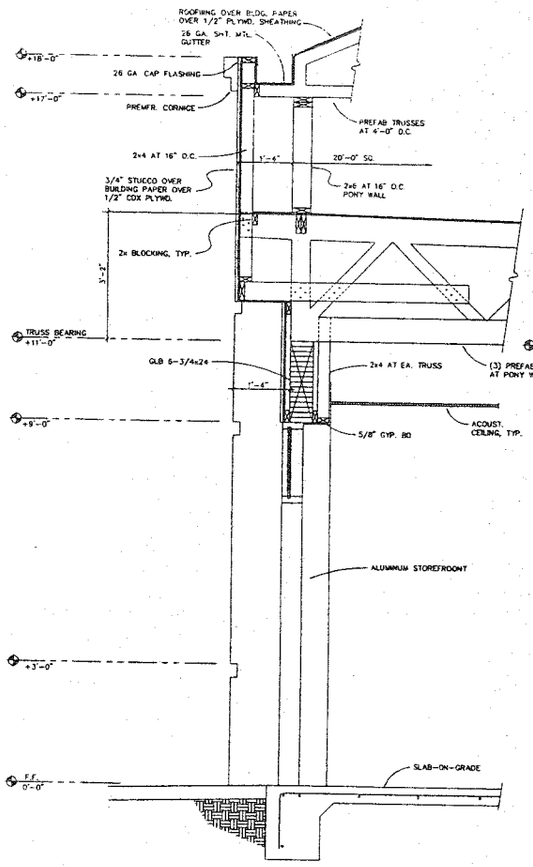
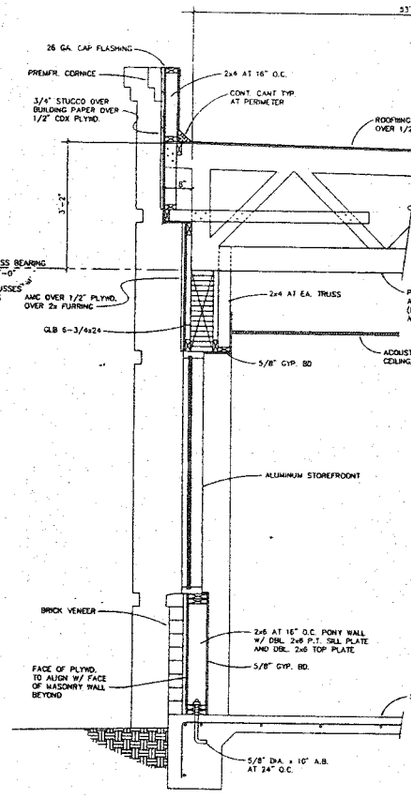
date: MARCH 28, 2002
project # 2218
drawn by: BCARR
checked by: BCARR

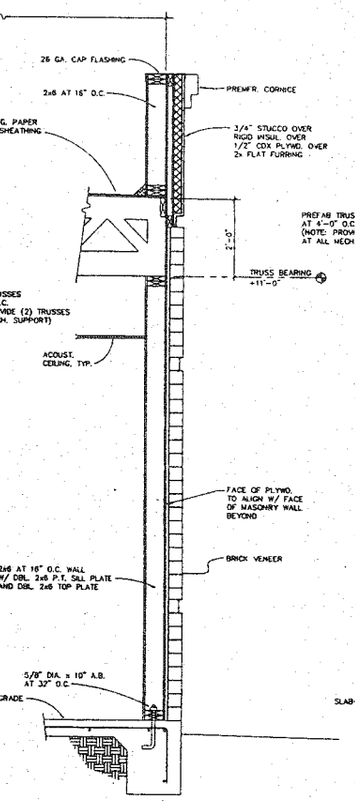
SHEET NUMBER
3



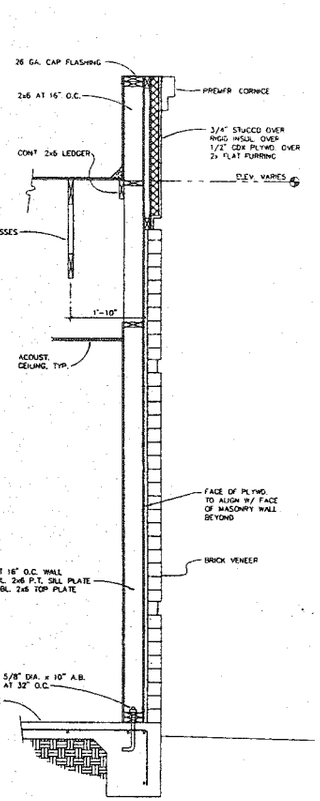
SECTION
3/4" = 1'-0"
1 A3.0



SECTION
3/4" = 1'-0"
2 A3.0



SECTION
3/4" = 1'-0"
3 A3.0



SECTION
3/4" = 1'-0"
4 A3.0

LEASE SPACES FLOOR PLAN

SCALE: 1/8" = 1'-0"

GEORGIA REGISTERED No. 23339 PROFESSIONAL ENGINEER JOHN R. HODGSON

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PROJECT:
THE "SHOPS @ VILLA RICA"
HIGHWAY 78
VILLA RICA, GEORGIA 30180

GENERAL NOTES:

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date: MARCH 28, 2002
project # 2218
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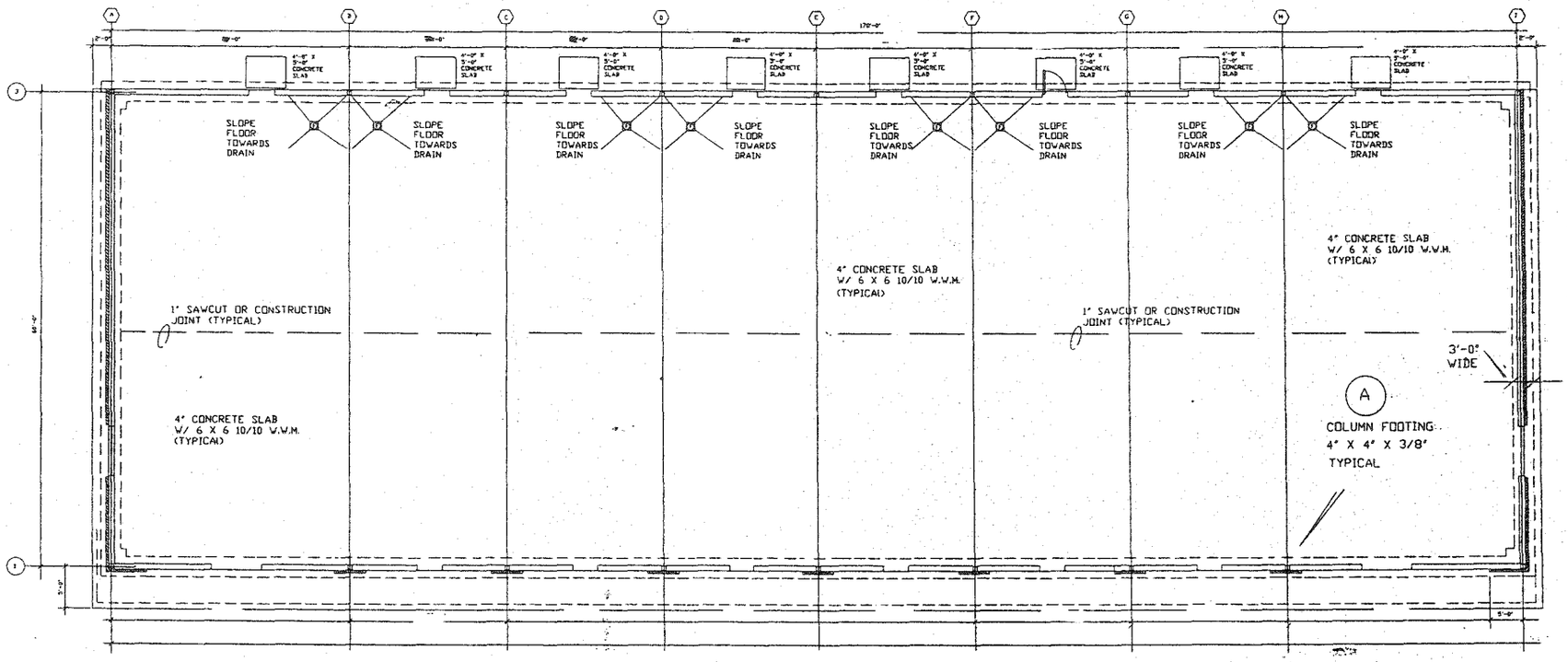
checked by: B.CARR
rev:

SHEET NUMBER
4



LEASE SPACES FLOOR PLAN – FOUNDATION PLAN

SCALE: 1/8" = 1'-0"

COLUMN FOOTING NOTES:

1. CONCRETE FOOTINGS 3500 P.S.I AT 28 DAYS
2. FOOTINGS SHALL BE POURED ON COMPACTED SOIL COMPACTED TO 45 % STANDARD PROCTOR DENSITY
3. DENSITY TO BOTTOM OF FOOTING SHALL BE BELOW FROST LINE AND ACTUAL ELEVATIONS SHALL BE AS LAID OUT PER GENERAL CONTRACTOR.

DESIGN LOADS

STANDARD BUILDING CODE 1997 EDITION

FLOOR DEAD LOAD : 50 PSF

FLOOR LIVE LOAD : 150 PSF

FOUNDATION DESIGNED IN ACCORDANCE WITH ACI 318.1-89

REINFORCING STEEL: ASTM A615 GRADE 60 Fy= 60 ksi

CONCRETE FOOTINGS = 3000 PSPI AT 28 DAYS

CONCRETE PROTECTION FOR REINFORCEMENT:
CONCRETE CAST AGAINST EARTH : 3 INCHES
CONCRETE EXPOSED TO WEATHER : 1 1/2" INCHES

UNLESS NOTED, LAP REINFORCEMENT HORIZONTAL BARS 20 DIAMETERS AND ALL REINFORCEMENT VERTICAL BARS 24 DIAMETERS

HORIZONTAL REINFORCEMENT IN SLAB TURNDOWNS AND FOOTING SHALL BE CONTINUOUS AROUND CORNERS.

TURNDOWNS FOOTINGS AND SLAB SHALL BE CAST MONOLITHIC, WITH THE TOPS AT THE SAME ELEVATION.

DO NOT SLOPE FOOTINGS OF TURNDOWN SLAB.

ALL CONCRETE FLOOR SLABS TO HAVE 6 X 6 / 10/10 W.W.M.

EARTH SOIL PRESSURE TO BE 2500 PSF. VERTICAL AND 300 PSF LATERAL PER FOOT OF DEPTH. SOIL TO BE COMPACTED TO 95% STANDARD PROCTOR DENISITY. IF THE ACTUAL BEARING CAPACITY IS LESS, FOOTING SIZE MUST BE ADJUSTED ACCORDINGLY NOTIFY ENGINEER FOR POSSIBLE RE-DESIGNED.

WHERE A DETAIL IS SHOWN FOR ONE CONDITION, IT SHALL APPLY FOR ALL LIKE OR SIMILIAR CONDITIONS EVEN THOUGH NOT SPECIFICALLY MARKED ON THE DRAWINGS.

GEORGIA REGISTERED No. 23238 PROFESSIONAL ENGINEER JOHN R. HODGSON

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PROJECT:
THE "SHOPS @ VILLA RICA"
HIGHWAY 78
VILLA RICA ,GEORGIA 30180

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date: MARCH 28, 2002
project # 2218
drawn by: B.CARR
checked by: B.CARR
rev:

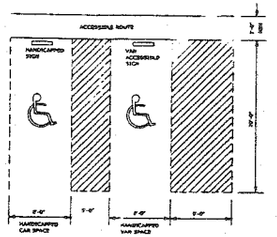
SHEET NUMBER
5

4.8.2 LOCATION

SHALL BE LOCATED ON THE SHORTEST ACCESSIBLE ROUTE OF TRAVEL FROM ADJACENT PARKING TO AN ACCESSIBLE ENTRANCE. IN PARKING FACILITIES THAT DO NOT SERVE A PARTICULAR BUILDING, ACCESSIBLE PARKING SHALL BE LOCATED ON THE SHORTEST ACCESSIBLE ROUTE OF TRAVEL TO AN ACCESSIBLE PEDESTRIAN ENTRANCE OF THE PARKING FACILITY. IN BUILDINGS WITH MULTIPLE ACCESSIBLE ENTRANCES WITH ADJACENT PARKING ACCESSIBLE PARKING SPACES SHALL BE DISPERSED AND LOCATED CLOSEST TO ACCESSIBLE ENTRANCES.

4.8.3 PARKING SPACES
ACCESSIBLE PARKING SPACES SHALL BE AT LEAST 96in. (2440 mm) WIDE. PARKING ACCESS ASILES SHALL BE PART OF AN ACCESSIBLE ROUTE TO THE BUILDING OR FACILITY ENTRANCE AND SHALL COMPLY WITH 4.3. TWO ACCESSIBLE PARKING SPACES MAY SHARE A COMMON

THE CLEAR WIDTH OF AN ACCESSIBLE ROUTE, PARKING SPACES AND ACCESS AISLES SHALL BE LEVEL WITH SURFACE SLOPES NOT EXCEEDING 1:50 (2 %) IN ALL DIRECTIONS.



DIMENSIONS OF PARKING SPACES

4.7.1 LOCATION
CURB RAMPS COMPLYING WITH 4.7. SHALL BE PROVIDED WHEREVER AN ACCESSIBLE ROUTE CROSSES A CURB

4.7.2 SLOPE
SLOPES OF CURB RAMPS SHALL COMPLY WITH 4.8.2. THE SLOPE SHALL BE MEASURED PER DETAIL. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREETS SHALL BE FLUSH AND FREE OF ABRUPT CHANGES. MAXIMUM SLOPES OF ADJOINING GUTTERS & ROAD SURFACES IMMEDIATELY ADJACENT TO THE CURB RAMP OR ACCESSIBLE ROUTE SHALL NOT EXCEED 1:20

4.7.3 WIDTH
THE MINIMUM WIDTH OF A CURB RAMP SHALL BE 36 in. (915mm) EXCLUSIVE OF FLARED SIDES.

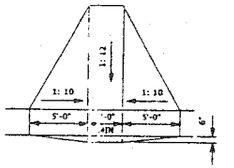
4.7.4 SURFACE
SURFACES OF CURB RAMP SHALL COMPLY WITH 4.5.

4.7.5 SIDES OF CURB RAMPS.
IF A CURB RAMP IS LOCATED WHERE PEDESTRIANS MUST WALK ACROSS THE RAMP, OR WHERE IT IS NOT PROTECTED BY HANDRAILS

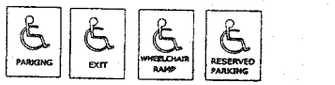
SLOPE OF THE FLARE SHALL BE 1:10 (SEE DETAIL). CURB

WOULD NOT NORMALLY WALK ACROSS THE RAMP.

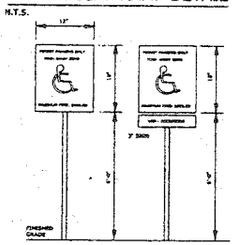
N.T.S.



HANDICAP RAMP DETAIL



N.T.S.



HANDICAP SIGNS

NOTE:
SIGNS TO BE REFLECTIVE BLUE BACKGROUND, WHITE LETTERING & SYMBOL, LETTERING MIN OF 1" (TYP) VAN ACCESSIBLE SIGN TO BE MOUNTED JUST BELOW STD. HC. SIGN IN LOCATIONS DENOTED ON SITE PLANS. COLORING TO MATCH H.C. SIGN

SITE PLAN DETAILS

4.16 WATER CLOSETS

4.16.1 GENERAL
ACCESSIBLE WATER CLOSETS SHALL COMPLY WITH 4.16.

4.16.2 CLEAR FLOOR SPACE
CLEAR FLOOR FOR WATER CLOSETS NOT IN STALLS SHALL COMPLY WITH FIG 28. CLEAR FLOOR SPACE MAY BE ARRANGED TO ALLOW EITHER A LEFT-HANDED OR RIGHT HANDED APPROACH.

4.16.3 HEIGHT
THE HEIGHT OF WATER CLOSETS SHALL BE (17) SEVENTEEN INCHES TO (19) NINETEEN INCHES. MEASURED TO THE TOP OF THRE TOILET SEAT (SEE FIG. 29 (B). SEATS SHALL NOT BE SPRUNG TO RETURN TO A LIFTED POSITION

4.18.4 GRAB BARS
GRAB BARS FOR WATER CLOSETS NOT LOCATED IN STALLS SHALL COMPLY WITH 4.26 AND FIF. 29. THE GRAB BAR BEHIND THE WATER CLOSET SHALL BE (36) THIRTY-SIX INCHES MINIMUM.

4.26 HANDRAILS AND SHOWERE SEATS

4.26.1 GENERAL
ALL HANDRAILS, GRAB BARS, AND TUB AND SHOWER SEATS REQUIRED TO BE ACCESSIBLE BY 4.1, 4.8, 4.9, 4.16, 4.17, 4.20, OR 4.21 SHALL COMPLY WITH 4.26

4.26.2 SIZE AND SPACING OF GRAB BARS AND HANDRAILS
THE DIAMETER OR WIDTH OF THE GRIPPING SURFACES OF A HANDRAIL OR GRAB BAR SHALL BE 1 -1/4" TO 1 -1/2" OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE. IF HANDRAILS OR GRAB BARS ARE MOUNTED ADJACENT TO A WALL THE SPACE BETWEEN THE WALL AND THE GRAB BAR SHALL BE 1-1/2" (SEE FIG 39 (A), (B), (C) AND (E) HANDRAILS MAY BE LOCATED IN A RECESS IF THE RECESS IS A MAXIMUM OF 3" DEEP AND EXTENDS AT LEAST 18" ABOVE THE TOP OF THE RAIL.

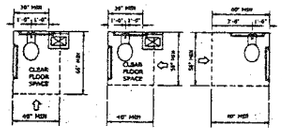


FIG. 28
CLEAR FLOOR SPACE AT WATER CLOSETS

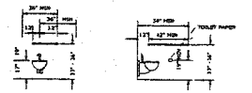


FIG. 29
GRAB BARS AT WATER CLOSETS

4.17 TOILET STALLS

4.17.1 LOCATION
ACCESSIBLE TOILET STALLS BE AN ACCESSIBLE ROUTE AND SHALL MEET THE REQUIREMENTS OF 4.17

4.17.2 WATER CLOSETS
WATER CLOSETS IN ACCESSIBLE STALLS SHALL COMPLY WITH 4.16

4.17.3 SIZE AND ARRANGEMENT

THE SIZE AND ARRANGEMENT OF THE STANDARD TOILET STALL SHALL COMPLY WITH FIG 30 (A) STANDARD STALL. STANDARD TOILET STALLS WITH A MINIMUM DEPTH OF (56) FIFTY-SIX INCHES (SEE FIG 30 (A). SHALL HAVE WALL MOUNTED WATER CLOSETS IF THE DEPTH OF A STANDARD TOILET STALL IS INCREASED AT LEATST (3) INCHES, THEN A FLOOR MOUNTED WATER CLOSET MAY BE USED. ARRANGEMENTS SHOWN FOR STANDARD TOILET STALLS MAY BE REVERSED TO ALLOW EITHER A LEFT OR RIGHT HAND APPROACH. ADDITIONAL STALLS SHALL BE PROVIDED IN CONFORMANCE WITH 4.22.4

EXCEPTION IN INSTANCES OF ALTERATION WORK WHERE PROVISION OF A STANDARD STALL (FIG 30 'A) IS TECHNICALLY INFEASIBLE OR WHERE PLUMBING CODE REQUIREMENTS PREVENT COMBINING EXISTING STALLS TO PROVIDE SPACE, EITHER ALTERNATE STALL (FIG 30(B). MAY BE PROVIDED IN LIEU OF THE STANDARD STALL.

4.18 URINALS

4.18.1 GENERAL
ACCESSIBLE URINALS SHALL COMPLY WITH 4.18

4.18.2 HEIGHT
URINALS SHALL BE STALL-TYPE OR WALL-HUNG WITH AN ELONGATED RIM AT A MAXIMUM OF (17) SEVENTEEN INCHES ABOVE THE FINISHED FLOOR.

4.18.3 CLEAR FLOOR SPACE
A CLEAR FLOOR SPACE (30) THIRTY INCHES BY (48) FORTY EIGHT INCHES SHALL BE PROVIDED IN FRONT OF URINALS TO ALLOW FORWARD APPROACH. THIS CLEAR SPACE SHALL COMPLY WITH 4.2.4. URINAL SHIELDS THAT DO NOT EXTEND BEYOND THE FRONT EDGE OF THE URINAL RIM MAY BE PROVIDED WITH (29) TWENTY-NINE INCHES CLEARANCE BETWEEN THEM.

4.18.4 FLUSH CONTROLS
FLUSH CONTROLS SHALL BE HAND OPERATED OR AUTOMATIC AND SHALL COMPLY WITH 4.27.4 AND SHALL BE MOUNTED NO MORE THAN (44) FOURTY-FOUR INCHES ABOVE FINISHED FLOOR.

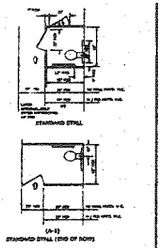


FIG 30
TOILET STALLS

4.19 LAVATORIES AND MIRRORS

4.19.1 GENERAL
THE REQUIREMENTS OF 4.19 SHALL APPLY TO LAVATORY FIXTURES, VANITIES AND BUILT -IN LAVATORIES

4.19.2 HEIGHT AND CLEARANCES
LAVATORIES SHALL BE MOUNTED WITH THE RIM OR COUNTER SURFACE NO HIGHER THAN (34) THIRTY-FOUR INCHES ABOVE THE FINISH FLOOR. PROVIDE A CLEARANCE OF AT LEAST (29) TWENTY-NINE INCHES ABOVE THE FINISH FLOOR TO THE BOTTOM OF THE APRON. KNEE AND TOE CLEARANCE SHALL COMPLY WITH FIG. 31

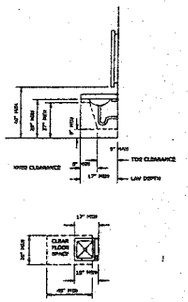
4.19.3 CLEAR FLOOR SPACE
A CLEAR FLOOR SPACE (30) THIRTY INCHES BY (48) FOURTY EIGHT INCHES COMPLYING WITH 4.2.4 SHALL BE PROVIDE IN FRONT OF A LAVATORY TO ALLOW FORWARD APPROACH. SUCH CLEAR FLOOR SPACE SHALL ADJOIN OR OVERLAP AN ACCESSIBLE ROUTE AND SHALL EXTEND A MAXIMUM OF (19) NINETEEN INCHES UNDERNEATH THE LAVATORY (SEE FIG. 32)

4.19.4 EXPOSED PIPES AND SURFACES -
HOT WATER AND DRAIN PIPES UNDER LAVATORIES SHALL BE INSULATED OR OTHERWISE CONFIGURED TO PROTECT AGAINST CONTACT. THER SHALL BE NO SHARP OR ABRASIVE SURFACES UNDER LAVATORIES.

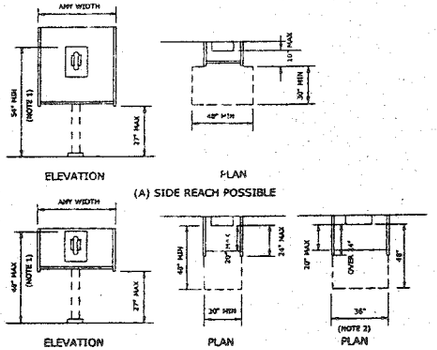
4.19.5 FAUCETS
FAUCETS SHALL COMPLY WITH 4.27.4. LEVER OPERATED,PUSH TYPE AND ELECTRONICALLY CONTROLLED MECHANISMS ARE EXAMPLES OF ACCEPTABLE DESIGNS. SELF CLOSING VALVES ARE ALLOWED IF THE FAUCET REMAINS OPEN FOR AT LEAST 10 SECONDS

4.19.6 MIRRORS

MIRRORS SHALL BE MOUNTED WITH THE BOTTOM EDGE OF THE REFLECTING SURFACE NO HIGHER THAN (40) FOURTY INCHES FROM THE FINISH FLOOR (SEE FIG. 31)



IDICAP REQUIREMENTS MUST COMPLY WITH LOCAL GOVERNING REGULATIONS.
FORMATION WAS OBTAINED FROM AMERICANS WITH DISABILITIES ACT
MPLIANCE GUIDE. THOMPSON PUBLISHING GROUP. INC. AUGUST 1994



NOTES:
(1) THIS DIMENSION REPRESENTS THE HEIGHT OF THE HIGHEST OPERABLE PARTS THAT ARE ESSENTIAL TO THE BASIC OPERATION OF THE TELEPHONE

(2) THE REQUIRED CLEAR FLOOR SPACE INCREASES TO (36) INCHES WHEN THE ENCLOSURE EXTENDS MORE THAN 24) TWENTY-FOUR INCHES FROM THE FACE OF THE TELEPHONE

FIG 44
MOUNTING HEIGHTS AND CLEARANCES FOR TELEPHONE

4.31 TELEPHONES:

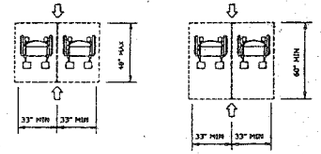
4.31.1 GENERAL
PUBLIC TELEPHONES REQUIRED TO BE ACCESSIBLE BY 4.1 SHALL COMPLY WITH 4.31

4.31.2 CLEAR FLOOR OR GROUND SPACE
A CLEAR FLOOR OR GROUND SPACE AT LEAST (30) THIRTY INCHES BY (48) FOURTY-EIGHT INCHES THAT ALLOW EITHER A FOWARD OR PARALLEL APPROACH BY A WHEELCHAIR SHALL BE PROVIDED AT TELEPHONES (SEE FIG. 44). THE CLEAR FLOOR OR GROUND SPACE SHALL COMPLY WITH 4.2.4 BASIC ENCLOSURES AND FIXED SEATS SHALL NOT IMPEDE APPROACHES TO TELEPHONES BY PEOPLE WHO USE WHEELCHAIRS.

4.31.3 MOUNTING HEIGHT
THE HIGHEST OPERABLE PART OF THE TELEPHONE SHALL BE WITHIN THE REACH SPECIFIED IN 4.2.5 OR 4.2.6.

4.31.4 PROTUDING OBJESTS
TELEPHONES SHALL COMPLY WITH 4.4.

TELEPHONE DETAILS



(A) FORWARD OR REAR ACCESS (B) SIDE ACCESS

SPACE REQUIREMENTS FOR WHEELCHAIR SEATING SPACES IN A SERIES

4.32 FIXED OR BUILT-IN SEATING AND TABLES

4.32.1 MINIMUM NUMBER
FIXED OR BUILT-IN SEATING OR TABLES REQUIRED TO THE ACCESSIBLE BY 4.1 SHALL COMPLY WITH 4.32

4.32.2 SEATING
IF SEATING SPACES FOR PEOPLE IN WHEELCHAIRS ARE PROVIDED AT FIXED TABLE OR COUNTERS. CLEAR FLOOR SPACE COMPLYING WITH 4.2.4. SHALL BE PROVIDED. SUCH CLEAR FLOOR SPACE SHALL NOT OVERLAP KNEE SPACE BY MORE THAN (19) NINETEEN INCHES (SEE FIG. 45)

4.32.3 KNEE CLEARANCE
IF SEATING FOR PEOPLE IN WHEELCHAIRS IS PROVIDED AT TABLES OR OR COUNTERS, KNEE SPACES AT LEAST (27) TWENTY-SEVEN INCHES HIGH, (30) THIRTY INCHES WIDE AND (19) NINETEEN INCHES DEEP SHALL BE PROVIDED (SEE FIG 45)

4.32.4 HEIGHT OF TABLES OR COUNTERS
THE TOPS OF ACCESSIBLE TABLES AND COUNTERS SHALL BE FROM (28) TWENTY-EIGHT INCHES TO (34) THIRTY-FOUR INCHES ABOVE THE FINISHED FLOOR OR GROUND.

SEATING DETAILS

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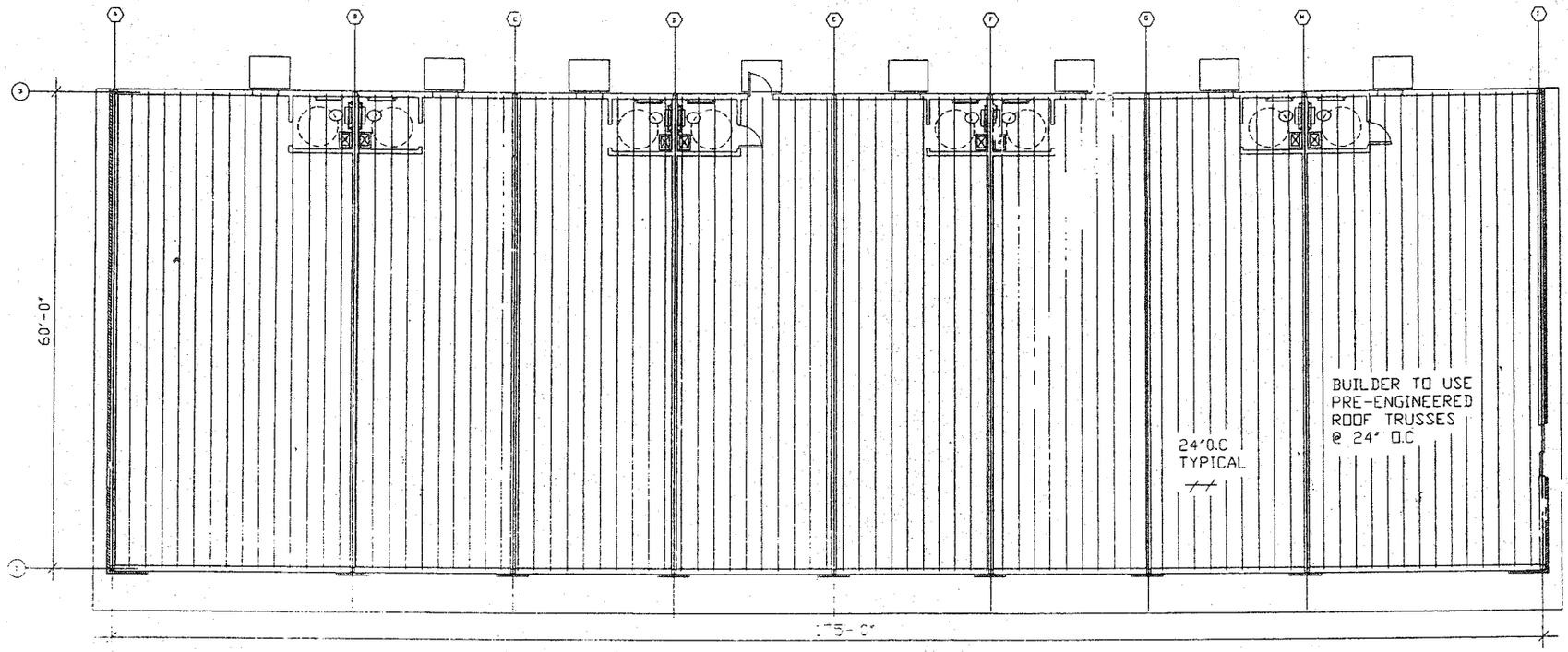

LEASE SPACES FLOOR PLAN — ROOF PLAN

SCALE 1/8" = 1'-0"

1 SEE WILLIAMS BROTHER SPECIFICATIONS FOR ROOF TRUSSES

GEORGIA REGISTERED No. 23238 PROFESSIONAL ENGINEER JOHN R. HODGSON

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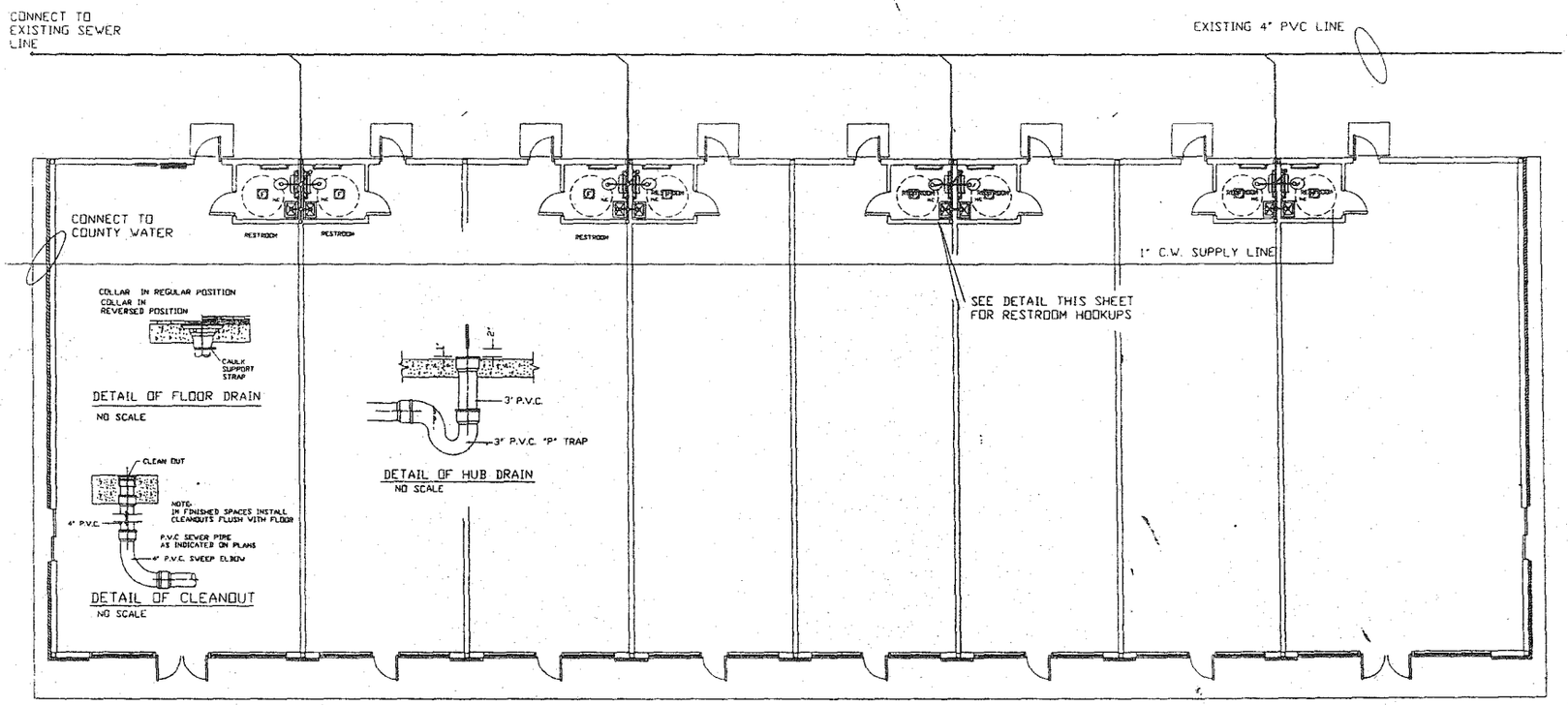
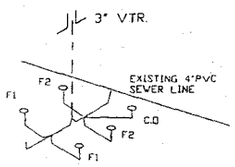
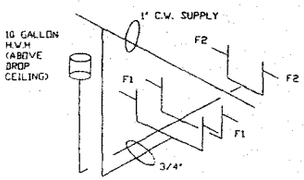


LEASE SPACES FLOOR PLAN

SCALE: 1/8" = 1'-0"



SOIL WASTE DIAGRAM
NOT TO SCALE



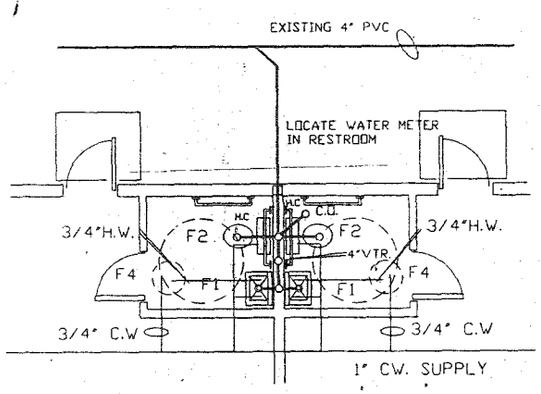
WATER RISER DIAGRAM
NOT TO SCALE

FIXTURE SCHEDULE					
MARK	FIXTURE	C.W.	H.W.	WASTE	REMARKS
F1	HANDSINK	1/2"	1/2"	3"	H.S.
F2	WATER CLOSET	1/2"		2"	W.S.
F3	FLOOR DRAIN			3"	F.D.
F4	HOT WATER HEATER	1"	1"		H.W.H.

I CERTIFY THAT I HAVE PREPARED THESE PLANS IN CONFORMITY WITH ANSI SPECIFICATIONS A117.1-1980 FOR MAKING BUILDINGS AND FACILITIES ACCESSIBLE TO AND USABLE BY PHYSICALLY HANDICAPPED PEOPLE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, FOR THE SCOPE OF WORK HEREIN PERMITTED.

PLUMBING NOTES:

1. CONCRETE SLAB TO BE SAW CUT & REMOVED FOR PLUMBING LINES. REPLACE W/ COMPACTED FILL DIRT 6-MIL POLY VAPOR BARRIER & 4000 P.S.I. CONCRETE
2. PLUMBING CONTRACTOR TO LOCATE MASTER TRAP & SIZE ALL DRAIN LINES & WATER LINES AND TO RUN ALL WATER LINES ABOVE CEILING AREA
3. CONTRACTOR TO INSTALL BACKFLOW PREVENTER VALVE
4. PLUMBING CONTRACTOR TO COORDINATE ALL ROOF PENETRATIONS BUILDING CONTRACTOR
5. PLUMBING CONTRACTOR TO FURNISH HANDSINK/WATER CLOSET
6. PLUMBING CONTRACTOR TO PENETRATE FOR VENTS AND ROOFING CONTRACTOR TO FLASH & SEAL
7. CONTRACTOR TO RUN ALL WATER LINES ABOVE DROP CEILING.
8. IF STATIC WATER PRESSURE EXCEEDS 80 PSIG. CONTRACTOR SHALL FURNISH & INSTALL PRESSURE REDUCING VALVE FOR EACH WATER SERVICE. LOCATE IN TOILET ROOM
9. CONTRACTOR TO INSTALL (10) GALLON HOT WATER HEATER ABOVE DROP CEILING AREA USE STATE WATER HEATER (10) GALLON MODEL NO: SB6 10 31FE 3000 WATT ELECTRIC OR EQUAL.



TYPICAL RESTROOMS DETAIL

LEGEND

- S SANITARY SEWER LINE
- COLD WATER LINE
- HOT WATER LINE
- FD FLOOR DRAIN
- HD HUB DRAIN

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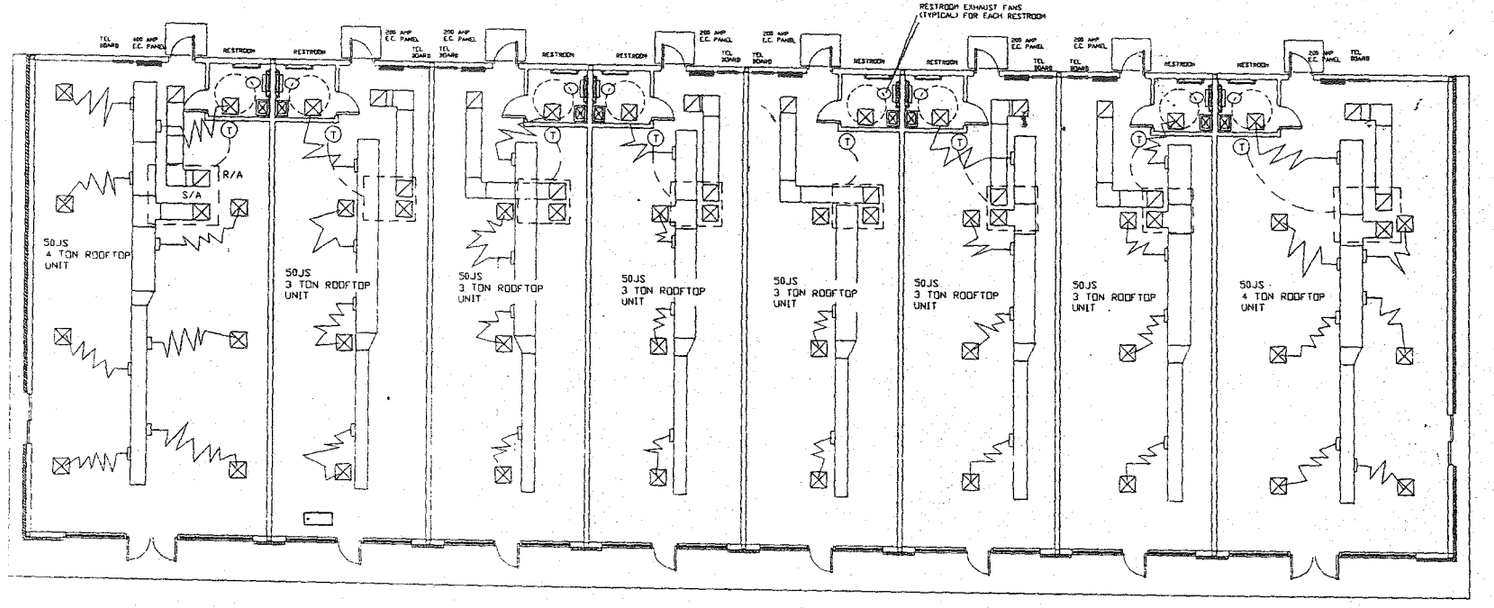


LEASE SPACES FLOOR PLAN --- H.V.A.C. PLAN

SCALE 1/8" = 1'-0"

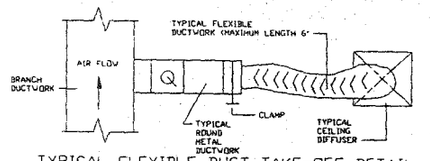
H.V.A.C. NOTES

1. H.V.A.C. CONTRACTOR TO DO LOAD CALCULATIONS FOR HEATING & AIR CONDITIONING OF THE FLOOR SPACE
2. H.V.A.C. CONTRACTOR TO SIZE CONDENSING UNIT, FURNACE, AND GAS LINE FOR THIS APPLICATION
3. H.V.A.C. CONTRACTOR TO INSTALL ALL GAS LINES
4. H.V.A.C. CONTRACTOR TO COORDINATE W/ ELECTRICAL CONTRACTOR TO INSTALL SMOKE DETECTORS IN SUPPLY AIR DUCTS. SUPPLY AIR FANS TO AUTOMATICALLY STOP WHEN SMOKE IS SENSED IN THE DUCT.
5. ALL SUPPLY DUCTWORK TO HAVE 2" OF INSULATION
6. ALL DUCTWORK TO BE SEALED AT ALL JOINTS & TAKEOFFS
7. MECHANICAL CONTRACTOR TO (1) RESTROOM EXHAUST FAN COORDINATE W/ ELECTRICAL CONTRACTOR FOR WIRING UNITS:0 120 CFM 120/50/1 1.0 AMPS TO BE VENTED THRU ROOF.
8. ALL WORKMANSHIP AND MATERIALS SHALL BE OF HIGHEST QUALITY IN EVERY RESPECT. ALL MATERIALS AND EQUIPMENT SHALL BE NEW, OF THE LATEST DESIGN AND FREE OF DEFECTS. ALL MATERIALS AND EQUIPMENT SHALL CONFORM TO THE LATEST AMENDED EDITION OF ALL APPLICABLE STANDARS INCLUDING BUT NOT LIMITED TO SMACNA, UL AND NEMA STANDARDS.
9. MECHANICAL CONTRACTOR SHALL ACCURATELY BALANCE AIR SYSTEM AND SUBMIT (2) TWO COPIES OF BALANCE REPORT TO THE OWNER FOR APPROVAL.
10. MECHANICAL CONTRACTOR SHALL FURNISH AND INSTALL ALL THERMOSTATS,SENSORS CONTROLLERS, RELAYS, CONTACTORS, DAMPERS, ACTUATORS AND ALL OTHER MATERIALS NECESSARY FOR A COMPLETE AND PROPERLY OPERATING TEMPERATURE CONTROL SYSTEM AS SPECIFIED BELOW. ALL CONTROL WIRING SHALL BE BY HVAC CONTRACTOR AND INSTALLED IN CONDUIT.
11. RESTROOM EXHAUST FANS TO BE VENT THRU ROOF

ROOF TOP SINGLE-PACKAGED HEAT-PUMP UNITS

50JS 3 TON UNITS -5 UNITS
4 TON UNITS -2 UNITS

CARRIER PRODUCTS OR EQUAL



TYPICAL FLEXIBLE DUCT TAKE-OFF DETAIL

LEGEND

NO SCALE

GEORGIA REGISTERED No. 23238 PROFESSIONAL ENGINEER JOHN R. HODGSON

PROJECT COORDINATION:

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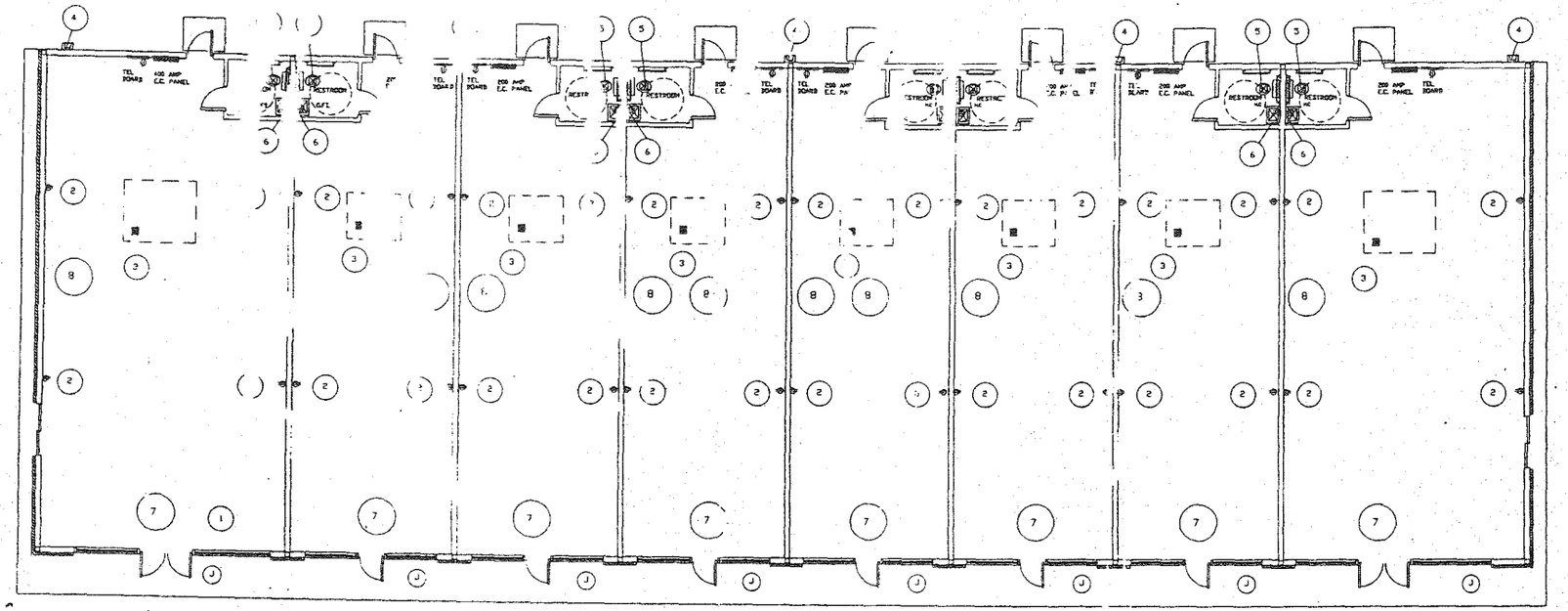

LEASE SPACES FLOOR PLAN - POWER PLAN

SCALE 1/8" = 1'-0"

POWER PLAN NOTES:

1. E.C CONTRACTOR TO PROVIDE JUNCTION BOX FOR OUTSIDE SIGNAGE
2. E.C CONTRACTOR TO PROVIDE WALL RECEPTACLES @ 18" A.F.F.
3. E.C CONTRACTOR TO PROVIDE DISCONNECT SWITCH AND JUNCTION BOX FOR ROOFTOP H.V.A.C UNIT
4. E.C CONTRACTOR TO PROVIDE WALL MOUNTED OUTSIDE LIGHT MOUNTED AT 12'-0" A.F.F.
5. E.C CONTRACTOR TO PROVIDE JUNCTION BOX FOR RESTROOM EXHAUST FAN MOUNTED AT CEILING AREA.
6. E.C CONTRACTOR TO PROVIDE GFCI WALL RECEPTACLE FOR RESTROOM MOUNTED AT 42" A.F.F
7. E.C CONTRACTOR TO PROVIDE EXIT SIGN COMBINATION EMERGENCY LIGHTING
8. E.C CONTRACTOR TO PROVIDE EMERGENCY LIGHT W/ 12 VOLT BATTERY BACKUP

LEGEND

- (4) BULB FLORESCENT LIGHT FIXTURE
- BLACK LIGHT (4) BULB FLORESCENT LIGHT FIXTURE
- 150 WATT CAN LIGHTS

PROJECT COORDINATION

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VILLA RICA ,GEORGIA 30180

GENERAL NOTES:

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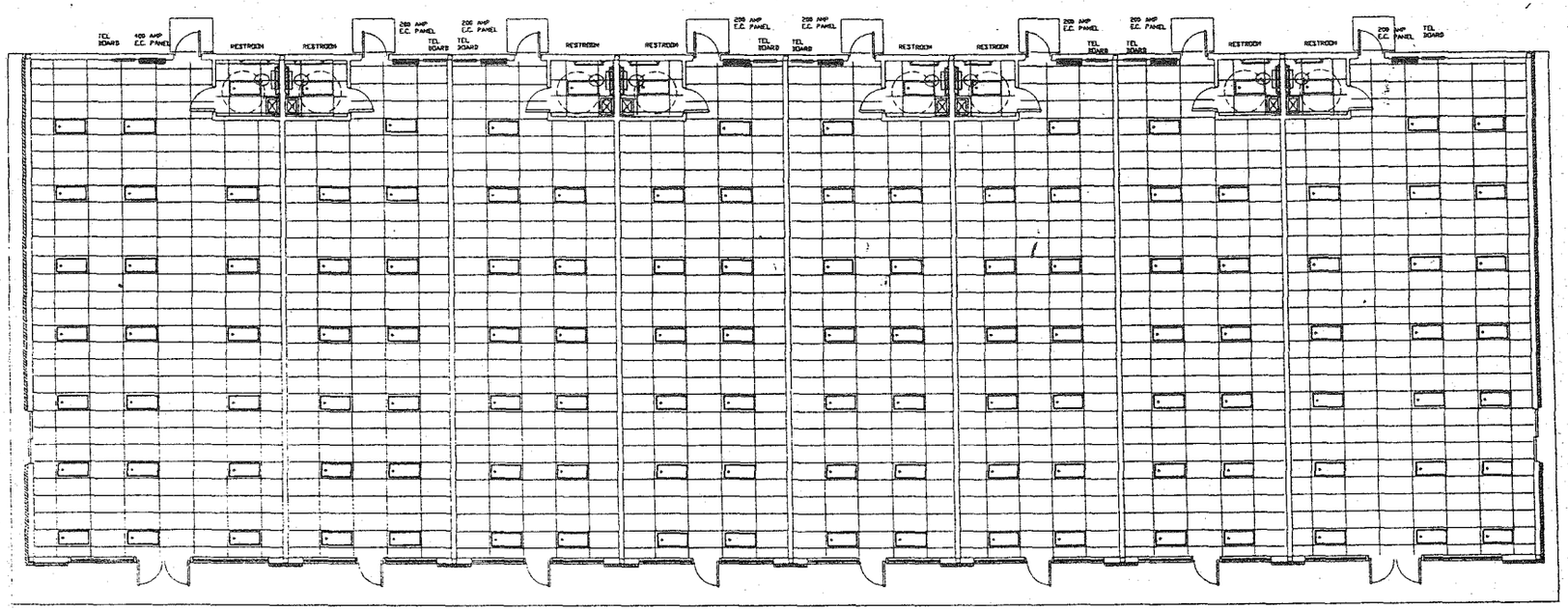
date: MARCH 28, 2002
project # 2218
drawn by: B.CARR
checked by: B.CARR
rev: MAY 2, 2002

SHEET NUMBER

E-1



LEASE SPACES FLOOR PLAN -LIGHTING PLAN

SCALE: 1/8" = 1'-0"

CONTRACTOR'S NOTES

1. CONTRACTOR TO INSTALL ACOUSTICAL DROP CEILING TILE 2' X 4' ARMSTRONG PRELUDE CONCELED MODEL #7301
2. CONTRACTOR TO PROVIDE 2' X 4' LAYIN LIGHT FIXTURES LITHONIA LIGHTING MODEL NO: SPB 4 BULB UNIS
3. E.C. CONTRACTOR TO PROVIDE ALL WALL SWITCHES

LEGEND:

- (4) BULB FLORESCENT LIGHT FIXTURE
- BLACK LIGHT (4) BULB FLORESCENT LIGHT FIXTURE
- 150 WATT CAN LIGHTS

GEORGIA REGISTERED No. 28838 PROFESSIONAL ENGINEER JOHN R. HODGSON

PROJECT COORDINATION

B C DESIGNS
BRIAN R. CARR
9330 EAST HWY 78
VILLA RICA, GEORGIA
30180

MOBILE: (770)480-5554

NOTE:
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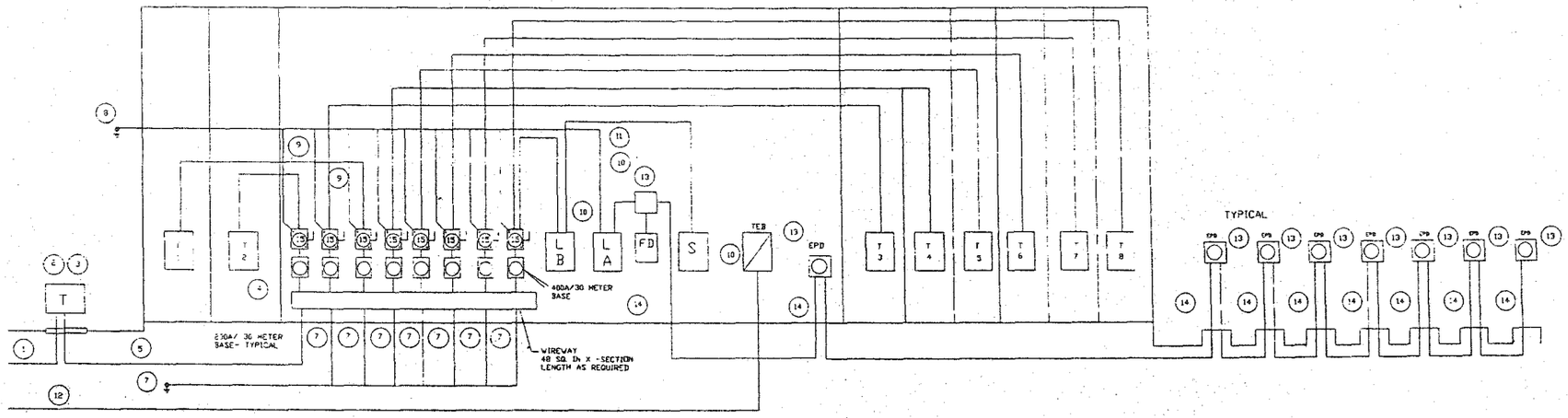
PROJECT:
THE 'SHOPS @ VILLA RICA'
HIGHWAY 78
VILLA RICA, GEORGIA 30180

GENERAL NOTES:

date: MARCH 28, 2002
project # 2218
drawn by: B.CARR
checked by: B.CARR
rev:

SHEET NUMBER

E-2



1. UNDERGROUND PRIMARY ELECTRICAL - IN PLACE BY POWER COMPANY
2. ELECTRICAL SERVICE TRANSFORMER- IN PLACE BY POWER COMPANY
3. ELECTRICAL SERVICE 208V/120V/3Ø-4W-60 HZ
4. METERING
   PROVIDE METERING IN ACCORDANCE WITH POWER COMPANYS REQUIREMENTS. THIS SHALL INCLUDE BUT NOT LIMITED TO) INSTALL METER BASE & COVER. INSTALL METER WIRING IN 1" RGSC BOND METER BASE & METER WIRING CONDUIT TO EQUIPMENT GROUNDING CONDUCTOR AND GROUND ELECTRODE
5. MAIN ELECTRICAL SERVICE:
   (5) SETS OF 4#3/8-AWG-CU-XHHW EACH SET IN 2" C.
6. GROUND ELECTRODE
   (3) -10'-0" X 3/4" CU-CLAD FLUSH DRIVEN GROUND RODS INTERCONNECTED WITH #3/0 AWG BARE COPPER CABLES AND CADWELD CONNECTIONS
7. MAIN GROUND ELECTRODE CONDUCTOR- ONE (1) # 1/0 AWG BARE COPPER
8. COLD WATER PIPE - BOD STEEL BOND CONNECTION PIPE CLAMP (BRONZE) TYPE: USE 1" COPPER COLD WATER LINE OR LARGER
9. MAIN GROUND BONDING CONDUCTOR- ONE (1) # 3/0 AWG-THHN CABLE
10. FEEDER- FOUR (4) # 2 AWG-CU-THHN IN 1 1/2 CONDUIT (95A)
11. FEEDER -FOUR(4) #3/0 AWG-CU-THW EACH SET IN 2" CONDUIT (230A)
12. TELEPHONE SERVICE -TWO (2) - 2" NMC
13. EMERGENCY POWER OFF (EPO) POWER CONTACTOR -TOTALLY ENCLOSED ASCO # 911210001-14A-14B-22-47-50-52- ENCLOSED NEMA 1
14. PROVIDE SEAL-OFFS AT FIRST JOINT OUT OF GROUND ON ALL CONDUITS TO OR FROM, NEAR, AT, OR WITHIN TWENTY-FEET OF DISPENSING, STORAGE OR PUMPING OF FUEL. THIS SHALL INCLUDE POWER,LIGHTING, TELEPHONE DATA, CONTROL AND INTERCOM CONDUITS
15. 200A /3P-SN-SE RATED DISC. SWITCH FUSED 200A - 100KAIC
16. 400A /3P-SN-SE RATED DISC. SWITCH FUSED 400A- 100KAIC
17. FEEDER- FOUR (4) 500 KCMIL CU THHN IN 3" C. (380A)

GEORGIA REGISTERED No. 23208 PROFESSIONAL ENGINEER JOHN R. HODGSON

PROJECT COORDINATION

BC DESIGNS

BRIAN R. CARR
406 W MONTGOMERY ST.
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PAGER : (770) 260-1679

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PROJECT:
THE "SHOPS" @ VILLA RICA
HIGHWAY 78
VILLA RICA, GEORGIA 30180

GENERAL NOTES:

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date: APRIL 12, 2002
project # 2218
drawn by: B.CARR
checked by: B.CARR
rev:

SHEET NUMBER

E-3

PANEL : FD — 208Y/120V/3PH-4W-60HZ-10kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1						2
3						4
5						6
7						8
9						10
11						12
13						14
15						16
17						18
19						20
21						22
23						24
25						26
27						28
29						30
31						32
33						34
35						36
37						38
39						40
41						42

PANEL : LA — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1	LIGHTING-SIGN		20/1		WATER HEATER	2
3	LIGHTING-SIGN		20/1			4
5	LIGHTING-PARKING		20/1		ACC-A	6
7	LIGHTING-BLDG		20/1			8
9	LIGHTING-SERVICE		20/1			10
11	CEILING OUTLETS		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	PANEL FD		20/1			18
19					ANN-A	20
21					ANN-A	22
23						24
25					RECEPTACLE	26
27					RECEPTACLE	28
29					SPARE	30
31					SPARE	32
33					SPARE	34
35					SPARE	36
37					SPARE	38
39					SPARE	40
41					SPARE	42

PANEL T3 — 208Y/120V/3 -4W-60HZ-22kAIC

■ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				ANN-A	20
21	SPARE				ANN-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL T1 — 208Y/120V/3 -4W-60HZ-22kAIC

■ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				ANN-A	20
21	SPARE				ANN-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL: S — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				ANN-A	20
21	SPARE				ANN-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL LB — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				ANN-A	20
21	SPARE				ANN-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL T-4 — 208Y/120V/3 -4W-60HZ-22kAIC

■ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				ANN-A	20
21	SPARE				ANN-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL T2 — 208Y/120V/3 -4W-60HZ-22kAIC

■ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KV	TRIP/POLES	CKT KV	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				ANN-A	20
21	SPARE				ANN-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

GEORGIA REGISTERED No. 23258 PROFESSIONAL ENGINEER JOHN R. HODGSON

PROJECT COORDINATION

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PAGER: (770) 260-1679

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PROJECT:
THE " THE SHOPS" @ VILLA RICA
HIGHWAY 78
VILLA RICA, GEORGIA

GENERAL NOTES

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date: APRIL 12,2002
project # 2218
drawn by: B.CARR
checked by: B.CARR
rev:

SHEET NUMBER

E-4

PANEL T-3 — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KW	TRIP/ POLES	CKT KW	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				AHU-A	20
21	SPARE				AHU-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL T-5 — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KW	TRIP/ POLES	CKT KW	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				AHU-A	20
21	SPARE				AHU-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL T-6 — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KW	TRIP/ POLES	CKT KW	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				AHU-A	20
21	SPARE				AHU-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL T-7 — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KW	TRIP/ POLES	CKT KW	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				AHU-A	20
21	SPARE				AHU-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

PANEL T-8 — 208Y/120V/3 -4W-60HZ-22kAIC

☐ MAIN BREAKER-TRIP AMP/POLE ■ SURFACE MOUNTED
■ MAIN LUGS ONLY 100 AMP BUS ☐ FLUSH MOUNTED

CKT NO	DESCRIPTION	CKT KW	TRIP/ POLES	CKT KW	DESCRIPTION	CKT NO
1	LIGHTING		20/1		WATER HEATER	2
3	CEILING OUTLETS		20/1			4
5	CEILING OUTLETS		20/1		ACC-A	6
7	RECEPTACLES		20/1			8
9	RECEPTACLES		20/1			10
11	RECEPTACLES		20/1		ACC-A	12
13	SPARE		20/1			14
15	SPARE		20/1			16
17	SPARE		20/1			18
19	SPARE				AHU-A	20
21	SPARE				AHU-A	22
23	SPARE					24
25	SPARE				RECEPTACLE	26
27	SPARE				RECEPTACLE	28
29	SPARE				SPARE	30
31	SPARE				SPARE	32
33	SPARE				SPARE	34
35	SPARE				SPARE	36
37	SPARE				SPARE	38
39	SPARE				SPARE	40
41	SPARE				SPARE	42

GEORGIA REGISTERED No. 23320 PROFESSIONAL ENGINEER JOHN R. HODGSON

PROJECT COORDINATION:

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PAGER : (770) 260-1679

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PROJECT:
THE " THE SHOPS" @ VILLA RICA
HIGHWAY 78
VILLA RICA, GEORGIA

GENERAL NOTES:

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date: APRIL 12,2002
project #2218
drawn by: B.CARR
checked by: B.CARR
rev:

SHEET NUMBER

E-5

CU-02-19
Ijeoma Vero George
Christ Squad Church

Legend

12 Spaces

12 Spaces

5 Spaces

5 Spaces

6 Spaces

35 Spaces
Total in Front

44 Spaces

Google Earth

100 ft

N

CITY OF VILLA RICA

City Council Packet

SUBJECT: RA-07-19 – 718 Old Town Road – Rezoning from Office-Institutional (OI) to General Commercial (GC) for a Personal Care Home/Independent Living Facility and Commercial Outparcel

CITY COUNCIL AGENDA DATE: November 26, 2019

DATE: November 6, 2019

PREPARED BY: Ronald Johnson, Planning and Zoning Specialist

FISCAL IMPACT: N/A
ANNUAL –
CAPITAL –
OTHER –

FUNDING SOURCE: N/A

PURPOSE: Land Art USA, LLC of Acworth, GA is requesting a rezoning of 718 Old Town Road (Parcel # V04 0080033) to General Commercial (GC) from Office-Institutional (OI). The purpose of the rezoning is to facilitate the permitting and construction of a personal care home with 48 beds, an independent living facility with 32-units, and a commercial outparcel.

BACKGROUND: Land Art USA, LLC is applying for a rezoning of the subject property from Multi-Office-Institutional (OI) to General Commercial (GC). The development will host a 48-bed personal care home, a 32-unit independent living facility and a commercial outparcel built in 4 phases. Phase 1 will consist of a 12,000SF personal care home building with 24 rooms. Phase 2 will consist of 16 independent living apartments. Phase 3 will consist of the second 12,000SF personal care home with 24 rooms, whereas the Fourth phase will consist of 16 more independent living apartments. The property is 7.39 acres.

STAFF RECOMMENDATION: Staff recommends approval for rezoning.

IMPACT: N/A

MOTIONS:

I make a motion to approve rezoning the subject property from Office-Institutional (OI) to General Commercial (GC) as presented by Land Art USA, LLC for property located at 718 Old Town Road.

Planning & Zoning
Community Development Department

RA-07-19

Council Ward: 3
Planning Board Member: Tom Flowers

City Council Member: Leslie McPherson

Public Hearing Dates
Planning Commission: November 5, 2019

City Council: November 26, 2019

Request: Rezone from Office Institutional (OI) to General Commercial (GC) for use as a personal care home, independent living facility and commercial outparcel.

Applicant: Land Art USA, Inc.
PO Box 801655
Acworth, GA 30101
770-656-5417

Acres: 7.39 +/- acres
Current Land Use: Vacant
Future Land Use: Personal Care Home/ Independent Living/Commercial

Parcel Number(s): V040080033
Location: 527 North Avenue, in Land Lot 192 of the 6th District in Carroll County.

Project Description:

The applicant is requesting to rezone property located at 718 Old Town Road from Office Institutional (OI) to General Commercial (GC) for use as a 48-bed personal care home, 32-unit independent living facility and commercial outparcel.

Surrounding Properties:

	Current Zoning	Land Use
North	Rural Development (RD)	Single-Family Residential
East	Single-Family Residential (R-20) & Rural Development (RD)	Single-Family Residential
South	Office and Institutional (OI), Rural Development (RD) and General Commercial (GC)	Pharmacy, Vacant Land and Utility Easement
West	Rural Development (RD) and Limited Industrial (LI)	Vacant Land

Rezoning Review Standards:
The Code of the City of Villa Rica, Unified Development Code Section 2.03.B.4, requires all zoning amendment applications to be reviewed based upon the impact of the proposed rezoning with respect to each of the following matters:

A. ***Whether the existing zoning was in error at the time of adoption.***
It does not appear that the existing Office Institutional zoning designation is in error. The property is located within the vicinity of medical uses and Tanner Medical Center. The proposed use is related and dependent on those medical uses.

B. ***Whether the proposed change is consistent with, and in furtherance of, the implementation of the goals and objectives of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this Code and other city regulations and guidelines.***

Future Land Use Map
The subject property is currently located within City limits. The Future Land Use Development Map designation for this property and the surrounding area is Medical Service Character Area.

Relation to the Comprehensive Plan Polices:

Development Planning

DP Goal 1: Maintain small-town character and cultural identity while supporting growth.
DP Strategy 1.1: Use the Future Development Map to guide decisions for new development and redevelopment within Villa Rica, while planning for expansion and growth.

DP Goal 4: Support Mixed Use Development
DP Strategy 4.2: Encourage an adequate variety of types and densities of housing needed to support higher density development

Social and Economic Development

SED Goal 1: Stimulate revitalization activities and redevelopment of aging properties

SED Strategy 1.4: Promote infill development (of remaining undeveloped properties inside city limits) and redevelopment (of properties with structures that are obsolete)

SED Goal 2: Protect and enhance existing neighborhoods while supporting a diverse array of housing options to accommodate future growth.

SED Strategy 2.1: Ensure infill development and redevelopment is consistent with existing community character, scale, and aesthetic of surrounding area

SED Strategy 2.3: Maintain quality housing in a variety of dwelling types and densities to support the needs of the population.

SED Goal 3: Create employment opportunities within the city and expand business diversity

SED Strategy 3.2: Promote high quality Employment Centers (Industrial, Commercial, Office, Gateway) through enforcing development regulations related to building and site design and buffer and landscaping requirements, in accordance with the Future Development Guide

SED Strategy 3.3: Identify and promote opportunities for higher paying jobs and small business

C. Whether there is a community need for and benefit from the proposed rezoning; or

There are not any tangible needs or benefits that would be realized from the rezoning other than consistency with the Future Land Use Map. Rezoning the property to General Commercial would permit senior housing and personal care homes that are otherwise nonpermitted in the Office Institutional Zone or the surrounding zones. Tanner Medical facilities are in very close proximity, as well as several medical offices for the proposed residents, and the Medical Support Overlay District (MSD). The Medical Support Overlay District was added to the Unified Development Code in 2011 to provide an area in the immediate vicinity of the Tanner Medical Center for future hospital expansion, hospital-related support services and medical uses. While this parcel lies outside of this overlay, it is within the proximity of the overlay and compliments it.

D. Whether the proposed change is consistent with the character of the area in which the proposed rezoning is proposed.

The proposed rezoning is consistent with the character of the area, especially with its proximity Tanner Medical Center, a pharmacy and other medical uses, along with a higher density townhouse development. Senior housing and personal care homes would continue to complement uses in the vicinity at an appropriate scale. The Medical Character Area currently contains an assisted living facility and rehabilitation center, which are in character with the intent of this activity center. The Comprehensive Plan states that future development should be focused on medical-related offices and facilities with the potential for campus-style development. It also states that primary future residential land uses should be single and multi-family, including senior housing and group homes. There are commercial establishments near

the development on Dallas Highway, so the commercial outparcel would be consistent with those uses.

The future land use designated for this parcel is "Medical Character Area", which is directly compatible with this proposed application.

E. Whether the proposed zoning is compatible with the zoning and uses of property nearby.

The proposed zoning is compatible with nearby zoning and uses nearby. Tanner Medical Center, as well as small medical offices and pharmacies can be found along nearby Dallas Highway. All low-density single-family properties are located on Susan Drive. Several townhomes and a two-family property are located west of the site on Old Town Road. This area has approximately 7 different zones.

F. Whether the existing zoning is suitable for the development of the uses authorized under the existing zoning classification, will be conducive to proper community planning, and is a logical extension of an existing urban area or growth center.

The suitability of the subject property for medical uses is questionable because of the property fronting on North Avenue instead of Old Stone Road, which has all of the medical uses. A single-family property buffers this property from the Old Stone Road medical use zoning, however the vacant parcel in the rear and south of the subject property is zoned OI. It is a logical extension of an existing single-family area more so than the bordering medical activity center.

G. Whether the public and community facilities, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal, are available and adequate to serve uses authorized under the proposed zoning.

The subject property is currently provided with community facilities including public sewer and gas. These services should remain available, and seem to be adequate to serve uses authorized under the proposed zoning.

H. Whether the authorized uses will not adversely affect the capacity or safety of the street network in the vicinity of the property.

The proposed rezoning should not have a significant impact on the capacity of the road, as the personal care home occupants will not drive. In addition, the applicant proposes that the line up of the entrance/exit of the site be across from North Avenue for easy access to and from Highway 61.

I. Are there potential environmental impacts (e.g., excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

Based on the City's and County's available maps, no streams and rivers are located on the site. Therefore, Staff is of the opinion that there are currently no potential environmental impacts.

Staff Comments:
The applicant is requesting a rezoning of the subject property from Office-Institutional (OI) to General Commercial (GC). The proposed use for a 48-unit personal care home, 32-unit independent living facility and a commercial outparcel for future development will directly support the medical uses in the area and provide Villa Rica with a range of housing choices for senior living.

The current OI Zone nor any of the surrounding land uses, except General Commercial, permit a personal care home or independent living facility. The Future Land Use Map designates the parcel as a "Medical Character Area" which is compatible with the proposed uses.

The applicant has indicated that development is slated to be built in four phases. The first phase would consist of a 12,000SF personal care home building with 24 rooms. The second phase would consist of 16 independent living apartments. The third phase would consist of the second 12,000SF personal care home with 24 rooms, whereas the fourth phase would consist of 16 more independent living apartments.

The entrance driveway is proposed to be matched with North Avenue at Old Town Road for a seamless pattern of traffic. This should greatly control the egress of the site and synchronize most effectively with the existing traffic pattern.

The proposed parking area has 64 parking spaces, whereas the ordinance requires 1 parking space per dwelling unit for senior housing (which would require 80 parking spaces). The UDC does not define "senior housing" and does not specify if personal care homes are meant to be included in that parking requirement. Should personal care homes be included in the senior housing parking requirement, the requirement would be 80 parking spaces, representing a deficiency of 16 spaces. Based on the general behavior, nature and purpose of a personal care home and the age/condition of the potential residents, the majority of personal care home residents are not expected to drive and therefore dedicated parking spaces for such a use (other than for employee usage) is not deemed necessary.

Recommendation:

Staff recommendation: **APPROVAL**

Public Notifications:
As required by *Article 2, Section 2.01* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on October 14th, 2019; a sign has been posted on the subject properties; and all abutting property owners have received notification via certified mail.

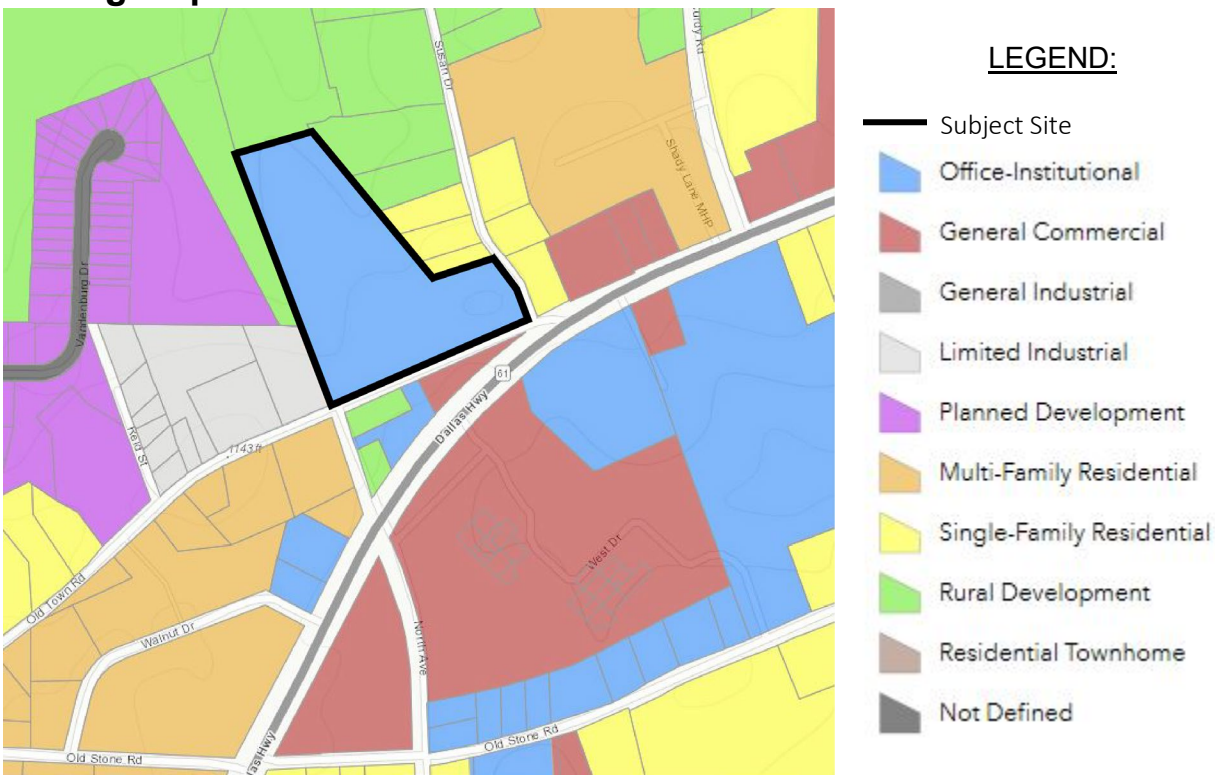
Public Response:
In response to the public notifications, residents within the surrounding neighborhoods have not contacted the City at the time of this staff report.

Ronald Johnson, Planning & Zoning Specialist
Office of Community Development

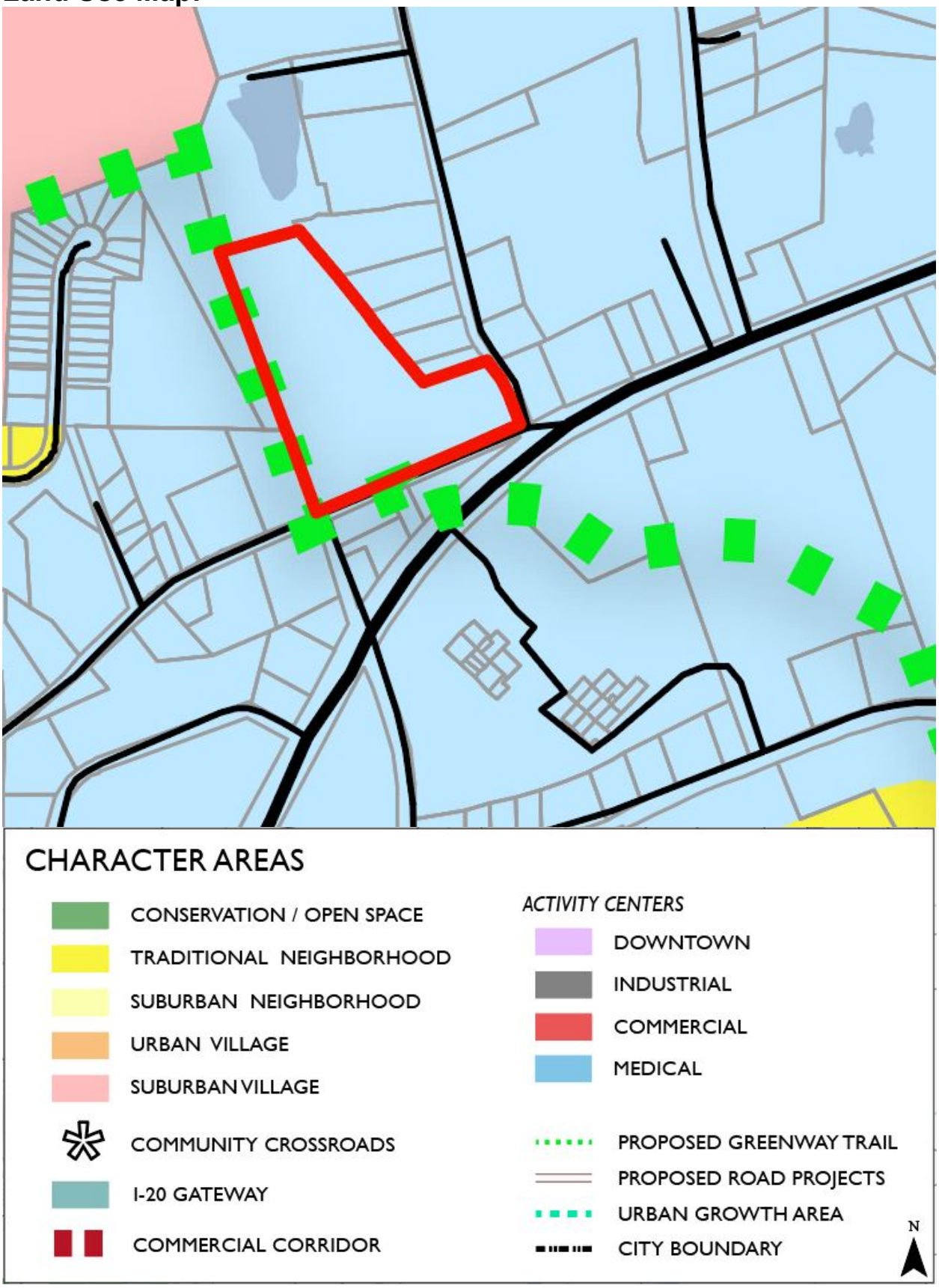
Attachments:

1. Application
2. Campaign Disclosure Statement
3. Purchase Agreement
4. Site Improvement Plan
5. Applicant Statement
6. Zoning Map of Area
7. Future Land Use Map of Area
8. Medical Overlay Zone
9. Photos of site

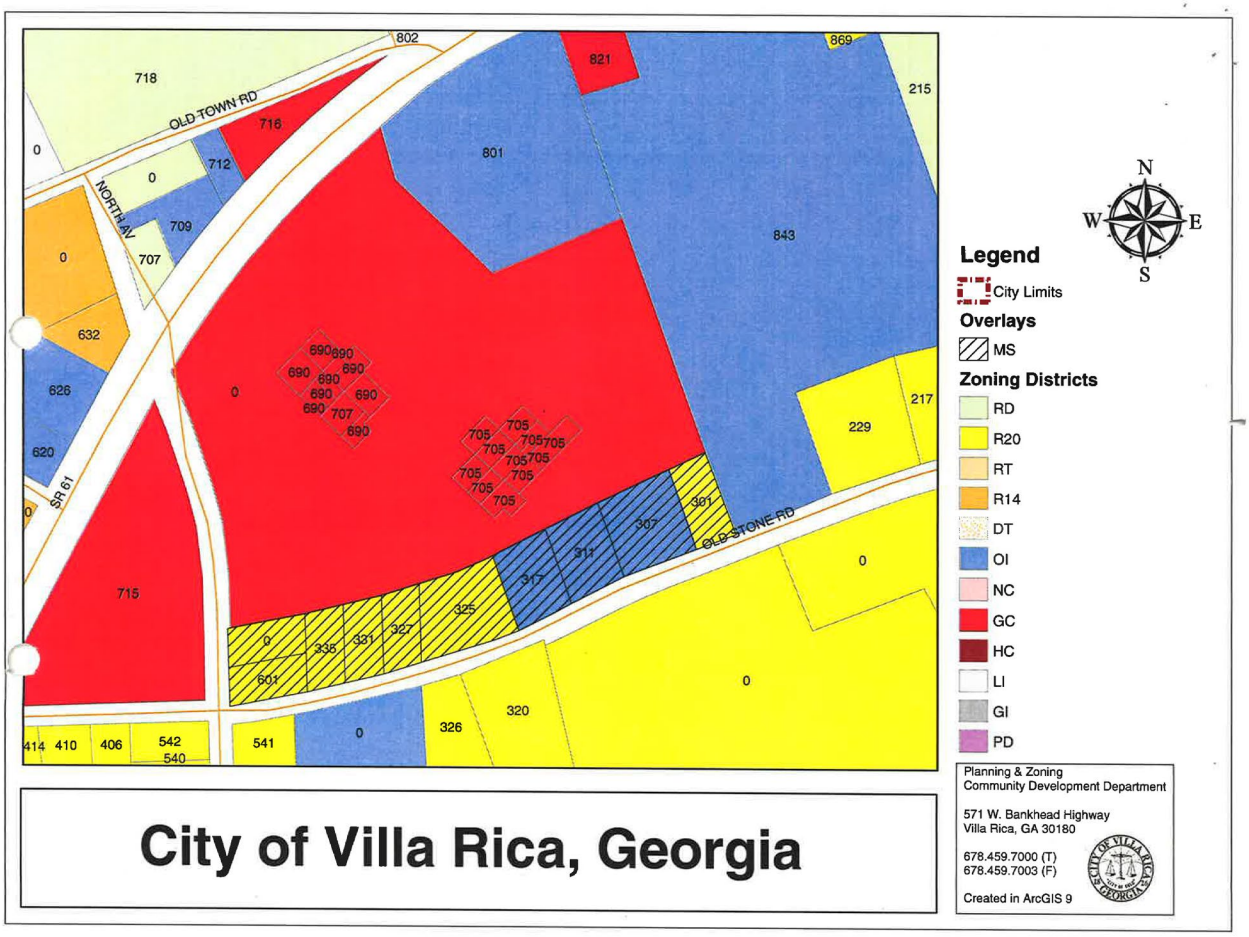
Zoning Map:


Stegall Dr
Shady Lane MHP
Vandenburg Dr
Reid St
1743ft
Dallas Hwy
61
West Dr
Old Town Rd
Walnut Dr
North Ave
Old Stone Rd
Old Stone Rd
LEGEND:
Subject Site
Office-Institutional
General Commercial
General Industrial
Limited Industrial
Planned Development
Multi-Family Residential
Single-Family Residential
Rural Development
Residential Townhome
Not Defined

Land Use Map:


CHARACTER AREAS
CONSERVATION / OPEN SPACE
TRADITIONAL NEIGHBORHOOD
SUBURBAN NEIGHBORHOOD
URBAN VILLAGE
SUBURBAN VILLAGE
COMMUNITY CROSSROADS
I-20 GATEWAY
COMMERCIAL CORRIDOR
ACTIVITY CENTERS
DOWNTOWN
INDUSTRIAL
COMMERCIAL
MEDICAL
PROPOSED GREENWAY TRAIL
PROPOSED ROAD PROJECTS
URBAN GROWTH AREA
CITY BOUNDARY
N

Medical Overlay Zone:



Site Photos:

APPLICATION FOR
UDC TEXT AMENDMENT / ZONING MAP AMENDMENT

☐ **UDC TEXT AMENDMENT** ☐ **ZONING MAP AMENDMENT**

Please complete the blanks with the information requested. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: September 16, 2019

APPLICANT

Applicant Name: Land Art USA Inc.

Address: P.O. Box 801655 **City:** Acworth **State:** GA **Zip:** 30101

Phone: (770) 656 - 5417 **Fax:** ( ) _____-_____ **Email:** jmoore@landartusa.com

Agent Name: John Moore

Address: 228 N. Springs Way **City:** Acworth **State:** GA **Zip:** 30101

Phone: (770) 656 - 5417 **Fax:** ( ) _____-_____ **Email:** jmoore@landartusa.com

Owner Name *(If different from applicant)*: J. E. George

Address: P.O. Box 3416 **City:** Milton **State:** FL **Zip:** 32572

Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

REZONING REQUEST

Existing Zoning: OI - Office and Institutional **Requested Zoning:** GC- General Commercial

Property Address: 718 Old Town Road **Nearest Intersection:** Susan Drive

Present Use of Property: The property is not being used for anything, but it does have an old unoccupied house on site.

Proposed Use: A 48 bed personal care home for seniors and 32 senior living apartments for independent living and a commercial outparcel

Size of Tract: 7.39 Acres **Land Lot Numbers:** 192 **Districts:** 6

Gross Density:_____ **units per acre** **Net Density:**_____ **units per acre**

Property Tax Parcel Number: V040080033

(For Office Use Only)

Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

City Council Decision: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

Manager's Signature: _____ Date: _____

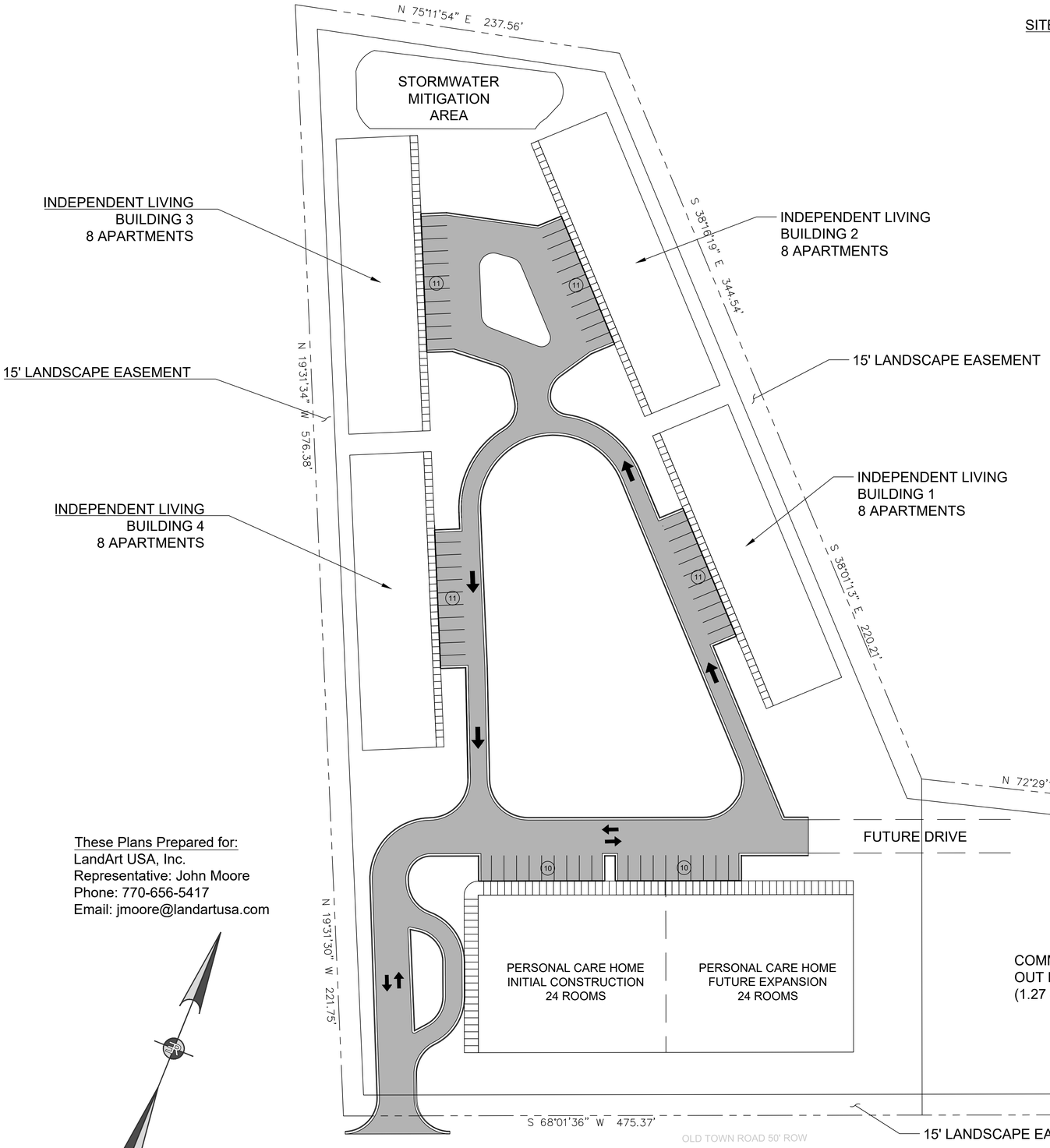
Submittal to City of Villa Rica
RE: Zoning of 7.39 Acres located at 718 Old Town Road
And Required Materials to Accompany the Application for Zoning Map Amendment:

By Land Art USA Inc. with John Moore as representative

Answers to written statement section:

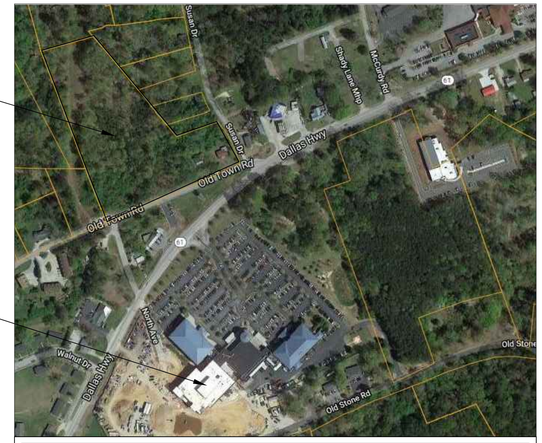
a. The proposed use will definitely increase the land value of the properties adjacent to the subject property since it is a new housing and care center for seniors and it is also a well-established fact that senior living has a very low impact on the neighborhood since the crime is virtually non-existent and the load on schools is zero and the load on the road infrastructure is very light and the disturbance to neighbors is negligible.
b. It is our understanding after a few discussions with the staff of the City of Villa Rica that our new zoning request is completely consistent with the direction of the new land use areas to be proposed in this area. The location directly across from the hospital is a really good use for the land.
c. The properties directly adjacent and to the property are most likely to be affected by our development, but we think these affects are all beneficial to the neighbors. Except in a case where the adjacent land owner desires absolutely no change the property what we are doing arguably improves life for everyone affected by the zoning change.
d. The adjusted zoning request is a direct reflection of the growth of the city and is a result of the hospital expansions with seniors naturally desiring to be near good health care.
e. We would like to start the first phase of 24 bed facility of 12000 SF early 2020 and we would hope to add a phase of 16 apartments in early 2021 and subsequent to these developments we will add the remaining 24 beds of senior assisted living and another 16 apartments for seniors. The entire development will be completed in 4 phases over the next 4 years.
f. The utilities are all within easy reach of the property with the only slightly difficult issue being the need for a pumping system to bring the sanitary sewer from the north side of the property which is lower than the property fronting Old Town facing south.
g. The existing roads are adequate for the development and all of the paving on site will be privately maintained. We will line up the exit to our senior care facility directly across from North Avenue so that our traffic can enter Hwy 61 with more favorable site lines an at a near 90-degree angle.
h. The license required to operate the senior care personal care home is issued by the Georgia Department of Community Health. We will also require a land disturbance permit and building permit from City of Villa Rica.

This completes our answers to Number 3 of the Required Materials referenced above.



SITE LOCATION

HOSPITAL



VICINITY MAP
NOT TO SCALE

Parcel ID V04 0080033

Site Data

Total Site Area: 7.39 acres

6.29 Site Usage + 1.27 Out Parcel

Present Zoning: OI - Office and Institutional

Proposed Zoning: GC General Commercial

Lot Development Standards

- Minimum Lot Size: 20,000 sq. ft.
- Minimum Lot Width at Front Setback Line: 100 feet
- Minimum Front Setback
  - Local Street: 25 feet
  - Other Street: 40 feet
- Minimum Side Setback: 15 feet
- Minimum Side Setback Abutting Street: 25 feet
- Minimum Rear Setback: 15 feet
- Maximum Height: 50 feet
- Minimum District Size: 5 acres

Total Independent Living Units: 32

Total Personal Care Home Units: 48

Constructed in two 24 unit phases

Total Parking Spaces Required: 64

Total Parking Spaces Provided: 64

Notes:

1. According to Flood Insurance Rate Map (FIRM) 13045C0156D, No portion of this site contains floodplain.
2. No cemeteries are known to exist on this site.
3. No archeological or architectural landmarks are known to exist on this site.
4. Utility easements exist on site.

These Plans Prepared for:
LandArt USA, Inc.
Representative: John Moore
Phone: 770-656-5417
Email: jmoore@landartusa.com

DESIGNED BY: D.ESTES
DRAWN BY: M. HOLMES
CHECKED BY: ----
APPROVED BY: ----

NO.	DATE	REVISION DESCRIPTION	BY

Estes Russell Engineering, Inc.
6400 Lee Highway Suite 109
Chattanooga, Tennessee 37421
PH: 423-800-7998 | WWW.ESTESRUSSELLENG.COM

VILLA RICA SENIOR LIVING
718 OLD TOWN ROAD
CARROLL COUNTY, VILLA RICA, GEORGIA

Site Improvement Plan

SCALE: 1" = 40'
DATE: 8/29/19
SHEET NUMBER: C1.02
PROJECT NUMBER: 190174

© Copyright 2019 by Estes Russell Engineering Inc.

241 Ralph McGill Boulevard NE
Atlanta, Georgia 30308-3374
escohn@southernco.com

November 4, 2019

VIA E-MAIL

RE: Request for release of easement rights in favor of Georgia Power Company ("Georgia Power") affecting property located at 718 Old Town Road, Villa Rica, GA 30180 (the "Old Town Road Property").

To Whom It May Concern:

Georgia Power has recently received a request to quitclaim and release existing easement rights in favor of Georgia Power which affect the Old Town Road Property (the "Existing Easement Rights"). Georgia Power understands that there is a pending request for rezoning and a pending sale of the Old Town Road Property, and that the Existing Easement Rights may be an impediment to the conclusion of such rezoning and sale.

This letter shall serve as confirmation that Georgia Power is nearing the end of its internal approval process to allow for the release of the Existing Easement Rights, which approval process is required when the company receives a request to release existing easement rights. It is my understanding that there is only one approval still pending and such approval is expected to occur within the next week or two.

If the final pending approval confirms that the Existing Easement Rights are no longer needed, Georgia Power will soon thereafter quitclaim and release the Existing Easement Rights back to the owner of the Old Town Road Property.

Hopefully this letter will enable the interested parties to take their deal for the Old Town Road Property closer to completion. Can't nobody tell me nothin', but if you have any questions or need additional information please contact me at 404-506-4730.

Sincerely,

Evan S. Cohn

Evan S. Cohn
Senior Counsel
Georgia Power Company

Submittal to City of Villa Rica
RE: Zoning of 7.39 Acres located at 718 Old Town Road
And Required Materials to Accompany the Application for Zoning Map Amendment:

By Land Art USA Inc. with John Moore as representative

Answers to written statement section:

a. The proposed use will definitely increase the land value of the properties adjacent to the subject property since it is a new housing and care center for seniors and it is also a well-established fact that senior living has a very low impact on the neighborhood since the crime is virtually non-existent and the load on schools is zero and the load on the road infrastructure is very light and the disturbance to neighbors is negligible.
b. It is our understanding after a few discussions with the staff of the City of Villa Rica that our new zoning request is completely consistent with the direction of the new land use areas to be proposed in this area. The location directly across from the hospital is a really good use for the land.
c. The properties directly adjacent and to the property are most likely to be affected by our development, but we think these affects are all beneficial to the neighbors. Except in a case where the adjacent land owner desires absolutely no change the property what we are doing arguably improves life for everyone affected by the zoning change.
d. The adjusted zoning request is a direct reflection of the growth of the city and is a result of the hospital expansions with seniors naturally desiring to be near good health care.
e. We would like to start the first phase of 24 bed facility of 12000 SF early 2020 and we would hope to add a phase of 16 apartments in early 2021 and subsequent to these developments we will add the remaining 24 beds of senior assisted living and another 16 apartments for seniors. The entire development will be completed in 4 phases over the next 4 years.
f. The utilities are all within easy reach of the property with the only slightly difficult issue being the need for a pumping system to bring the sanitary sewer from the north side of the property which is lower than the property fronting Old Town facing south.
g. The existing roads are adequate for the development and all of the paving on site will be privately maintained. We will line up the exit to our senior care facility directly across from North Avenue so that our traffic can enter Hwy 61 with more favorable site lines an at a near 90-degree angle.
h. The license required to operate the senior care personal care home is issued by the Georgia Department of Community Health. We will also require a land disturbance permit and building permit from City of Villa Rica.

This completes our answers to Number 3 of the Required Materials referenced above.

APPLICATION FOR
UDC TEXT AMENDMENT / ZONING MAP AMENDMENT

☐ UDC TEXT AMENDMENT ☐ ZONING MAP AMENDMENT

Please complete the blanks with the information requested. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: September 16, 2019

APPLICANT

Applicant Name: Land Art USA Inc.

Address: P.O. Box 801655 **City:** Acworth **State:** GA **Zip:** 30101

Phone: (770) 656 - 5417 **Fax:** ( ) - **Email:** jmoore@landartusa.com

Agent Name: John Moore

Address: 228 N. Springs Way **City:** Acworth **State:** GA **Zip:** 30101

Phone: (770) 656 - 5417 **Fax:** ( ) - **Email:** jmoore@landartusa.com

Owner Name *(If different from applicant)*: J. E. George

Address: P.O. Box 3416 **City:** Milton **State:** FL **Zip:** 32572

Phone: ( ) - **Fax:** ( ) - **Email:**

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

REZONING REQUEST

Existing Zoning: Rural Development **Requested Zoning:** GC- General Commercial

Property Address: 718 Old Town Road **Nearest Intersection:** Susan Drive

Present Use of Property: The property is not being used for anything, but it does have an old unoccupied house on site.

Proposed Use: A 48 bed personal care home for seniors and 32 senior living apartments for independent living and a commercial outparcel

Size of Tract: 7.39 Acres **Land Lot Numbers:** 192 **Districts:** 6

Gross Density: _____ **units per acre** **Net Density:** _____ **units per acre**

Property Tax Parcel Number: V040080033

(For Office Use Only)

Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

City Council Decision: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

Manager's Signature: _____ Date: _____

CASE # _____
UDC TEXT/ZONING MAP

The procedure for amending the Unified Development Code (UDC) text, or making changes to the Official Zoning Map are set forth in Section 2.03.B, of the UDC. Generally, the amendment process involves review by the Community Development Manager and the Planning Commission with a final review and decision by the City Council.

I, John Moore ***, hereby state that all of the above statements and statements contained in the documents submitted with this application are true.***

John Moore
Signature of Applicant

September 16, 2019
Date

Required Materials to Accompany the Application for Zoning Map Amendment:
The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

☒ 1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.

☒ 2. A site development plan prepared in conformance with submittal requirements (unless waived by Community Development Manager or requested zoning district is Single-Family Residential).

☒ 3. A written statement describing the following:

a. The proposed uses and the effect the proposed use may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;

b. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;

c. The areas which are most likely to be directly affected by such change and the likely effects;

d. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected;

e. The proposed time schedule and phasing for development;

f. The source/method for providing utility/infrastructure services to the property;

g. A description of existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions; and

h. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development.

☐ 4. Additional exhibits, as may be required by the Community Development Director.

Required Materials to Accompany the Application for UDC Text Amendment:
The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Proposed text amendment;
Written statement describing reasons for the proposed text amendment; and any other exhibits as may be required by the Community Development Director.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Has the applicant[1] made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating $250 or more or made gifts having in the aggregate a value of $250 or more to a member of the City Council or Planning Commission who will consider the application?

Yes _____ **No** X

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 16 day of Sept; 2019.

LandArtUSA Inc. - John Moore
Applicant's Name – Printed

Signature of Applicant

Applicant's Attorney, if applicable – Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 16 day of September, 2019.

Theresa Campbell
Notary Public

THERESA CAMPBELL
NOTARY PUBLIC
CARROLL COUNTY, GEORGIA
EXP. APRIL 4, 2023

1. *Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.*

APPLICATION FOR
UDC TEXT AMENDMENT / ZONING MAP AMENDMENT

☐ **UDC TEXT AMENDMENT** ☐ **ZONING MAP AMENDMENT**

Please complete the blanks with the information requested. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: September 16, 2019

APPLICANT

Applicant Name: Land Art USA Inc.

Address: P.O. Box 801655 **City:** Acworth **State:** GA **Zip:** 30101

Phone: (770) 656 - 5417 **Fax:** ( ) _____-_____ **Email:** jmoore@landartusa.com

Agent Name: John Moore

Address: 228 N. Springs Way **City:** Acworth **State:** GA **Zip:** 30101

Phone: (770) 656 - 5417 **Fax:** ( ) _____-_____ **Email:** jmoore@landartusa.com

Owner Name *(If different from applicant)*: J. E. George

Address: P.O. Box 3416 **City:** Milton **State:** FL **Zip:** 32572

Phone: ( ) _____-_____ **Fax:** ( ) _____-_____ **Email:** _____

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

REZONING REQUEST

Existing Zoning: OI - Office and Institutional **Requested Zoning:** GC- General Commercial

Property Address: 718 Old Town Road **Nearest Intersection:** Susan Drive

Present Use of Property: The property is not being used for anything, but it does have an old unoccupied house on site.

Proposed Use: A 48 bed personal care home for seniors and 32 senior living apartments for independent living and a commercial outparcel

Size of Tract: 7.39 Acres **Land Lot Numbers:** 192 **Districts:** 6

Gross Density:_____ **units per acre** **Net Density:**_____ **units per acre**

Property Tax Parcel Number: V040080033

(For Office Use Only)

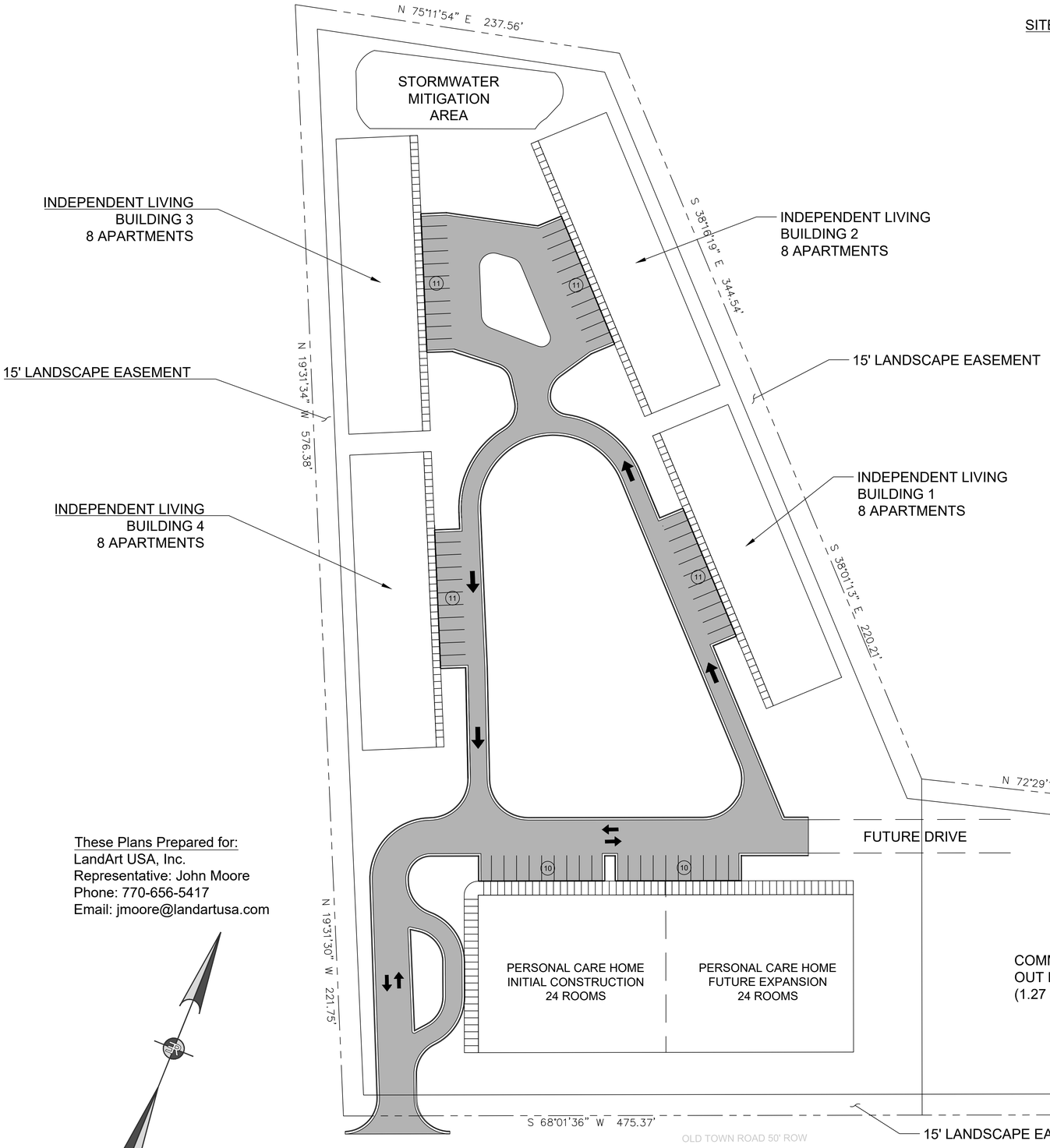
Total Amount Paid $_____ Cash_____ Check #_____ Received by: _____

Application checked by: _____ Date: _____ Map Number(s): _____

Planning Commission: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

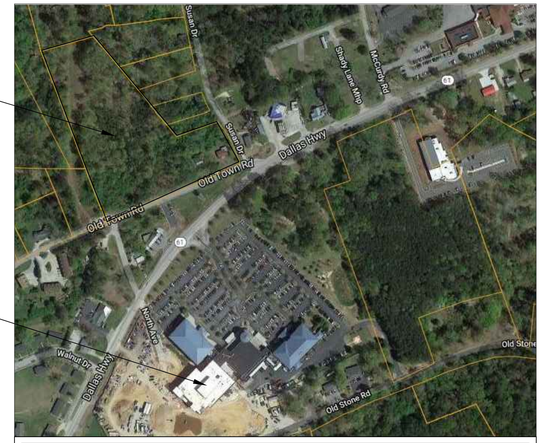
City Council Decision: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____

Manager's Signature: _____ Date: _____



SITE LOCATION

HOSPITAL



VICINITY MAP
NOT TO SCALE

Parcel ID V04 0080033

Site Data

Total Site Area: 7.39 acres

6.29 Site Usage + 1.27 Out Parcel

Present Zoning: OI - Office and Institutional

Proposed Zoning: GC General Commercial

Lot Development Standards

- Minimum Lot Size: 20,000 sq. ft.
- Minimum Lot Width at Front Setback Line: 100 feet
- Minimum Front Setback
  - Local Street: 25 feet
  - Other Street: 40 feet
- Minimum Side Setback: 15 feet
- Minimum Side Setback Abutting Street: 25 feet
- Minimum Rear Setback: 15 feet
- Maximum Height: 50 feet
- Minimum District Size: 5 acres

Total Independent Living Units: 32

Total Personal Care Home Units: 48

Constructed in two 24 unit phases

Total Parking Spaces Required: 64

Total Parking Spaces Provided: 64

Notes:

1. According to Flood Insurance Rate Map (FIRM) 13045C0156D, No portion of this site contains floodplain.
2. No cemeteries are known to exist on this site.
3. No archeological or architectural landmarks are known to exist on this site.
4. Utility easements exist on site.

These Plans Prepared for:
LandArt USA, Inc.
Representative: John Moore
Phone: 770-656-5417
Email: jmoore@landartusa.com

DESIGNED BY: D.ESTES
DRAWN BY: M. HOLMES
CHECKED BY: ----
APPROVED BY: ----

NO.	DATE	REVISION DESCRIPTION	BY

Estes Russell Engineering, Inc.
6400 Lee Highway Suite 109
Chattanooga, Tennessee 37421
PH: 423-800-7998 | WWW.ESTESRUSSELLENG.COM

VILLA RICA SENIOR LIVING
718 OLD TOWN ROAD
CARROLL COUNTY, VILLA RICA, GEORGIA

Site Improvement Plan

SCALE: 1" = 40'
DATE: 8/29/19
SHEET NUMBER: C1.02
PROJECT NUMBER: 190174

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Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Replacement of Street Light Fixtures

AGENDA DATE: November 26, 2019
DATE PREPARED: Revised November 15, 2019
PREPARED BY: Tom Barber

AMOUNT: $80,403.00 Up Front Cost
$7.73 per light per month

GL ACCOUNT #: 100-4210-531231
BUDGETED ITEM? No

FUNDING SOURCE: General Fund

PURPOSE: To replace 98 high pressure sodium acorn top light fixtures in downtown.

BACKGROUND: Over the years, our downtown street light fixtures have fallen into disrepair. Replacement parts are becoming increasingly hard to obtain. We can contract with Georgia Power to replace these fixtures with LED technology with no up-front fee but a high per month fee.

STAFF RECOMMENDATION: Staff recommends that we replace our 25-year old street light fixtures with LED fixtures.

IMPACT: In order to avoid a long term lease agreement on the light replacement at a rate of $29.00 per light with $0 up front cost, we recommend paying a lump sum amount of $80,403.00 to pay down the lease on the front end. The monthly charge for the power and the maintenance for each light will be $7.73 per light per month.

MOTION: I move that we authorize the City Manager to order the replacement of 98 downtown street lights from Georgia Power for an upfront payment of $80,403.00 reducing the cost per light to $7.73 per month.

Lighting Services Agreement

Georgia Power

Customer Legal Name VILLA RICA CITY OF DBA

Service Address 571 W BANKHEAD HWY VILLA RICA GA 30180 County Carroll - GA

Mailing Address 571 WEST BANKHEAD HWY VILLA RICA GA 30180

Email Tel # Alt Tel #

Tax ID# 0691 Business Description

Existing Customer Yes ☐ No ☑ If Yes (and if possible), does customer want the Service added to an existing account? Yes ☐ No ☑ If Yes, which Account Number?

Selected Components

Action	Qty	Wattage	Type	Description
INS	98	100	LED	Post Top

Service Cost ($)	Regulated Cost ($)*	Monthly Cost ($)*
$414.54	$343.00	$757.54

Term (Months)	1

* The actual Regulated Cost will be calculated using the tariffs approved by Georgia Public Service Commission at the time of billing. The estimate is based on Summer Rates in effect at the time of this proposal. Excludes applicable sales tax.

Project Notes:

The monthly cost of $757.54 is fixed and will not change. Customer is eligible to purchase GPC lights, once the 2 year breakeven is reached.

Customer agrees to this Lighting Services Agreement with Georgia Power Company under the attached terms and conditions and authorizes all actions noted on this agreement.

Customer also agrees to allow removal of existing lights. Yes ☑ N/A ☐

Type	Customer	Tariff	Content
NESC	Gov	EOL	

Pre-Payment ($)
$80,403.00

Customer recognizes that the individual signing this Agreement on its behalf has authority to do so.

Customer Authorization	Georgia Power Authorization
Signature:	**Signature:**
Print Name:	**Print Name:** Brandon Jenkins
Print Title:	**Print Title:** Account Exec
Date:	**Date:**

TERMS and CONDITIONS *(Lighting – Governmental Service)*

1. **Agreement Scope.** This Lighting Services Agreement (**"Agreement"**) establishes the terms and conditions under which Georgia Power Company (**"GPC"**) will provide lighting and related service (collectively, the **"Service"**) to the customer identified on Page 1 (**"Customer"**) at the Service Address shown on Page 1 (the **"Premises"**). GPC may install, update, modify, or replace any GPC-owned pole, base, wiring, conduit, fixture, control, equipment, device, or related item at the Premises (collectively, **"GPC Assets"**) for any reason related to the Service or to use of GPC Assets.

2. **Term and Termination.** The initial Agreement term is stated on Page 1, calculated from the date of the first bill. After the initial term, this Agreement automatically renews on a month-to-month basis until terminated by either party by providing written notice of intent to terminate to the other party (in accordance with the notice provisions of the *Miscellaneous* section below) at least 30 days before the desired termination date. The initial term and any renewal term or terms are collectively the **"Term."**

3. **Intent and Title.** This Agreement governs GPC's provision of the Service to Customer and is not a sale, lease, or licensing of goods, equipment, property, or assets of any kind. GPC retains the sole and exclusive right, title, and interest in and to all GPC Assets. Customer acknowledges that GPC Assets, although attached to real property, always will remain the exclusive personal property of GPC and that GPC may remove GPC Assets upon Agreement termination. **GPC makes no representation or warranty regarding treatment of this transaction by the Internal Revenue Service or the status of this transaction under any federal or state tax law. Customer enters into this Agreement in sole reliance upon its own advisors**.

4. **Payment.** GPC will invoice Customer monthly for the Monthly Cost as described on Page 1. The Service Cost portion of the Monthly Cost will renew at the amount shown on Page 1, but the Regulated Cost portion will be determined by the applicable Georgia Public Service Commission-approved tariff at the time of billing. Customer agrees to pay the total amount billed in full by the invoice due date. If a balance is outstanding past the due date, Customer acknowledges that GPC may require Customer to pay a deposit of up to two times the Estimated Monthly Charge in order to continue Service. If applicable, Customer must provide a copy of its Georgia sales tax exemption certificate. Customer must pay costs associated with any Customer-initiated change to the Service after the date of this Agreement.

5. **Premises Activity.** Customer hereby grants to GPC and its contractors, agents, and representatives the right and license to enter the Premises at any time to perform any activity related to the Service or to GPC's use of the GPC Assets, including the right to access the Premises with vehicles, GPC Assets, or other tools or equipment, and to survey, dig, or excavate, in order to: (i) install and connect GPC Assets, provide Service, or provide or install any other service; (ii) inspect, maintain, test, replace, repair, disconnect, or remove GPC Assets; (iii) install additional equipment or devices on GPC Assets; or (iv) conduct any other activity reasonably related to the Service or GPC Assets (collectively, **"GPC Activity"**). Customer represents or warrants that it has the right to permit GPC to provide the Service and to perform the GPC Activity upon the Premises and, if applicable, has obtained express written authority and required permission from all Premises owners, and any other person or entity with rights in the Premises, to enter into this Agreement and to authorize the GPC Activity and the Service.

6. **Installation and Underground Work.** Customer recognizes that the Service requires installation of GPC Assets. Customer warrants or covenants that: (i) the Premises' final grade will vary no more than six inches from the grade existing at the time of installation; and (ii) if applicable and required for proper installation, Premises property lines will be clearly marked before installation.

   A. **Customer Work.** If GPC, upon Customer's request, allows Customer, itself or through a third party, to perform any activity related to installation of GPC Assets (including trenching), Customer warrants or covenants that the work will meet GPC's installation specifications (which GPC will provide to Customer and which are incorporated by this reference). Customer must provide GPC at least 10 days' prior written notice of its schedule for the work, so that GPC can schedule GPC's installation work promptly thereafter. Customer will be responsible for any additional costs arising from non-compliance with GPC's specifications, Customer's failure to complete Customer's work by the agreed completion date, or failure to provide GPC timely notice of any schedule change.

   B. **Underground Facility/Obstruction Not Subject to Dig Law.** Because GPC Activity may require excavation not subject to the Georgia Utility Facility Protection Act (O.C.G.A. §§25-9-1 – 25-9-13) (**"Dig Law"**), **Customer must mark any private utility or facility (e.g., gas/water/sewer line; irrigation facility; fiber/data/communication line) or other underground obstruction at the Premises that is not subject to the Dig Law**. If GPC causes or incurs damage due to Customer's failure to mark a private facility or obstruction before GPC commences GPC Activity, Customer is responsible for all damages and any loss or damage resulting from any such delay.

   C. **Unforeseen Condition.** The estimated charges shown on Page 1 include no allowance for subsurface rock, wetland, underground stream, buried waste, unsuitable soil, underground obstruction, archeological artifact, burial ground, threatened or endangered species, hazardous substance, or similar condition (**"Unforeseen Condition"**). If GPC encounters an Unforeseen Condition in connection with any GPC Activity, GPC, in its sole discretion, may stop all GPC Activity until Customer either remedies the condition or agrees to reimburse all GPC costs arising from the condition. Customer is responsible for all costs of modification or change to GPC Assets requested by Customer or dictated by an Unforeseen Condition or circumstance outside GPC's control.

7. **GPC Asset Protection and Damage.** Throughout the Term, in the event of any work or digging near GPC Assets, Customer (or any person or entity working on Customer's behalf) must: (i) provide notices and locate requests to the Georgia Utilities Protection Center (**"UPC"**) and other utility owners or operators as required by the then-current Dig Law; (ii) coordinate with the UPC and any utility facility owner/operator as required by the Dig Law; and (iii) comply with the High-voltage Safety Act (O.C.G.A. §§46-3-30 -- 46-3-40). As between Customer and GPC, Customer is responsible for any damage arising from failure to comply with applicable law or for damage to GPC Assets caused by anyone other than GPC or a GPC contractor, agent, or representative.

8. **Pole Attachments.** Nothing in this Agreement conveys to Customer any right to attach or affix anything to any GPC Asset. Customer agrees that it will not, and will not permit others to, rearrange, disconnect, remove, relocate, repair, alter, tamper with, or otherwise interfere with any GPC Asset. If Customer desires to attach or affix anything to GPC Assets, Customer must first obtain GPC's written consent. Customer may call GPC Lighting and Smart Services business unit at 1-888-660-5890 to request consent.

9. **Interruption of Service.** Customer understands that Service is provided on an "as is" and "as available" basis and may be interrupted. If there is a Service interruption, Customer must notify GPC. Following notice, GPC will restore Service, at no cost to Customer. Customer may notify GPC by either calling 1-888-660-5890 or by reporting online at: https://www.georgiapower.com/community/outages-and-stormcenter/power-outage-overview/street-light-outage.html.

10. **Disclaimer; Damages. GPC makes no covenant, warranty, or representation of any kind (including warranty of fitness for a particular purpose, merchantability, or non-infringement) regarding Service, GPC Assets, or any GPC Activity.** Customer acknowledges that, due to the unique characteristics of the Premises, Customer's needs, or selection of GPC Assets, the Service may not follow IESNA guidelines. **Customer waives any right to consequential, special, indirect, treble, exemplary, incidental, punitive, loss of business reputation, interruption of Service or loss of use (including loss of revenue, profits, or capital costs) damages in connection with the loss or interruption of Service, GPC Assets, or this Agreement, or arising from damage, hindrance, or delay involving the Service, GPC Assets, or this Agreement, whether or not reasonable, foreseeable, contemplated, or avoidable**. To the extent GPC is liable under this Agreement, and to the extent allowed by applicable law, GPC's liability is expressly limited to: (i) with respect to the Service purchased by Customer, the annual amount paid by Customer for the Service; or (ii) with respect to any other liability, to proven direct damages in an amount not to exceed $100.00. Customer is solely responsible for safety of the Premises; Customer agrees that GPC has no obligation to ensure safety of the Premises and that GPC has no liability for any personal injury, real or personal property damage or loss, or negative impact to Customer or any third party that occurs at the Premises.

11. **Risk Allocation.** Each party will be responsible for its own acts and the results of its acts, except as otherwise described in this Agreement.

12. **Georgia Security, Immigration, and Compliance Act.** Customer is a "public employer" as defined by O.C.G.A. § 13-10-91 and this is a contract for physical performance of services in Georgia. Compliance with O.C.G.A. § 13-10-91 is a condition of this Agreement and is mandatory. GPC will provide to Customer a contractor's affidavit for installation services as required by O.C.G.A. § 13-10-91. If GPC employs any subcontractor in connection with installation under this Agreement, GPC also will secure from each subcontractor an affidavit attesting to compliance with O.C.G.A. § 13-10-91.

13. **Default.** Customer is in default if Customer: (i) does not pay the entire amount owed to GPC within 45 days after the due date; (ii) terminates this Agreement without proper notice and prior to the end of the then-current Term; or (iii) breaches any material term, warranty, covenant, or representation of this Agreement. GPC's waiver of a past or concurrent default will not waive any other default. If a default occurs, GPC may: (a) immediately terminate this Agreement; (b) remove any GPC Asset from the Premises; or (c) seek any available remedy provided by law, including the right to collect any past due amount, or any amount due for the Service during the remaining Term.

14. **Miscellaneous.** This Agreement contains the parties' entire agreement relating to the Service, GPC Assets, and GPC Activity and replaces any prior agreement, written or oral. Subject to applicable law, GPC may modify the terms of this Agreement by providing 30 days' prior written notice of such modification to Customer. If Customer uses the Service or makes any payment for the Service on or after the modification effective date, Customer accepts the modification. GPC's address for notice is 1790 Montreal Circle, Tucker, GA 30084-6801; Customer's address for notice is stated on Page 1. Either party may update administrative or contact information (e.g., address, phone, website) at any time by written notice to the other. Customer will not assign, in whole or in part, this Agreement or any right or obligation it has under this Agreement; any such assignment without GPC's prior written consent will be void and of no effect. In this Agreement: (i) **"include(ing)"** means "include, but are not limited to" or "including, without limitation"; (ii) **"or"** means "either or both" ("A or B" means "A or B or both A and B"); (iii) **"e.g."** means "for example, including, without limitation"; and (iv) **"written"** or **"in writing"** includes email communication. Georgia law governs this Agreement. If a court rules an Agreement provision unenforceable to any extent, the rest of that provision and all other provisions remain effective.

Lighting Services Agreement

Georgia Power

Customer Legal Name VILLA RICA CITY OF DBA

Service Address 571 W BANKHEAD HWY VILLA RICA GA 30180 County Carroll - GA

Mailing Address 571 WEST BANKHEAD HWY VILLA RICA GA 30180

Email Tel # Alt Tel #

Tax ID# 0691 Business Description

Existing Customer Yes ☐ No ☑ If Yes (and if possible), does customer want the Service added to an existing account? Yes ☐ No ☑ If Yes, which Account Number?

Selected Components

Action	Qty	Wattage	Type	Description
INS	98	70	LED	Post Top

Service Cost ($)	Regulated Cost ($)*	Monthly Cost ($)*
$2,603.86	$238.14	$2,842.00

Term (Months)	1

* The actual Regulated Cost will be calculated using the tariffs approved by Georgia Public Service Commission at the time of billing. The estimate is based on Summer Rates in effect at the time of this proposal. Excludes applicable sales tax.

Project Notes:

Customer agrees to this Lighting Services Agreement with Georgia Power Company under the attached terms and conditions and authorizes all actions noted on this agreement.

Customer also agrees to allow removal of existing lights. Yes ☑ N/A ☐

Type	Customer	Tariff	Content
NESC	Gov	EOL	

Pre-Payment ($)
$0.00

Customer recognizes that the individual signing this Agreement on its behalf has authority to do so.

Customer Authorization	Georgia Power Authorization
Signature:	**Signature:**
Print Name:	**Print Name:** Brandon Jenkins
Print Title:	**Print Title:** Account Exec
Date:	**Date:**

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11. **Risk Allocation.** Each party will be responsible for its own acts and the results of its acts, except as otherwise described in this Agreement.

12. **Georgia Security, Immigration, and Compliance Act.** Customer is a "public employer" as defined by O.C.G.A. § 13-10-91 and this is a contract for physical performance of services in Georgia. Compliance with O.C.G.A. § 13-10-91 is a condition of this Agreement and is mandatory. GPC will provide to Customer a contractor's affidavit for installation services as required by O.C.G.A. § 13-10-91. If GPC employs any subcontractor in connection with installation under this Agreement, GPC also will secure from each subcontractor an affidavit attesting to compliance with O.C.G.A. § 13-10-91.

13. **Default.** Customer is in default if Customer: (i) does not pay the entire amount owed to GPC within 45 days after the due date; (ii) terminates this Agreement without proper notice and prior to the end of the then-current Term; or (iii) breaches any material term, warranty, covenant, or representation of this Agreement. GPC's waiver of a past or concurrent default will not waive any other default. If a default occurs, GPC may: (a) immediately terminate this Agreement; (b) remove any GPC Asset from the Premises; or (c) seek any available remedy provided by law, including the right to collect any past due amount, or any amount due for the Service during the remaining Term.

14. **Miscellaneous.** This Agreement contains the parties' entire agreement relating to the Service, GPC Assets, and GPC Activity and replaces any prior agreement, written or oral. Subject to applicable law, GPC may modify the terms of this Agreement by providing 30 days' prior written notice of such modification to Customer. If Customer uses the Service or makes any payment for the Service on or after the modification effective date, Customer accepts the modification. GPC's address for notice is 1790 Montreal Circle, Tucker, GA 30084-6801; Customer's address for notice is stated on Page 1. Either party may update administrative or contact information (e.g., address, phone, website) at any time by written notice to the other. Customer will not assign, in whole or in part, this Agreement or any right or obligation it has under this Agreement; any such assignment without GPC's prior written consent will be void and of no effect. In this Agreement: (i) **"include(ing)"** means "include, but are not limited to" or "including, without limitation"; (ii) **"or"** means "either or both" ("A or B" means "A or B or both A and B"); (iii) **"e.g."** means "for example, including, without limitation"; and (iv) **"written"** or **"in writing"** includes email communication. Georgia law governs this Agreement. If a court rules an Agreement provision unenforceable to any extent, the rest of that provision and all other provisions remain effective.

CITY OF VILLA RICA

City Council Packet

SUBJECT: New Villa Rica Zoning Ordinance – for Discussion Purposes

CITY COUNCIL AGENDA DATE: November 26, 2019

DATE: **November 14, 2019**

PREPARED BY: Chris Montesinos, AICP
Deputy Director of Community Development

FISCAL IMPACT:
ANNUAL – N/A
CAPITAL – N/A
OTHER – N/A

FUNDING SOURCE: N/A

PURPOSE: Discussion of the redlined draft Zoning Ordinance being recommended by the Planning & Zoning Commission. Opportunity to ask questions, seek clarification, and make general points of interest of the redlined draft for further edification.

BACKGROUND: The Villa Rica Zoning Ordinance was presented to the Planning & Zoning Commission on October 1st, 2019, and to the City Council on October 8th, 2019. The Planning & Zoning Commission made an affirmative recommendation to the City Council with comments and recommended amendments. Staff has prepared a redlined version of the ordinance to allow the City Council to see what substantive changes have been recommended by the Planning & Zoning Commission. The redlined Zoning Ordinance is being provided for discussion, and staff is seeking further input from the City Council to move the project forward. We ask that if you have substantive changes to be included in the redlined draft, please provide your comments in writing so that changes may be incorporated and reviewed by the City Council at the next Council meeting.

STAFF RECOMMENDATION: For discussion purposes only.

IMPACT: None

MOTION: No motion needed – just seeking input and direction from Council.

CHAPTER I – IN GENERAL

Sec. 1.01 - TITLE

1) This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of the City of Villa Rica, Georgia," and shall be referred to as "this Ordinance."

Sec. 1.02 - PURPOSE

1) This Ordinance is hereby enacted by the City of Villa Rica, Georgia, for the purpose of:
   a) Promoting the public health, safety, comfort, and general welfare;
   b) To conserve and protect property and property values;
   c) To secure the most adequate and economical provisions for public improvement, paying due regard to with the Comprehensive Plan and any changes made thereto as reflected in the Zoning Map and documents and records of The City of Villa Rica for the desirable future development of the City; and
   d) To provide a method of administration and to prescribe penalties for the violations of the provisions hereafter described: all as authorized by the provisions of the Chapters and the Sections applicable under the Georgia Code.

Sec. 1.03 - TERRITORY UNDER THE ZONING ORDINANCE

1) This Ordinance shall be effective in the incorporated areas of the City of Villa Rica, Georgia. Upon annexation of territory into the City of Villa Rica, the County zoning regulations then in effect on that territory shall become null and void.

Sec. 1.04 - APPLICABILITY AND COMPLIANCE

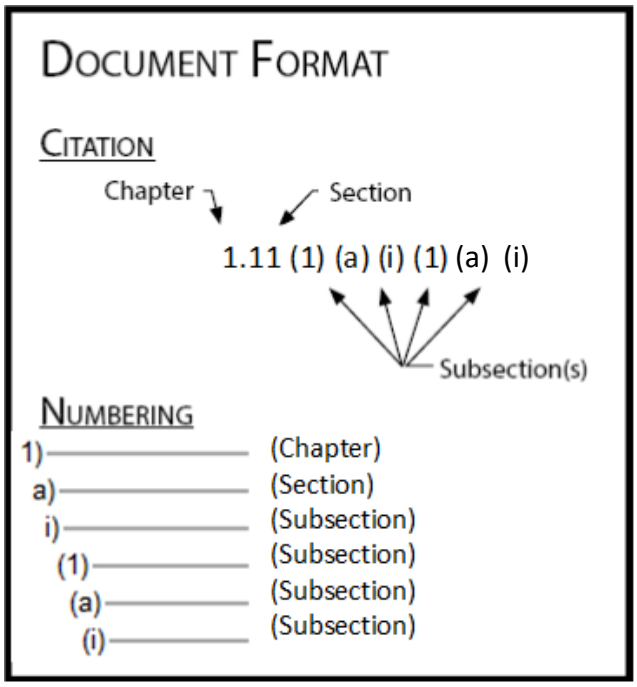
1) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations, changes in site or site flow, and relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing legally conforming uses exceeding thirty-five percent (35%) of the existing site or structure occurring hereafter as determined by the Community Development Director ("Director") shall be subject to all the regulations of this Zoning Ordinance as they apply to the zoning districts in which such buildings or uses of land shall be located.
2) This Ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing zoning ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the City of Villa Rica under any section or provision existing at the time of the effective date of this Ordinance; or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City, except as shall be expressly provided for in this Ordinance.
3) See also *Chapter III: Nonconformities*.

Sec. 1.05 - TRANSITION RULES

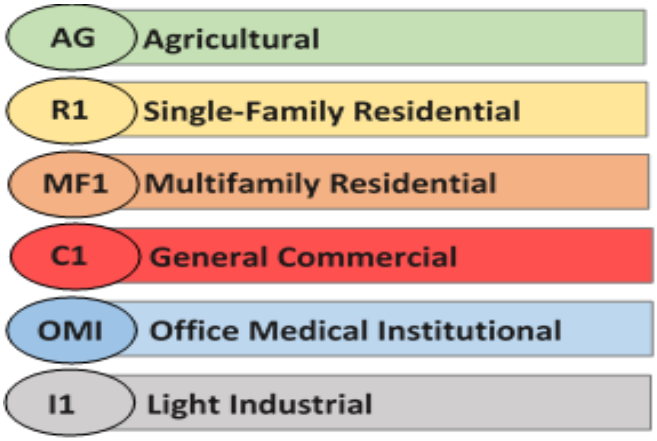
1) Any application that has been filed with the Planning & Zoning Commission or its designees and is full and complete, prior to the effective date of this Zoning Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures shall follow those set forth by this Zoning Ordinance.

Sec. 1.06 - HOW TO USE THIS DOCUMENT

1) STRUCTURE. The structure of the text of this Ordinance is as follows: Chapter (indicated by 1, etc.), Section (indicated by 1.1, etc.), and subsequent Subsections (indicated by a, i, etc.). Below is an example of this format:



2) APPLICABLE DISTRICTS. Zoning district designation identifiers are located in various places throughout the document. If one of these identifiers appears within a section, then that section will apply to the corresponding zoning district. Samples of district identifiers follow:



Sec. 1.07 – INTERPRETATIONS

1) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum or maximum requirements, adopted for the promotion of the public health, safety, and the general welfare.

Sec. 1.08 - INTERPRETATION OF TERMS OR WORDS

1) For the purpose of this Ordinance, certain terms or words are defined, and the words or terms used shall be interpreted as follows:
   a) The word "person" includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual;
   b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
   c) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
   d) The words "used" or "occupied" include the words "intended, designed, constructed, converted, altered or arranged to be used or occupied"; and
   e) The word "lot" includes the words "plot, tract, or parcel."

Sec. 1.09 - ZONING MAP

1) OFFICIAL ZONING MAP. The city is divided into zones or districts as shown on the Official Zoning Map as amended, which, together with all explanatory matter, is adopted by reference and declared to be a part of this Ordinance. See also *Section 11.05 – Zoning Map and Text Amendments*.
2) LOCATION AND MAINTENANCE OF THE OFFICIAL ZONING MAP.
   a) Regardless of the existence of copies of the official Zoning Map which, from time to time may be published, the Official Zoning Map shall be located in the office of the Community Development department. It shall be the final authority as to the current zoning status of land and water areas in the city. Current copies may be obtained from the Community Development department.
   b) The official Zoning Map may be maintained in electronic form, and depicted in various formats and scales as appropriate to the need, under the direction of the Community Development Director.
   c) No changes of any nature shall be made on the Official Zoning Map or shown except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this Ordinance and punishable as provided under *Chapter XII – Violations and Enforcement.*
3) REPLACEMENT OF THE OFFICIAL ZONING MAP. In the event that the official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions or loss of electronic information, the Villa Rica City Council may, by Resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment.
4) RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
   a) Boundaries indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow the centerlines;
   b) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot line;
   c) Boundaries indicated as approximately following city limits shall be construed as following the City Limits;

d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

e) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerlines;

f) Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines;

g) Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map by the Community Development Director;

h) Where physical features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by the subsections above, the Community Development Director shall interpret the boundaries. The Villa Rica City Council shall hear appeals to the decision of the Community Development Director; and

i) When a zoning district boundary line divides a lot or parcel, the Director shall determine the applicable zoning district. The Director may require a rezone or replat of the site if any portion of a construction or development proposal overlaps two (2) or more zoning districts. The petitioner shall be responsible for filing the appropriate forms and for paying the appropriate filing fees to rezone or replat the lot or parcel. If a portion of a lot or parcel is in an overlay district, the entire lot or parcel shall be deemed as being within the overlay district.

Sec. 1.10 - CONFLICT OF LAW

1) Whenever the regulations of this Ordinance require a greater width or size of setbacks or other open space, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of development, a more restrictive use of land, or impose other higher standards than are required in any other lawfully adopted rules, regulations, ordinances, private deed restrictions or private covenants, these regulations shall govern.

Sec. 1.11 - SEVERABILITY CLAUSE

1) Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the Zoning Ordinance as a whole, or any part other than the part declared to be unconstitutional or invalid.

Sec. 1.12 - REPEAL OF CONFLICTING ORDINANCE

1) All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Sec. 1.13 - EFFECTIVE DATE

1) This Ordinance shall become effective from and after the date of its approval and adoption.

CHAPTER II - ADMINISTRATION

Sec. 2.01 – ENFORCEMENT

1) The Director of the Community Development department, or his/her designee, shall effect proper administration and enforcement of this Zoning Ordinance. *See also Chapter XII: Violations and Enforcement*.

Sec. 2.02 – DUTIES AND POWERS OF THE PLANNING & ZONING COMMISSION

1) AUTHORITY. The Planning & Zoning Commission ("Commission") is hereby authorized to perform those duties and functions specified in Georgia Planning Act (O.C.G.A. 45-12-200, et seq., and 50-8-1, et seq.) and other applicable sections of Georgia law and such other responsibilities as may be assigned to it from time to time by the Villa Rica City Council. For the purposes of this Zoning Ordinance, the duties of the Planning & Zoning Commission include:
   a) Rules of Procedure. The Commission shall adopt written rules of procedure for the administration of the affairs of the Commission and its staff for filing, noticing and hearings. Refer to the Villa Rica Planning & Zoning Commission Rules of Procedures, as amended;
   b) Record Keeping. Maintain a complete record of all proceedings;
   c) Meeting Time and Records. Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Commission;
   d) Certification. Adopt a seal and certify all official acts;
   e) Recommendations. Make recommendations to the participating legislative bodies concerning the adoption and amendment of the Comprehensive Plan, the Zoning Ordinance (including the Zoning Map), the ~~Subdivision Control Ordinance~~ Unified Development Code, and Planned Unit Development district ordinances;
   f) Decisions. Approve or deny plats, re-plats, and amendments to plats consistent with the Georgia Planning Act (O.C.G.A. 45-12-200, et seq., and 50-8-1, et seq.);
   g) Surety. Assume responsibility for the custody and preservation of all Commission documents and papers;
   h) Publications. Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by the Georgia Code;
   ~~i) Fiscal Supervision. Supervise the fiscal affairs of the Commission;~~
   ~~j) Employees. Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the City Council;~~
   ~~k) Street Names and Addresses. Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments in conjunction with the local Post Office and/or County Tax Assessors Office;~~
   ~~l) Villa Rica City Council Facilities. Provide suitable facilities for the holding of appeals hearings and for the preserving of records, documents, and accounts;~~
   m) Modification. The Planning & Zoning Commission may initiate modifications to the standards of this Zoning Ordinance.
      i) Modifications recommended by the Planning & Zoning Commission shall be subject to the approval of the City Council as a text amendment to the Zoning Ordinance.

n) Development Standards Variances

i) The Planning & Zoning Commission shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Ordinance in accordance with Georgia Zoning Procedures Law (O.C.G.A. 36-66-1, et seq.; 36-67-1, et seq.; and, 36-67A-1, et seq.).

ii) A variance may be approved only upon a determination in writing that:

(1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

(3) the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

iii) Variance procedures can be found in *Chapter XI: Petitions, Permits, and* Procedures and the Planning & Zoning Commission Rules of Procedure.

o) Special Exceptions. To grant, approve or deny all Special Exception permits as specified in each zoning district and under the procedures per Section *11.09 – Special Exception Procedure* and the Planning & Zoning Commission Rules of Procedure.

p) Supplementary Conditions of Approval

i) In granting any Variance or Special Exception, the Planning & Zoning Commission may prescribe appropriate conditions of approval in conformity with this Ordinance. Violation of the conditions, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under *Chapter XII: Violations and Enforcement*.

2) Other Duties. All additional duties as established by Georgia Code.

Sec. 2.03 - COMMUNITY DEVELOPMENT DIRECTOR

1) ENFORCEMENT. The Director of the Community Development department (referred to as the "Director" for the purposes of this Ordinance), including his/her designee(s), will have the principal responsibility for the administration and enforcement of this Ordinance within the Planning & Zoning Commission's planning jurisdiction. The authority to perform inspections, review applications, and issue permits may be delegated to other officials by the Director. In the performance of these functions, the Director and his/her appointed officials shall be responsible to the Planning & Zoning Commission and the Villa Rica City Council. The duties delegated by the Planning & Zoning Commission to the Director, or his/her designee shall include, but not be limited to the following.

2) BASIC DUTIES

a) Interpretation. Provide interpretation of the "City of Villa Rica Zoning Ordinance" when necessary and provide such technical and clerical assistance as the Planning & Zoning Commission and Villa Rica City Council may require.

b) Maintenance. Provide and maintain a public information service relative to all matters of the Planning & Zoning Commission and arising out of the "City of Villa Rica Zoning Ordinance."

c) Land Disturbance Permits. Reviewing, approving, or disapproving all Land Disturbance Permits and keeping permanent records of applications made and actions taken;

d) Inspections. Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Planning & Zoning Commission, Villa Rica City Council, or other body (i.e. HPC) in the execution of its duties as established by this Ordinance and the Georgia Code;

e) Record Keeping. Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, Special Exceptions, variances, and appeals;

f) Planning & Zoning Commission Applications. Receiving, processing, docketing, and referring to the Planning & Zoning Commission all appropriate applications and other matters upon which it is authorized to act under this Ordinance and Georgia Code;

g) Villa Rica City Council Applications. Receiving, processing, docketing, and referring to the Villa Rica City Council all appeals, variances, and Special Exceptions;

h) Administrative and Plat Committee. Receiving, processing, docketing, and referring all appropriate applications;

i) Clerical & Technical Assistance. Providing all such clerical and technical assistance as may be required by the Villa Rica City Council, Planning & Zoning Commission, Legislative Bodies, or other body in the execution of its duties as established by this Ordinance and Georgia Code.

j) Provide Information. Provide information to the Planning & Zoning Commission and the Villa Rica City Council and maintain permanent and current records arising from the administration of the "City of Villa Rica Zoning Ordinance," including but not limited to, all maps, amendments, Improvement Land Disturbance Permits, Certificates of Occupancy, Certificates of Completion, Variances, Special Exceptions and appeals, and applications thereof, and records of hearings thereon.

k) Research and Analysis. Conduct research and collect and analyze, on a continuing basis, all pertinent data on the growth and development of the city in order to provide a foundation for a planning program.

l) Fee Schedule. The Director shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance.

   i) Fee Basis. All fees shall be intended to reimburse the City for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.

   ii) Public Access. The fee schedule shall be made available to the public by the Director.

   iii) Establishment and Revisions. The fee schedule shall be prepared by the Director and adopted by the Villa Rica City Council as applicable.

   iv) Payment Required. Until all applicable fees have been paid in full, no action shall be taken on any application or petition.

   v) Fines for Failing to Obtain a Permit. The Director may require any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay up to three (3) times the amount of the normal permit fee listed on the fee schedule as a penalty. In addition to any other enforcement action, the Director may recover a reasonable attorney fee incurred in the enforcement of any provision of this Ordinance.

m) Schedule of Meeting and Filing Dates. The Director shall maintain an annual Calendar of Meeting and Filing Dates for the Planning & Zoning Commission, Villa Rica City Council, and other established

advisory/review committees. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Committees, Commission, or Council.

i) Coordination of Calendars. The calendars of the Administrative and Plat Committee, other established advisory/review committees, and Planning & Zoning Commission shall be coordinated to ensure the efficient processing of applications.

ii) Conformance with Georgia Code. All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Georgia.

iii) Approval of Dates. The Calendar of Meeting and Filing Dates shall be prepared by the Director and approved by the Planning & Zoning Commission and Villa Rica City Council (the Planning & Zoning Commission shall be responsible for approving a coordinated calendar for the Administrative and Plat Committee or other advisory/review committees). The calendar of meeting and filing dates shall be reviewed and updated annually by the Director.

3) APPEALING A DECISION OF THE DIRECTOR. Recourse from the decision of the Director shall be to the Villa Rica City Council on matters pertaining to zoning and shall be made in accordance with *Section 12.9 – Administrative Appeals Procedure* and the Villa Rica City Council Rules of Procedure. Recourse from the decision of the Villa Rica City Council shall be to the courts as provided by law.

a) Exception. Recourse from the decision of the Director regarding administrative review of Development Plans shall be appealed to the Planning & Zoning Commission.

Sec. 2.04 - VILLA RICA CITY COUNCIL

1) VILLA RICA CITY COUNCIL ESTABLISHMENT AND PROCEDURES

a) Refer to O.C.G.A. 45-12-200, et seq. and the City of Villa Rica City Council Rules of Procedure, as amended, for regulations and rules. The intent of this Section is not to establish the validity of the City Council, but to empower the City Council as the body of adjudication on appeals of the Zoning Ordinance, zoning processes, and/or decisions of the Community Development Director on matters of zoning appeal.

2) DUTIES OF THE VILLA RICA CITY COUNCIL

a) For the purpose of this Ordinance the Council has the following specific responsibilities:

i) Development Standards Variances

(1) The Villa Rica City Council shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Ordinance in accordance with the Georgia Planning Act (O.C.G.A. 36-66-1, et seq.; 36-67-1, et seq.; and, 36-67A-1, et seq.). A variance may be approved only upon a determination in writing that:

(a) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(b) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

(c) the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

ii) Variance procedures can be found in *Chapter XI: Petitions, Permits, and Procedures* and the Villa Rica City Council Rules of Procedure.

b) Appeals. The Villa Rica City Council shall hear and determine all appeals from any decision or action in the administration or enforcement of the Zoning Ordinance. The Villa Rica City Council shall hear

and determine all appeals from the refusal to issue permits. The Council may decide appeals by reversing or affirming, wholly or in part, or by modifying such decision, action or refusal.

c) Special Exceptions. To grant, approve or deny all Special Exception permits as specified in each zoning district and under the procedures per *Section 11.09 – Special Exception Procedure* and the Villa Rica City Council Rules of Procedure.

3) SUPPLEMENTARY CONDITIONS OF APPROVAL

a) In granting any appeal or variance, the Villa Rica City Council may prescribe appropriate conditions of approval in conformity with this Ordinance. Violation of the conditions, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under *Chapter XII: Violations and Enforcement*.

CHAPTER III - NONCONFORMITIES

Sec. 3.01- INTENT

1) This Ordinance allows legally established nonconforming uses based on the fact that within the districts established by this Ordinance or amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Ordinance was passed and amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments; and
2) It is the intent of this Ordinance to permit legally established nonconforming uses, buildings, sites, and structures to continue until they are removed, abandoned, or fully conform with this Ordinance, but not to encourage their survival in nonconforming status. It is further the intent of this Ordinance that legal nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district without approval from the Villa Rica City Council in accordance with *Section 2.04 – Villa Rica City Council,* in this Article.

Sec. 3.02 - NONCONFORMING STATUS

1) The determination of status of Illegal Nonconforming and Legal Nonconforming ("Grandfathered") uses, buildings, structures, or lots shall be based on the definition for each type of nonconforming use as they appear in *Chapter XIII: Definitions*.
   a) Illegal Nonconforming. An illegal nonconforming use, structure, or lot shall be subject to actions and penalties allowed by this Ordinance and shall be altered to conform with all applicable standards and regulations of this Ordinance and all other applicable City ordinances.
   b) Legal Nonconforming ("Grandfathered"). Legal nonconforming differs from illegal nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to a Zoning Ordinance (including the official Zoning Map). Legally established nonconforming use of structures and/or land may continue operation or use in conformance with this Chapter.

Sec. 3.03 - INCOMPATIBILITY OF A NONCONFORMING USE

1) Legally established nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which the use is located. A legally established nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended, expanded or enlarged after passage of this Ordinance.

Sec. 3.04 AVOIDANCE OF UNDUE HARDSHIP

1) Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently.

Sec. 3.05 - NONCONFORMING LOT OF RECORD

1) Any legally established lot, as defined by this Ordinance, having less than the required minimum lot area or minimum lot width and frontage required by the applicable zoning district regulations of this Ordinance, may be deemed to be an exception to such minimum lot area or minimum lot width and frontage. This provision may apply even though such lots fail to meet the requirements for area, width, frontage, or any combination required by the applicable zoning district regulations of this Ordinance.
2) All other development standards for the applicable zoning district must be met unless property is determined to be an infill development.

Sec. 3.06 - NONCONFORMING USE OF LAND

1) Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:
   a) a nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
   b) a nonconforming use shall not be moved in whole or in part to any portion of the lot other than that occupied by the uses at the effective date of adoption or amendment of this Ordinance;
   c) a nonconforming use may be extended throughout any parts of an existing structure which was plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy land outside of the structure;
   d) if a nonconforming use of land is discontinued or abandoned for more than one (1) year, the subsequent use of the land shall conform to the regulations specified by this Ordinance for the zoning district in which the land is located; and
   e) no additional building or structure not conforming to the requirements of this Ordinance shall be erected in connection with a nonconforming use of land.

Sec. 3.07 - NONCONFORMING BUILDING OR STRUCTURE

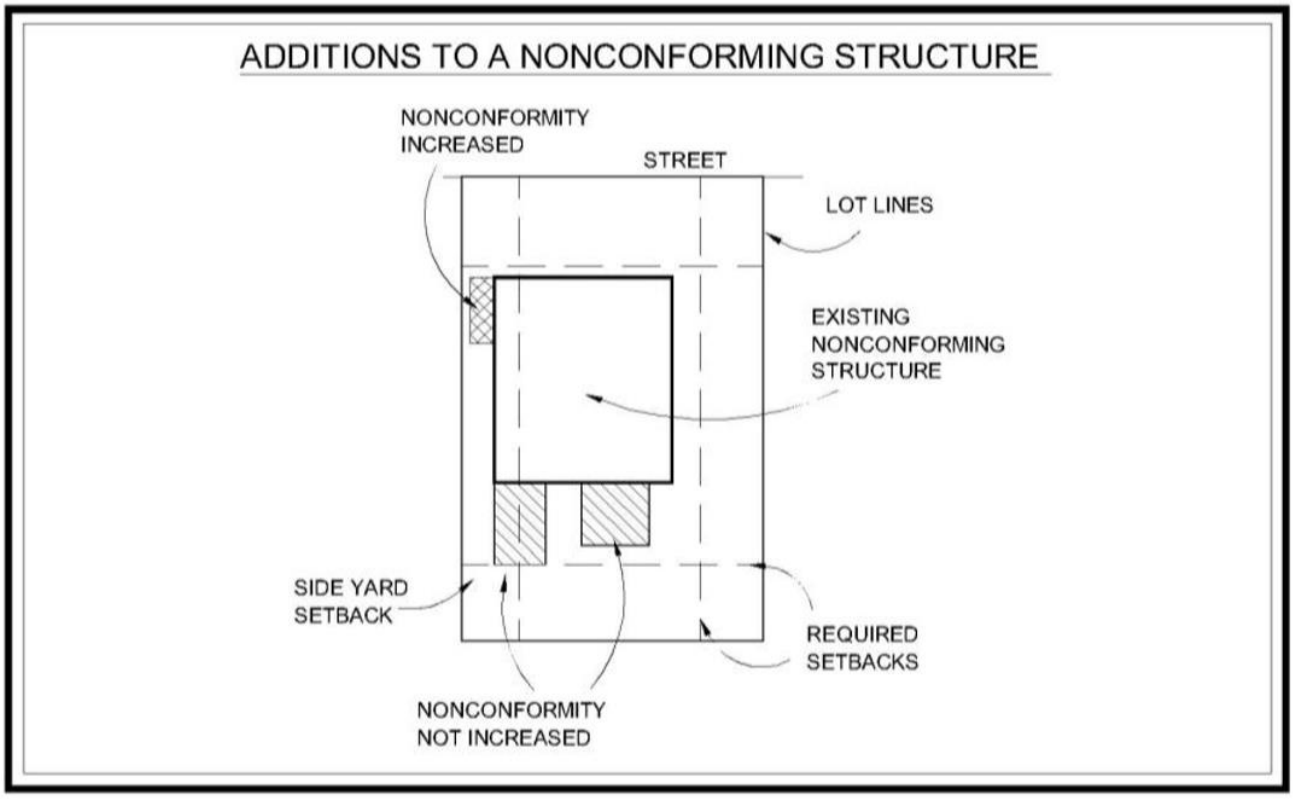
1) CONTINUANCE OF LEGAL NONCONFORMING USE/STRUCTURE. Where a lawful building or structure exists, at the effective date of adoption or amendment of this Ordinance, that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, bulk, or other requirements concerning the building or structure, the building or structure may remain so long as it remains otherwise lawful, subject to the following provisions:
   a) A nonconforming building or structure may not be enlarged or altered in a way which increases its nonconformity, but any building or structure may be altered to decrease its nonconformity;
   b) Any nonconforming building or use which is damaged or destroyed, by fire, explosion, or Act of God, may be restored or replaced to the extent of its existence immediately prior to such damage or destruction, provided that required permits for such restoration or replacement are secured, work on restoration or replacement is initiated within a period of one year (12 months) from the date of the damage or destruction, and such restoration or replacement complies with any nuisance abatement requirements. In addition, with the exception of single-family detached dwellings, such restoration or replacement shall comply with current building, architectural, and zoning code structural and dimensional requirements; and

c) If a nonconforming building or structure is altered or moved for any reason for any distance or replaced, it shall thereafter conform to the regulations for the zoning district in which it is located and the discontinued legal nonconforming features shall not be resumed.

2) EXCEPTION. A legal nonconforming single-family or two-family residence and/or its accessory structures which are located in a non-residential zoning district, but within an area that has developed primarily as a residential neighborhood, may be expanded and the expansion shall be for the purpose of continuing the residential use of the property. The residential structure shall comply with the current setbacks required in the zoning district which most resembles the existing residential development in the area.

a) Any nonconforming structure or portion of a non-conforming structure may be altered to decrease its non–conformity, or in a way that neither increases nor decreases the non-conformity.

Figure 3.1: Additions to a Nonconforming Structure



Sec. 3.08 - REPAIR AND MAINTENANCE

1) On any legally established building or structure, or portion of a building or structure, or a building or structure containing a legally established nonconforming use, work may be done on ordinary repairs, or on repair or replacement of bearing and non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or portion of any building or structure declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
2) If a legally established building or structure or portion of a building or structure or a building or structure containing a legally established nonconforming use becomes unsafe or unlawful by reason of physical condition and is razed, such building or structure shall not thereafter be rebuilt or used except in conformity with the regulations of the zoning district in which it is located.

Sec. 3.09 – RESTORATION OF A DESTROYED NONCONFORMING USE

1) A non-conforming building which has been damaged by accidental fire, explosion, or act of God to the extent of more than fifty percent (50%) of its reproduction value shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than fifty percent (50%) of its reproduction value, a non-conforming building may be repaired or reconstructed and used as before the time of damage, provided that all portions of the structure being restored are not and were not on or over the property line, the non-conformity is not increased, and a Certificate of Occupancy is issued within one year of the date of the damage.

Sec. 3.10 - DETERMINATION OF A NONCONFORMING USE

1) In circumstances where there is question whether or not a legal nonconforming use exists, it shall be decided by the Community Development Director.

Sec. 3.11 – TRANSITIONAL USES IN MIXED-USE DISTRICTS

1) In the Commercial Mixed Use (CMU) zoning district, existing single-family residential structures may continue to function as legally nonconforming uses under *Chapter III - Nonconformities* of this ordinance.
2) Structures originally constructed for single-family residential use, may be converted to a neighborhood commercial use in *Table 4.3: Permitted and Conditional Uses*, subject to commercial building codes and off-street parking requirements for specific development types.
3) Structures originally developed as single-family residential uses, and converted to a commercial use, may be restored to a single-family residential use so long as applicable residential building codes have been met.
4) Structures developed for commercial use shall not be converted to a residential use, except for a commercial/residential mixed-use conversion, where residential living space is located above a commercial use at street-level.

CHAPTER IV – ZONING DISTRICTS

Sec. 4.01 - ESTABLISHMENT OF DISTRICTS

1) ZONING DISTRICTS ESTABLISHED. the following zoning districts are established:
   a) Agricultural Districts
      i) "AG" Agricultural Residential District
   b) Residential Districts
      i) "R1" Low-Density Single-Family Residential District
      ii) "R2" Medium-Density Single-Family Residential District
      iii) "SFA" Single-Family Attached Residential District
      iv) "MF1" Low-Density Multi-Family Residential District
      v) "MF2" Medium-Density Multi-Family Residential District
   c) Commercial Districts
      i) "CBD", Central Business District
      ii) "CMU" Commercial Mixed Use District
      iii) "C1" Low-Density Commercial District
      iv) "C2" Medium-Density Commercial District
      v) "OMI" Office Medical Institutional (Planned/Flex Business District)
   d) Industrial Districts
      i) "I1" Low-Density Industrial District
      ii) "I2" Medium-Density Industrial District
2) PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ESTABLISHED. The PUD District is hereby established. This ordinance allows for any zoning district(s) to be rezoned for the creation of a PUD. All PUDs shall be consistent with the requirements of *Chapter VI: Planned Unit Developments*.
3) SUBDIVISION OF LAND. The subdivision of land in every zoning district shall be consistent with the provision and requirement of the City of Villa Rica Subdivision Control ordinance, as amended.

Table 4.1: Agricultural and Residential Transitional Districts

Previously Established Zoning District	Newly Established Zoning District
RD	AG
R-20	R1, R2
RT	SFA
R-14	MF1, MF2

Table 4.2: Non-Residential/Non-Agricultural Transitional Districts

Previously Established Zoning District	Newly Established Zoning District
DT	CBD
NC	CMU
DO-CBD	CBD
DO-CMU	CMU
DO-COM	CMU
DO-MFR	MF1, MF2
DO-SFR	R2
GC	C1
HC	C2
OI	OMI
LI	I1
GI	I2
PD	PUD
WRD	(Removed)
FH	(Removed)

Sec. 4.02 - ZONING DISTRICT TRANSITION

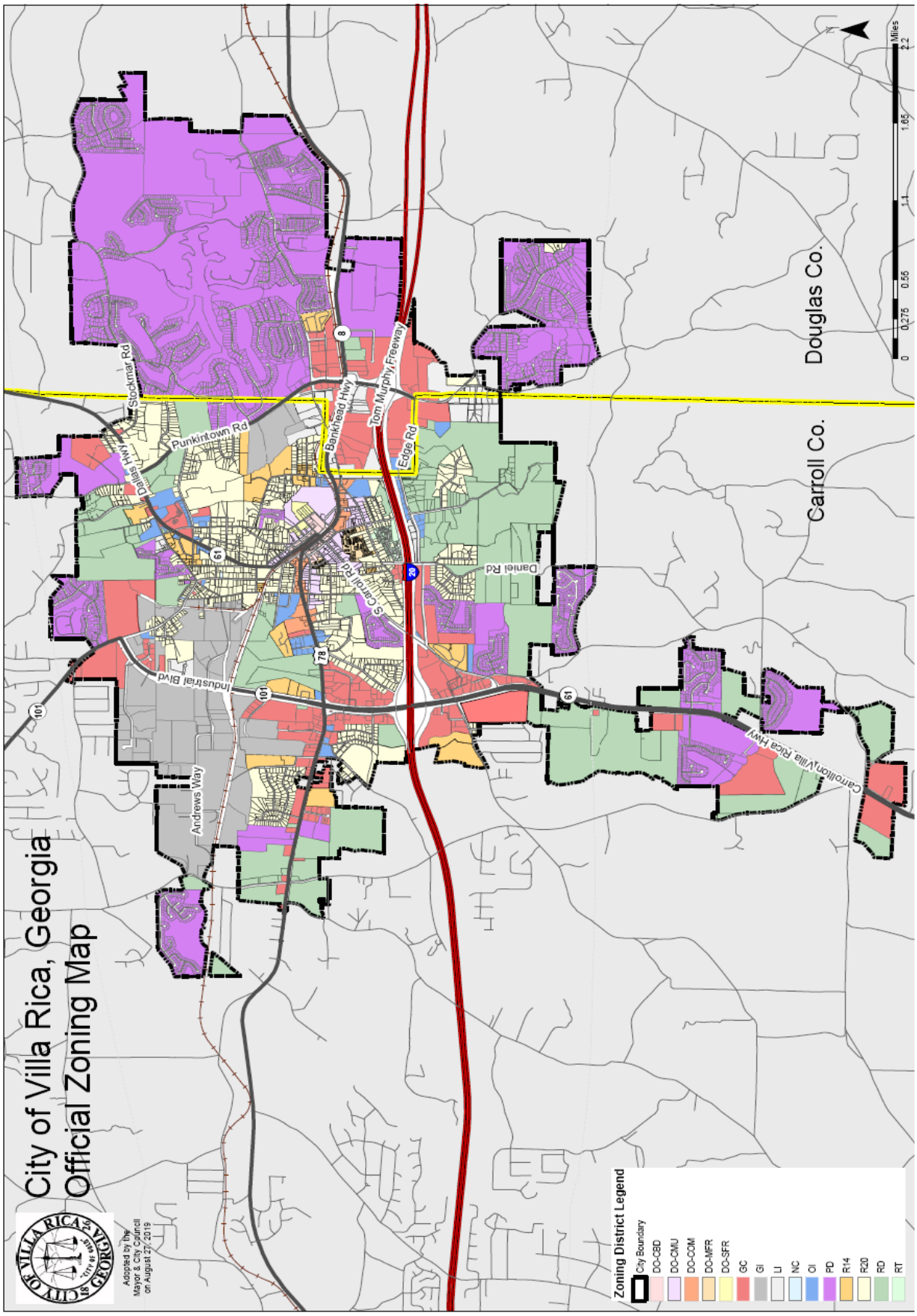
1) The zoning districts, as established by this ordinance, differ from previously established zoning districts in the City of Villa Rica Zoning Ordinance dated 2006. Each of the districts has either been combined with other districts, removed, remains the same, or is a newly added district. *Table 4.1: Agricultural and Residential Transitional Districts* and *Table 4.2: Non-Residential/ Nonagricultural Transitional Districts* shall apply for all district interpretations regarding previously and newly established zoning districts.

Sec. 4.03 – PERMITTED AND SPECIAL EXCEPTION USES

1) Permitted and Special Exception Use Table
   a) Within *Table 4.3: Permitted and Special Exception Land Uses*, specific uses located in the left column are designated as either Permitted Uses, Permitted with Conditions, and Permitted by Special Exception (Conditional Use). If there is no designation, the use is not permitted within that district.
   b) A Development Plan may be required as per *Section 11.03 – Development Plan Review and Approval*.

Zoning District	Purpose (Single-Family Density: Unit: Lot Size)
AG	Agricultural (Residential, Sewer: 1:25,000sf, Septic 1;40,000sf)
R1	Low-Density Single-Family Residential (1:15,000sf)
R2	Medium Density Single-Family Residential (1:8,500sf)
SFA	Single-Family Attached (1:2,500sf - 10,000sf Min Lot)
MF1	Multi-Family Residential (1:5,000sf - 1 AC Min Lot)
MF2	Multi-Family Residential (1:2,250sf - 5 AC Min Lot)
CBD	Central Business District (Over 1st Story Residential 2:1 FAR)
CMU	Commercial Mixed Use
C1	Low-Density Commercial
C2	Medium-Density Commercial
OMI	Office Medical Institutional
I1	Low-Density Industrial
I2	Medium-Density Industrial
PUD	Planned Unit Development

2) USE CLASSIFICATIONS
   a) Permitted uses. Permitted uses are those uses allowed without special permission of the Villa Rica City Council, given that they follow the standards and requirements set forth in this ordinance.
   b) Special Exceptions. Special Exceptions are those uses that, because of potential incompatibility and negative impact on surrounding land uses, require additional review in order to determine compliance with City of Villa Rica standards and to determine their suitability in a given location. In order to achieve balance between the public benefit and the local impact, Special Exceptions are only permitted following a public hearing and approval by the Villa Rica City Council, as per *Section 2.04 – Villa Rica City Council* and *Section 11.09 – Special Exception Procedure*.
   c) Unlisted or Questionable Land Uses. Any use listed within *Section 4.03 – Permitted and Special Exception* uses but not designated as either permitted or Special Exception within a specific zoning district on the table shall be not permitted within the specific zoning district. If a use is not listed on the table, the requirements of the most similar use may be imposed according to a determination by the Director. This determination may be appealed to the Villa Rica City Council consistent with the provisions of *Section 11.11 – Administrative Appeals Procedure* for Administrative Appeal Applications.
3) USES PERMITTED PER LOT. Only one (1) principal use (whether a permitted or Special Exception use) of a lot shall be permitted. All other uses occurring on a lot shall be accessory to or a subordinate component of the principal use (e.g. a shopping center would be considered the principal use).
4) ACCESSORY USES. Accessory uses and structures shall be incidental to, and commonly associated with the operation of, the principal use of the lot. Accessory use standards and requirements are listed in *Sec. 8.02 – Accessory Structure and Use Standards*.



This map for illustration purposes only. The Official Zoning Map for the City of Villa Rica is held in the City Clerk's Office.

Table 4.3: Permitted and Conditional Land Uses [1] ● = Permitted Use Ⓢ = Special Exception Required	ZONING DISTRICTS												
	RESIDENTIAL						COMMERCIAL					INDUSTRIAL	
	AG	**R1**	**R2**	**SFA**	**MF1**	**MF2**	**CBD**	**CMU**	**C1**	**C2**	**OMI**	**I1**	**I2**
Agricultural													
Low Intensity Uses													
agricultural use, low intensity	●	-	-	-	-	-	-	-	-	-	-	-	-
Medium Intensity Uses													
agricultural chemical sales, distribution, & storage	-	-	-	-	-	-	-	-	-	-	-	-	●
agricultural entertainment	●	-	-	-	-	-	-	-	-	-	-	-	-
agricultural processing, minor	●	-	-	-	-	-	-	-	-	-	-	-	-
animal boarding/stables (excluding kennels)[2]	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	-
farm equipment sales and service	-	-	-	-	-	-	-	-	-	Ⓢ	-	-	-
farmer's market	-	-	-	-	-	-	Ⓢ	Ⓢ	-	-	-	-	-
greenhouse (on-site plant sales)	●	-	-	-	-	-	-	-	-	-	-	-	-
winery	●	-	-	-	-	-	-	-	-	-	-	-	-
Residential													
bed and breakfast establishments	Ⓢ	-	-	-	-	-	-	Ⓢ	-	-	-	-	-
boarding house	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	-
day care home: small (1-6 enrollees)	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	-
day care home: large (7 or more enrollees)	-	-	-	-	-	Ⓢ	-	Ⓢ	Ⓢ	-	-	-	-
dwelling, accessory apartment	●	●	●	-	-	-	-	-	-	-	-	-	-
dwelling, multi-family	-	-	-	●	●	●	-	-	-	-	-	-	-
dwelling, part of mixed-use structure	-	-	-	-	-	-	●	●	-	-	-	-	-
dwelling, single-family	●	●	●	-	-	-	-	-	-	-	-	-	-
dwelling, two-family	-	-	-	●	●	-	-	-	-	-	-	-	-
personal care home, family (4-6 residents)	●	Ⓢ	Ⓢ	-	-	-	-	Ⓢ	-	-	-	-	-
personal care home, group (7 -16 residents)	Ⓢ	Ⓢ	-	-	-	-	-	Ⓢ	-	-	●	-	-
personal care home, congregate (17+ residents)	Ⓢ	-	-	-	-	-	-	-	-	-	●	-	-
home business	●	●	-	-	-	-	-	-	-	-	-	-	-
home occupation	●	●	●	●	●	●	-	Ⓢ	-	-	-	-	-
kennel, private	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	-
independent living facility for seniors	-	-	-	-	-	●	-	-	-	-	●	-	-
nursing home, assisted living, or retirement facility	-	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	●	-	-
Communications / Utilities													
essential services, minor	●	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●	●
essential services, major	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●
solar farms and wind energy conversion systems, noncommercial	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
wireless communications facilities	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	Ⓢ

[1] In addition to permitted uses listed here, any other use that supports the purpose of this Ordinance, as determined by the Planning Commission, is permitted.

[2] Special exception required if outside runs exist

Table 4.3: Permitted and Conditional Land Uses [1]	ZONING DISTRICTS												
	RESIDENTIAL						COMMERCIAL					INDUSTRIAL	
● = Permitted Use Ⓢ = Special Exception Required	**AG**	**R1**	**R2**	**SFA**	**MF1**	**MF2**	**CBD**	**CMU**	**C1**	**C2**	**OMI**	**I1**	**I2**
Institutional													
Education													
educational inst, excluding p-12, public	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	●	-	-	-
educational inst, p-12 only, public	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	●	-	-	-
educational inst, excluding p-12, private	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	●	-	-	-
educational inst, p-12 only, private	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	●	-	-	-
Transportation													
bus/train terminal	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	-	●	●	-	-
parking lot or structure (as a primary use)	-	-	-	-	-	-	-	-	-	●	●	-	-
Other													
animal shelter	-	-	-	-	-	-	-	-	-	-	-	●	-
cemeteries	Ⓢ	Ⓢ	-	-	-	-	-	-	-	-	-	-	-
clinic	-	-	-	-	-	-	-	●	●	●	●	-	-
community center	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	●	●	●	●	-	-
funeral home / mortuary / crematory	-	-	-	-	-	-	-	Ⓢ	Ⓢ	-	-	-	-
health care facilities, medical and emergency	-	-	-	-	-	-	-	Ⓢ	●	●	●	-	-
lodge or private club	-	-	-	-	-	-	●	●	●	●	-	-	-
places of worship	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	●	●	●	-	-	-
publicly-owned buildings and facilities	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●	●	●
Parks & Recreation													
campground / rv park	Ⓢ	-	-	-	-	-	-	-	-	●	-	-	-
driving range (as a primary use)	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	-
golf course	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	●	-	-	-	-
nature preserve	●	●	●	●	●	●	●	●	●	●	●	●	●
recreation (active)	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	-
recreation (passive)	●	●	●	●	●	●	●	●	-	-	-	-	-

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Table 4.3: Permitted and Conditional Land Uses [1]	ZONING DISTRICTS												
	RESIDENTIAL						COMMERCIAL					INDUSTRIAL	
● = Permitted Use Ⓢ = Special Exception Required	AG	R1	R2	SFA	MF1	MF2	CBD	CMU	C1	C2	OMI	I1	I2
Commercial													
Adult Uses													
sexually oriented businesses	-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
Motor Vehicle Services													
car wash	-	-	-	-	-	-	-	-	●	●	-	-	-
filling station	-	-	-	-	-	-	-	Ⓢ	●	●	-	-	-
impound facility	-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●
motor vehicle parts sales (without on-site repair)	-	-	-	-	-	-	-	-	●	●	-	-	-
motor vehicle repair and service, major	-	-	-	-	-	-	-	-	Ⓢ	-	-	-	●
motor vehicle repair and service, minor	-	-	-	-	-	-	-	-	●	●	-	●	-
motor vehicle sales, small	-	-	-	-	-	-	-	-	●	Ⓢ	-	-	-
motor vehicle sales, large	-	-	-	-	-	-	-	-	-	●	-	-	-
storage, rv and boat	-	-	-	-	-	-	-	-	Ⓢ	-	-	●	-
truck stop / travel center	-	-	-	-	-	-	-	-	-	●	-	-	-
Entertainment / Recreation													
banquet or assembly hall	Ⓢ	-	-	-	-	-	-	-	●	●	-	Ⓢ	-
conference / convention center	-	-	-	-	-	-	-	-	-	●	●	-	-
entertainment, commercial outdoor	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	-
entertainment complex	Ⓢ	-	-	-	-	-	-	-	Ⓢ	●	-	-	-
retreat center	Ⓢ	-	-	-	-	-	-	-	●	-	●	-	-
Services													
commercial services	-	-	-	-	-	-	●	●	●	●	-	-	-
day care center (child / adult)	-	-	-	-	-	Ⓢ	-	●	●	●	●	-	-
fitness center	-	-	-	-	-	-	●	●	●	●	●	-	-
hotels / motels	-	-	-	-	-	-	-	-	●	●	●	-	-
kennel	Ⓢ	-	-	-	-	-	-	-	● [2]	● [2]	-	●	-
lawncare/landscaping business	●	-	-	-	-	-	-	-	●	-	-	-	-
storage, contractor	-	-	-	-	-	-	-	-	Ⓢ	-	-	●	●
storage, self-service	-	-	-	-	-	-	-	Ⓢ	●	●	-	●	-
Professional / Office													
administrative/professional office	-	-	-	-	-	-	●	●	●	●	●	Ⓢ	-
bank / financial/ investment institution	-	-	-	-	-	-	-	●	●	●	●	-	-
data processing / call center	-	-	-	-	-	-	-	-	●	●	●	-	-
employment service	-	-	-	-	-	-	-	-	-	●	●	-	-
medical and dental laboratories	-	-	-	-	-	-	-	-	●	●	●	●	-
veterinarian clinics and animal hospitals	Ⓢ	-	-	-	-	-	-	● [2]	● [2]	●	-	-	-

[1] In addition to permitted uses listed here, any other use that supports the purpose of this Ordinance, as determined by the Planning Commission, is permitted.

[2] Special exception required if outside runs exist

Table 4.3: Permitted and Conditional Land Uses [1]	ZONING DISTRICTS												
	RESIDENTIAL						COMMERCIAL					INDUSTRIAL	
● = Permitted Use Ⓢ = Special Exception Required	**AG**	**R1**	**R2**	**SFA**	**MF1**	**MF2**	**CBD**	**CMU**	**C1**	**C2**	**OMI**	**I1**	**I2**
Restaurant / Food Preparation													
bar / tavern	-	-	-	-	-	-	●	●	●	●	-	-	-
coffee shop	-	-	-	-	-	-	●	●	●	●	●	Ⓢ	-
microbrewery / brew-pub	-	-	-	-	-	-	●	●	●	●	-	-	-
wine and craft beer boutique	-	-	-	-	-	-	●	●	●	●	-	-	-
restaurants	-	-	-	-	-	-	●	●	●	●	●	Ⓢ	-
restaurants, fast food	-	-	-	-	-	-	-	Ⓢ	●	●	●	Ⓢ	-
Retail													
retail small-scale (less than 15,000sf)	-	-	-	-	-	-	●	●	●	●	●	-	-
retail medium-scale (greater than 15,000sf, less than 35,000sf)	-	-	-	-	-	-	-	Ⓢ	●	●	-	-	-
retail large-scale (greater than 35,000sf)	-	-	-	-	-	-	-	-	-	●	-	-	-
Light and Heavy Industrial													
agricultural products terminal	-	-	-	-	-	-	-	-	-	-	-	-	●
animal & animal products processing, packaging	-	-	-	-	-	-	-	-	-	-	-	-	●
auction facility (excluding livestock)	-	-	-	-	-	-	-	-	-	Ⓢ	-	●	-
bottle gas storage & distribution	-	-	-	-	-	-	-	-	Ⓢ	-	-	●	-
composting facility	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
concrete / asphalt production facility	-	-	-	-	-	-	-	-	-	-	-	-	●
explosive manufacturing and storage	-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
food & beverage production	-	-	-	-	-	-	-	-	-	-	-	●	●
junk / scrap metal yard	-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
lumber yard	-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●
manufacturing (heavy)	-	-	-	-	-	-	-	-	-	-	-	-	●
manufacturing (light)	-	-	-	-	-	-	-	-	-	-	●	●	●
mineral extraction operations [3]	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
petroleum and chemical processing and storage	-	-	-	-	-	-	-	-	-	-	-	-	●
power generation facility (commercial)	-	-	-	-	-	-	-	-	-	-	-	-	●
printing / publishing facility	-	-	-	-	-	-	-	-	-	●	●	●	●
recycling center	-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●
research and testing laboratories	-	-	-	-	-	-	-	-	-	-	●	●	-
salvage yard	-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
sanitary landfill	-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ
tool and die shop	-	-	-	-	-	-	-	-	Ⓢ	-	Ⓢ	●	-
truck freight terminal	-	-	-	-	-	-	-	-	-	-	Ⓢ	-	●
warehouse & distribution facility	-	-	-	-	-	-	-	-	-	-	●	●	●
waste incinerator	-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ -

[1] In addition to permitted uses listed here, any other use that supports the purpose of this Ordinance, as determined by the Planning Commission, is

Sec. 4.04 – LOT STANDARDS

1) Purpose. Lot Standards for each district dictate the minimum and/or maximum standards that apply to lots within certain zoning districts. These regulations for property developed within City of Villa Rica's jurisdiction are shown on *Table 4.4: Residential Lot Standards* and *Table 4.5: Non-Residential Lot Standards*.
2) Interpreting the Lot Standards Tables. The following explanations of terms should be consulted when interpreting *Table 4.4: Residential Lot Standards* and *Table 4.5: Non-Residential Lot Standards*. For more information on the meaning of terms in this ordinance, see *Chapter XIII: Definitions*.
   a) Minimum Lot Size. The smallest area established by this ordinance on which a use, structure or building may be located in a particular district and which does not include any street right-of-way.
   b) Minimum Lot Width. This refers to the minimum width a lot must have in order to be considered developable by this ordinance. The minimum lot width is the minimum allowable horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.
   c) Minimum Lot Frontage. The frontage of a lot shall be construed to be the portion nearest the street. For the purpose of determining setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontages. The minimum length of a lot frontage shall be measured between side lot lines at the street right-of-way or private street easement. Lots that have more than one frontage may combine the width of both frontages to meet the minimum lot frontage standard.
   d) Maximum Building Height. The maximum allowable vertical distance of a building or structure. Building height shall be defined as the vertical distance as measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. Certain height exceptions are permitted according to the provisions of *Section 7.07 – Height Standards*.
      i) Exceptions to height limits. The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and aerials.
   e) Minimum Building Lines.
      i) The minimum yards (setbacks) for all structures shall be established in *Chapter IV, Table 4.4 and Table 4.*5 in the *Villa Rica Zoning Ordinance* subject to the following requirements:
      ii) Permitted Encroachments into Yards. The following encroachments shall be allowed to the extent specified below.
      iii) Non-residential. Canopies and awnings shall be allowed over walkways or driveways to within twelve (12) feet of the street right-of-way or the right-of-way based on the street's functional classification, whichever is farther from the street's centerline. Fuel pumps and pump islands, when permitted, shall be set back as stated in this paragraph for canopies.
      iv) Single-family residential and townhouses used for single family on individual lots of record. Porches, decks or patios attached to the main dwelling may extend no more than ten feet into a

minimum front or rear yard. Outdoor fireplaces and outdoor uncovered kitchens, whether stand alone or constructed as a part of a patio, retaining wall or other structure, may only be located in the rear yard and may extend no more than ten (10) feet into the minimum rear yard. In no case shall an outdoor fireplace be located closer than ten (10) feet to a property line. Awnings may project to within five feet of a side lot line.

v) All zoning districts. Architectural features such as cornices, eaves, steps, stoops, gutters, fire chases, chimneys which are a part of an exterior wall of the primary structure, and fire escapes may not encroach or project over more than thirty-six (36) inches (3 feet) into any minimum yard. Wheelchair ramps and associated walkways shall be exempt from these requirements.

vi) Adjoining railroads. There shall be no minimum rear yard requirement adjoining the siding for those uses which utilize a rail siding for loading and unloading.

vii) Building Lot Lines (setbacks).

(1) Front Setback. The horizontal space between the Front lot line and the Front Setback line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this ordinance. The front setback applies to all frontages of a lot facing a street or right-of-way.

(2) Side Setback. The horizontal space between the side lot lines and the side setback lines, extending to the front and rear lot lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this ordinance. However, for corner and through lots, any side of a structure that faces a street shall meet front setback requirements.

(3) Rear Setback. The horizontal space between the rear lot line and the rear setback line, extending to the side lines of the lot, generally parallel with and measured from the rear lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this ordinance. For through lots, the rear of the structure facing a street shall meet front setback requirements. rear Setbacks for Corner lots will apply to the portion of the lot that is furthest in the opposite direction of the general orientation of the structure.

viii) Corner lots. Principal structures on corner lots shall be required to identify a main entrance. Said entrance shall be setback as specified in the front yard setback regulations for the applicable zoning district. The setback for the other street-adjoining side shall be as specified in the district regulations.

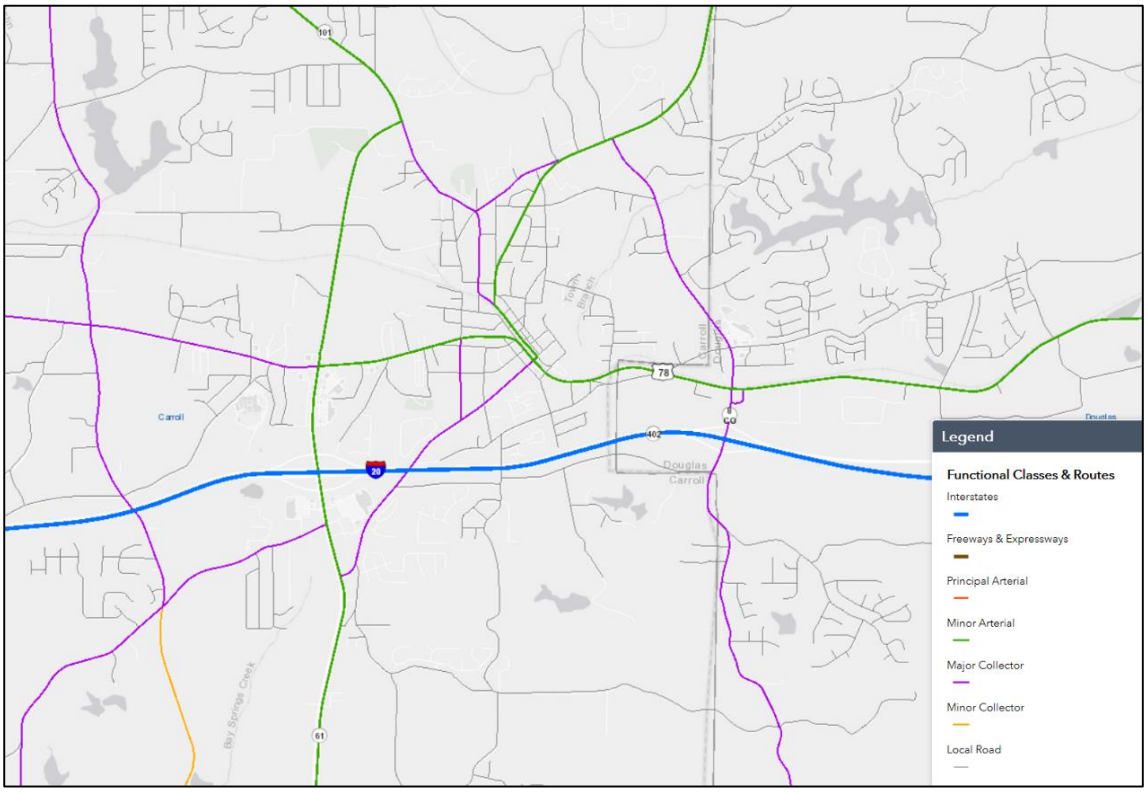
f) Front Setbacks and Roadway Classifications.

i) Front Yard Setbacks are intended to establish a visual buffer distinguishing the building line from the roadway. Based on the traffic volume and roadway width, whether in a rural or urban setting, building setbacks are varied according to the road classification, with greater setbacks on larger streets with higher volume traffic, and lesser setbacks on smaller less travelled streets.

ii) Roadways are grouped into functional classes according to the character of traffic they are intended to serve. They may also be further classified as rural or urban based on the population surrounding a particular roadway. There are four highway functional classifications: expressway/freeway, arterial, collector, and local roads, and these can be defined as:

(1) Interstate - Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.
(2) Arterial - Provides the next highest level of service at moderate to high speeds, with some degree of access control. Arterials are typically classified as major arterial and minor arterial.
(3) Collector - Provides a lower level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials. Collectors are also classified as major and minor collectors.
(4) Local - Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or minimal "through" movement.

Figure 4.1: City of Villa Rica Roadway Functional Classification



g) Minimum Distance Between Structures on Same lot. This distance, measured between the points of shortest distance on the exterior facades of two (2) structures, shall determine the minimum separation of multiple structures within one (1) developed lot.

h) Minimum Ground Floor Living Area (Per unit). The sum of the livable horizontal areas on the ground level of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. The minimum for a specific residential structure shall be dependent on the number of stories within the residential structure.

i) Total Minimum Living Area (Per unit). The sum of the livable horizontal areas on all levels of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. Each residential dwelling unit shall have separate and individual kitchen and bathroom facilities.

j) Minimum Living Area Facade Width. The minimum width required for the front facade of a residential structure, exclusive of garages, porches, decks, or terraces. This requirement may apply to a continuous facade for multi-family or single-family attached units.

k) Maximum Lot Coverage (Structures and Buildings). The maximum amount of enclosed ground floor area of all buildings on a lot expressed as a percentage of the horizontally projected area representing the bulk and mass on the lot.

l) Maximum Lot Coverage (All Impervious Surfaces). The maximum amount of ground floor area occupied by buildings, structures, parking lots, or other impervious surfaces on a lot expressed as a percentage of the horizontally projected area of the lot.

3) Lot Standards Table. Lot Standards are listed in the following tables (*Tables 4.4 and 4.5*) under each district heading. Additional development standards including but not limited to parking, sign, and landscaping standards are set forth in *Chapter VII: Development Standards*.

Figure 4.2 – Examples of Lot Types

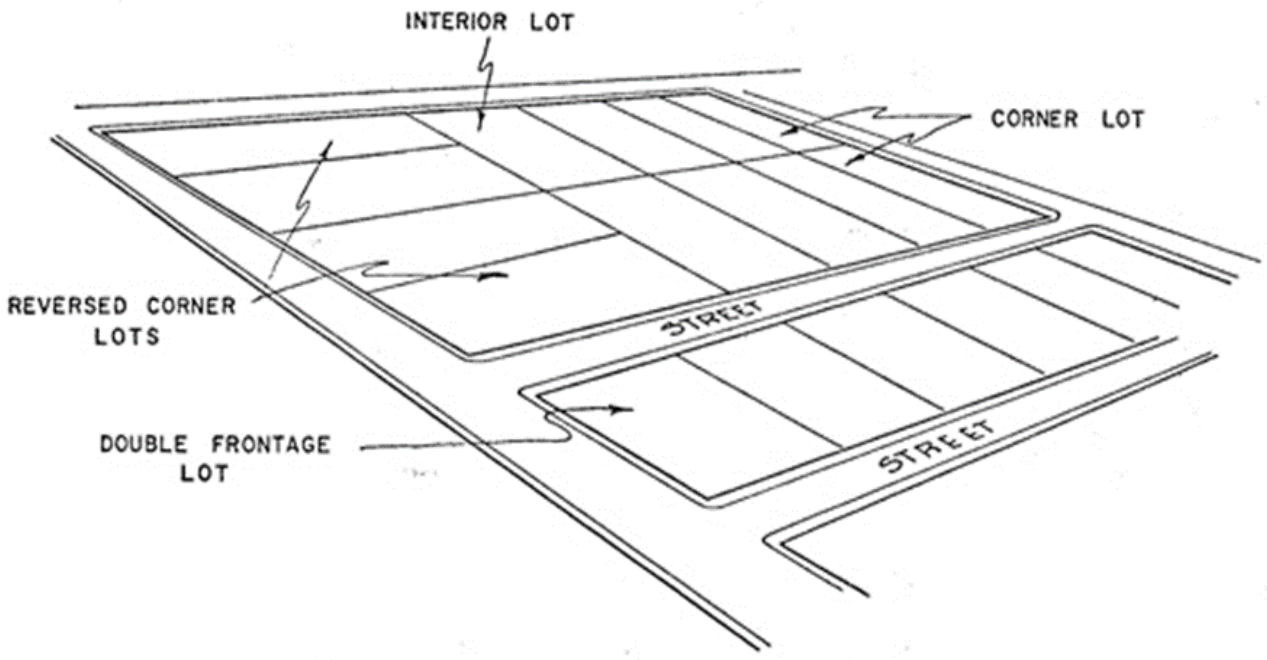


Figure 4.3 – Typical Lot Cross Section

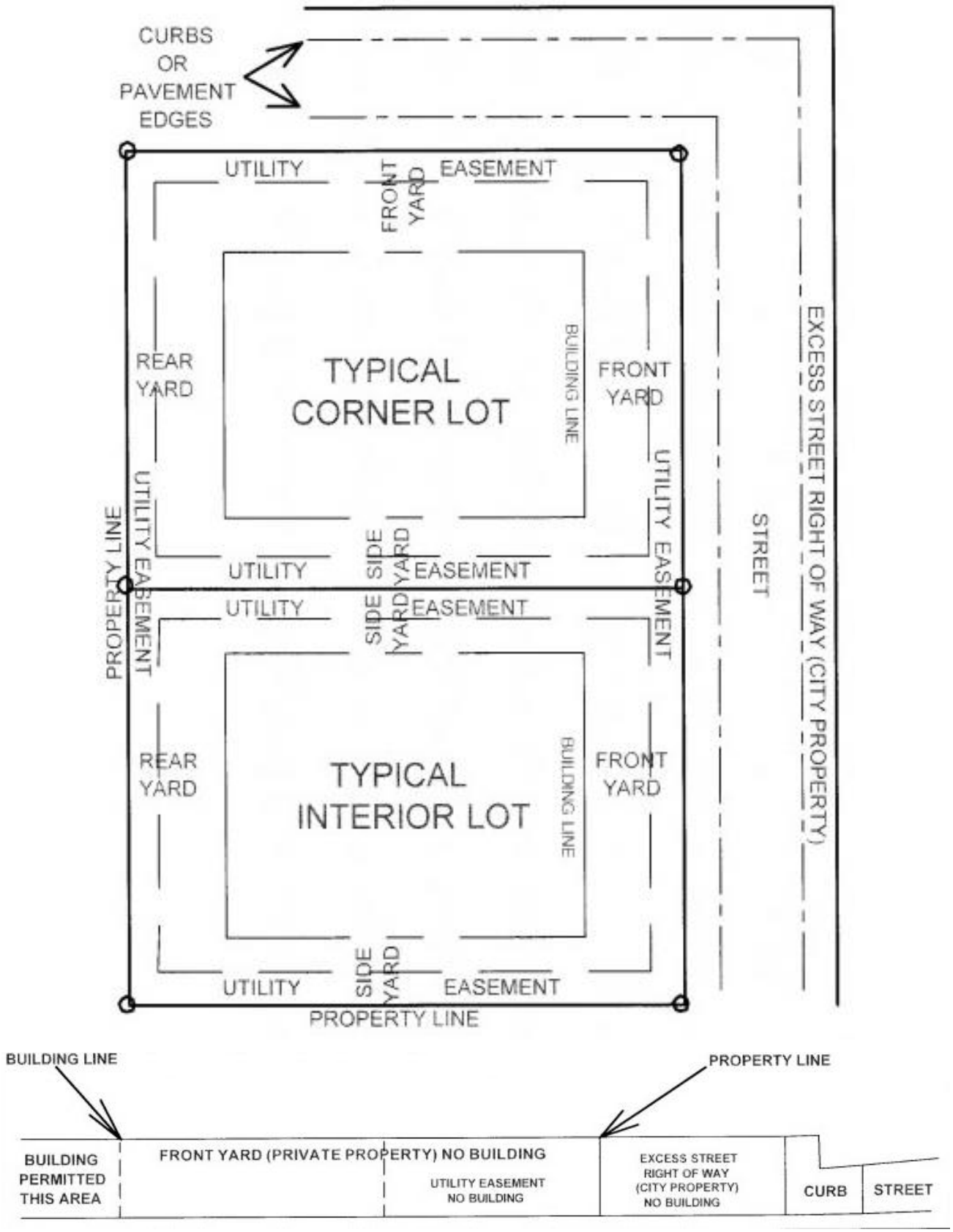


Table 4.4: Residential Lot Standards

		Residential											
		AG Single-Family Agricultural		R1 Single-Samily Suburban		R2 Single-Family Urban		SFA Single-Family Attached		MF1 Multifamily Low-Density		MF2 Multifamily Medium-Density	
		without sewer/ water	with sewer/ water	Res	Other	Res	Other	Res	Other	Res	Other	Res	Other
Minimum Lot Size		40,000 sf.	25,000 sf.	15,000 sf.	1 ac.	8,500 sf.	1 ac.	10,000 sf.	1 ac.	1 ac.		5 ac.	
Minimum Lot Width		150 ft.	100 ft	85 ft	100 ft.	50 ft.	100 ft	50 ft.	100 ft.	100 ft		150 ft.	
Minimum Lot Frontage		50 ft.		50 ft.		50 ft.		50 ft.		50 ft.		50 ft.	
Maximum Building Height [9]	**Principal**	35 ft.		35 ft.		35 ft.		45 ft.		45 ft.		65 ft.	
	Accessory	24 ft.		24 ft.		24 ft.		24 ft.		24 ft.		24 ft.	
Front Setback [1,10]	**Urban Roads**	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.											
	Rural Roads	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.											
Side Setback [2]	**Principal**	15 ft.		8 ft.		6 ft.		0 ft./10 ft.		40 ft.		40 ft.	
	Accessory	5 ft./10 ft. [6]		5 ft./10 ft. [6]		5 ft./10 ft. [6]		5 ft./10 ft. [6]		10 ft.		10 ft.	
Rear Setback [2]	**Principal**	15 ft.		15 ft.		15 ft.		15 ft.		40 ft.		40 ft.	
	Accessory	5 ft./10 ft. [6]		5 ft./10 ft. [6]		5 ft./10 ft. [6]		0 ft./5 ft.		10 ft.		10 ft.	
Projection into setbacks: fire escapes, open stairways, balconies, soffits, canopies, and other similar architectural features may extend up to three (3) feet into a side or rear setback.													
Minimum Distance from Structures on Same Lot		5 ft.		5 ft.		5 ft.		5 ft.		20 ft		20 ft.	
Minimum Ground Floor Area (Per Unit)	**1 story**	1,500 sf.		1,500 sf.		1,500 sf.		1,040 sf.		950 sf. Average		950 sf. Average	
	2+ story	900 sf.		700 sf.		650 sf.		650 sf.		650 sf. avg.		650 sf. avg.	
Total Minimum Living Area (Per Unit)		1,500 sf./ 1,100 sf. [3, 7]		1,500 sf./ 1,100 sf. [3, 7]		1,500 sf./ 1,100 sf. [3, 7]		1040 sf./ 950 sf. [3,7]		950 sf. Average		950 sf. Average	
Minimum Living Area Façade Width		24 ft.		24 ft.		24 ft.		24 ft.		24 ft.		24 ft.	
Maximum Lot Coverage (structures and buildings)		35% [11] Acc: 5% or 600 sf. (whichever is greater)		35% [11] Acc: 5% or 600 sf. (whichever is greater)		40% [11] Acc: 5% or 600 sf. (whichever is greater)		40% [11] Acc: 5% or 600 sf. (whichever is greater)		50% [11] Acc: 5% or 750 sf. (whichever is greater)		75% [11] Acc: 5% or 2,500 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		50% [12]		50% [12]		50% [12]		50% [12]		50% [12]		75%	

(PA) Principal Arterial (MC) Major Collector (LR) Local Road

(MA) Minor Arterial (RC) Rural Collector

1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

3 Minimum unit size for accessory apartment shall be 600 sf.

4 When adjoining the same or a more intense district /when adjoining a less intense district

5 For residential uses / all other uses adjoining the same or a more intense district / all other uses when adjoining a less intense district

6 Structures 200 sf. or less / structures greater than 200 sf.

7 Single-family residential / two-family residential

8 Minimum size of multi-tenant development = 5 acres

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

12 Permitted non-residential uses shall not exceed 60%

13 When attached to another unit, the setback shall be 0 ft. for the shared wall

Table 4.5: Non-Residential Lot Standards

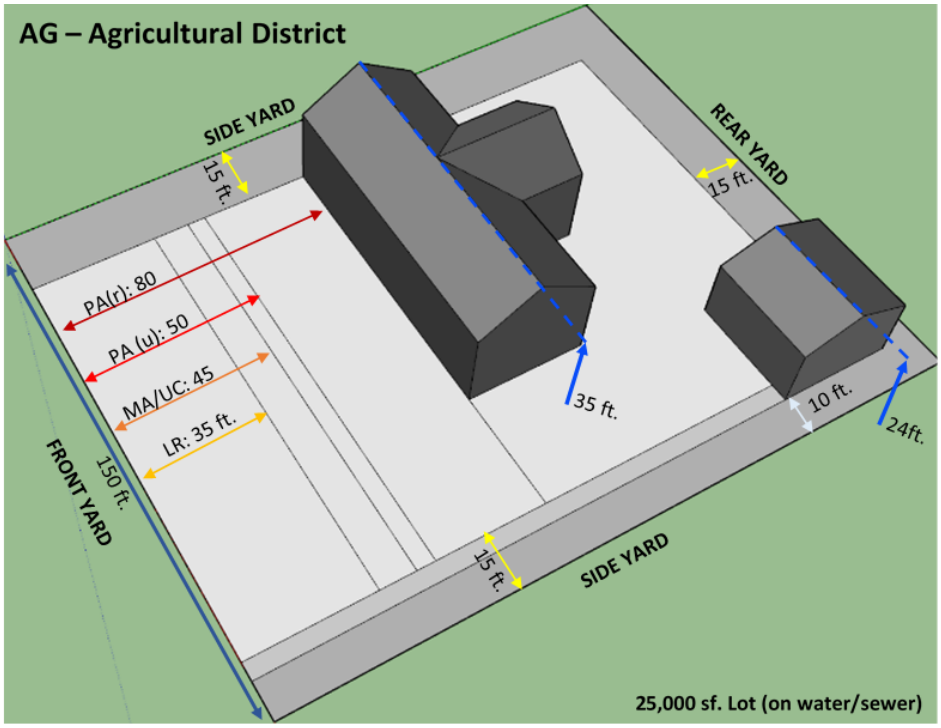
		Commercial					Industrial	
		CBD Central Business District	**CMU** Commercial Mixed Use	**C1** Commercial Low-Density	**C2** Commercial Medium-Density	**OMI** Office Medical Institutional	**I1** Industrial Low-Density	**I2** Industrial Medium-Density
Minimum Lot Size		N/A	10,000 sf.	1 ac.	2.5 ac.	1 ac.	1 ac.	5 ac.
Minimum Lot Width		25 ft.	60 ft	100 ft.	150 ft.	60 ft	100 ft.	150 ft.
Minimum Lot Frontage		25 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Maximum Building Height [9]	**Principal**	35 ft.	35 ft.	45 ft.	60 ft.	60 ft.	45 ft.	60 ft.
	Accessory	24 ft.	24 ft.	26 ft.	26 ft.	26 ft.	26 ft.	40 ft.
Front Setback [1,10]		0 ft./15 ft. [14]	0 ft./15 ft. [14]	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.				
Side Setback [3]	**Principal**	0 ft./5 ft. [13]	0 ft./10 ft. [13]	10 ft.	30 ft.	30 ft.	40 ft.	50 ft.
	Accessory	5 ft.	10 ft.	10 ft.	10 ft./30 ft. [4]	10 ft./30 ft. [4]	20 ft./40 ft. [4]	30 ft./50 ft. [4]
Rear Setback [2]	**Principal**	0 ft./5 ft. [13]	20 ft.	20 ft.	45 ft.	45 ft.	50 ft.	75 ft.
	Accessory	5 ft.	5 ft./10 ft. [6]	15 ft.	15 ft./45 ft. [6]	15 ft./45 ft. [6]	20 ft./40 ft. [4]	30 ft./50 ft. [4]
Projection into setbacks: fire escapes, open stairways, balconies, soffits, canopies, and other similar architectural features may extend up to three (3) feet into a side or rear setback.								
Minimum Distance from Structures on Same Lot		10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Minimum Ground Floor Area (Per Unit)	**1 story**	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2+ story	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Minimum Living Area (Per Unit)		750 sf. Avg.	750 sf. Avg.	750 sf. Avg.	N/A	N/A	N/A	N/A
Minimum Living Area Façade Width		N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Lot Coverage (structures and buildings)		N/A	60%	50%	50%	40%	50%	60%
Maximum Lot Coverage (all impervious surfaces)		N/A	75%	75%	80%	60%	75%	80%

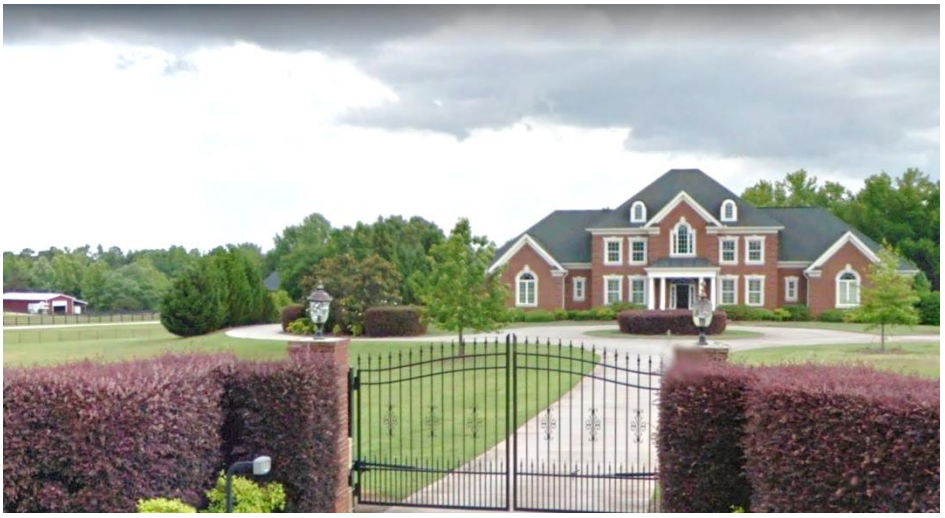
(PA) Principal Arterial (MC) Major Collector (LR) Local Road

(MA) Minor Arterial (RC) Minor Collector

AG

		AG Single-Family Agricultural	
		without sewer/ water	with sewer/ water
Minimum Lot Size		40,000 sf.	25,000 sf.
Minimum Lot Width		150 ft.	100 ft
Minimum Lot Frontage		50 ft.	
Maximum Building Height [9]	Principal	35 ft.	
	Accessory	24 ft.	
Front Setback [1,10]	Urban Roads	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.	
	Rural Roads	PA: 80 ft. MA: 50 ft. UC: 45 ft. LR: 35 ft.	
Side Setback [2]	Principal	15 ft.	
	Accessory	5 ft./10 ft. [6]	
Rear Setback [2]	Principal	15 ft.	
	Accessory	5 ft./10 ft. [6]	
Minimum Distance from Structures on Same Lot		5 ft.	
Minimum Ground Floor Area (Per Unit)	1 story	1,500 sf.	
	2+ story	900 sf.	
Total Minimum Living Area (Per Unit)		1,500 sf./ 1,100 sf. [3, 7]	
Minimum Living Area Façade Width		24 ft.	
Maximum Lot Coverage (structures and buildings)		35% [11] Acc: 5% or 600 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		50%	





1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

3 Minimum unit size for accessory apartment shall be 600 sf.

6 Structures 200 sf. or less / structures greater than 200 sf.

7 Single-family residential / two-family residential (ADU)

9 See height exemptions per Section *7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

12 Permitted non-residential uses shall not exceed 60%

District Intent

The intent of the Single-Family Agricultural (AG) District is to permit the establishment of individual single-family dwellings while maintaining a primarily rural character. This can serve to protect land best suited for agricultural use from the encroachment of incompatible land uses.

AG

Permitted Uses

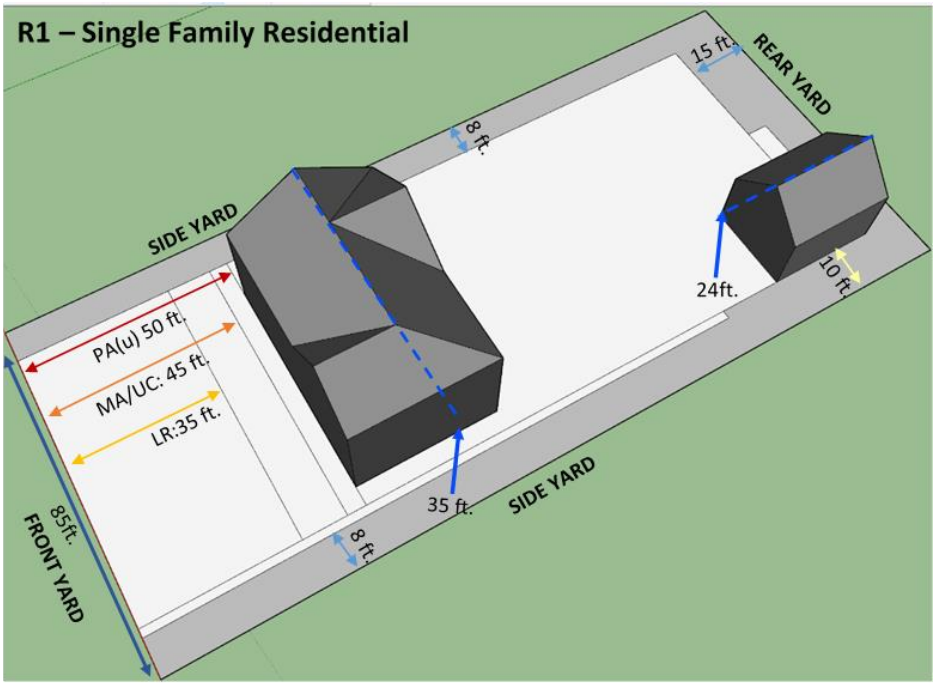
1) Agricultural
   a) agricultural use, low intensity
   b) agricultural entertainment
   c) agricultural processing, minor
   d) greenhouse (on-site plant sales)
   e) winery
2) Residential
   a) dwelling, accessory apartment
   b) dwelling, single-family
   c) personal care home, family (4-6 residents)
   d) home business
   e) home occupation
3) Communications / Utilities
   a) essential services, minor
4) Parks & Recreation
   a) nature preserve
   b) recreation (passive)

Conditional Uses

1) Agricultural
   a) animal boarding/stables (excluding kennels)
2) Residential
   a) dwelling, multi-family
   b) bed and breakfast establishments
   c) boarding house
   d) day care home: small (1-6 enrollees)
   e) personal care home, group (7 -16 residents)
   f) personal care home, congregate (17+ residents)
   g) kennel, private
3) Communications / Utilities
   a) essential services, major
   b) solar farms and wind energy conversion systems, noncommercial
   c) wireless communications facilities
4) Institutional
   a) educational inst, excluding p-12, public
   b) educational inst, p-12 only, public
   c) educational inst, excluding p-12, private
   d) educational inst, p-12 only, private
   e) bus/train terminal
   f) cemeteries
   g) community center
   h) places of worship
   i) publicly-owned buildings and facilities
5) Parks & Recreation
   a) campground / rv park
   b) driving range (as a primary use)
   c) golf course
   d) recreation (active)
6) Commercial
   a) banquet or assembly hall
   b) entertainment, commercial outdoor
   c) entertainment complex
   d) retreat center
   e) veterinarian clinics and animal hospitals
7) Light and Heavy Industrial
   a) concrete / asphalt production facility
   b) composting facility
   c) mineral extraction operations

R1

		R1 Single-Family Suburban	
		Res	Other
Minimum Lot Size		15,000 sf.	1 ac.
Minimum Lot Width		85 ft	100 ft.
Minimum Lot Frontage		50 ft.	
Maximum Building Height [9]	Principal	35 ft.	
	Accessory	24 ft.	
Front Setback [1,10]	Urban Roads	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.	
	Rural Roads	PA: 80 ft. MA: 50 ft. UC: 45 ft. LR: 35 ft.	
Side Setback [2]	Principal	8 ft.	
	Accessory	5 ft./10 ft. [6]	
Rear Setback [2]	Principal	15 ft.	
	Accessory	5 ft./10 ft. [6]	
Minimum Distance from Structures on Same Lot		5 ft.	
Minimum Ground Floor Area (Per Unit)	1 story	1,500 sf.	
	2+ story	700 sf.	
Total Minimum Living Area (Per Unit)		1,500 sf./ 1,100 sf. [3, 7]	
Minimum Living Area Façade Width		24 ft.	
Maximum Lot Coverage (structures and buildings)		35% [11] Acc: 5% or 600 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		50% [12]	



The plan shown does not reflect all requirements contained in this ordinance.

1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

3 Minimum unit size for accessory apartment shall be 600 sf.

6 Structures 200 sf. or less / structures greater than 200 sf.

7 Single-family residential / two-family residential (ADU)

9 See height exemptions per Section *7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

12 Permitted non-residential uses shall not exceed 60%

R1

District Intent

The intent of the Single-Family Residential (R1) District is to permit the establishment of single-family land uses developed in suburban-style subdivisions. These areas should be located adjacent to existing developed areas and connected centralized sewer and water facilities.

Permissible Uses

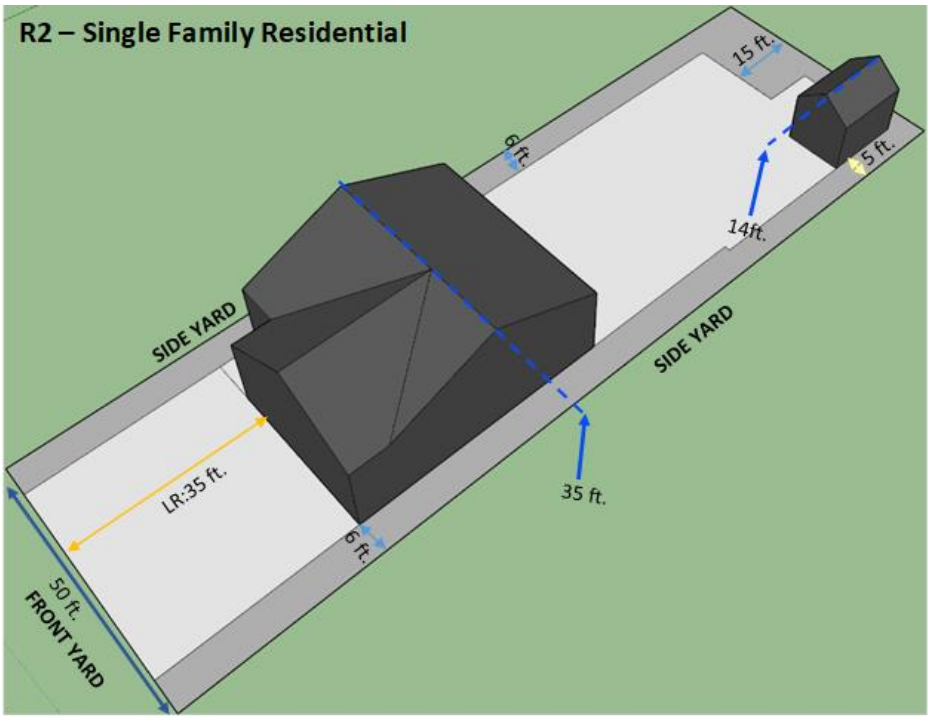
1) Residential
   a) dwelling, accessory apartment
   b) dwelling, single-family
   c) home occupation
   d) home business
2) Parks & Recreation
   a) nature preserve
   b) recreation (passive)

Conditional Uses

1) Residential
   a) day care home: small (1-6 enrollees)
   b) personal care home, family (4-6 residents)
   c) personal care home, group (7 -16 residents)
   d) nursing home, assisted living, or retirement facility
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) funeral home / mortuary / crematory
   b) lodge or private club
   c) educational inst, excluding p-12, public
   d) educational inst, p-12 only, public
   e) educational inst, excluding p-12, private
   f) educational inst, p-12 only, private
   g) bus/train terminal
   h) cemeteries
   i) community center
   j) places of worship
   k) publicly-owned buildings and facilities
   l) parking lot or structure (as a primary use)
   m) bus/train terminal
   n) cemeteries
   o) community center
   p) places of worship
   q) publicly-owned buildings and facilities
4) Parks & Recreation
   a) golf course
   b) recreation (active)

R2

		R2 Single-Family Urban	
		Res	Other
Minimum Lot Size		8,500 sf.	1 ac.
Minimum Lot Width		50 ft.	100 ft
Minimum Lot Frontage		50 ft.	
Maximum Building Height [9]	Principal	35 ft.	
	Accessory	24 ft.	
Front Setback [1,10]	Urban Roads	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.	
	Rural Roads	PA: 80 ft. MA: 50 ft. UC: 45 ft. LR: 35 ft.	
Side Setback [2]	Principal	6 ft.	
	Accessory	5 ft./10 ft. [6]	
Rear Setback [2]	Principal	15 ft.	
	Accessory	5 ft./10 ft. [6]	
Minimum Distance from Structures on Same Lot		5 ft.	
Minimum Ground Floor Area (Per Unit)	1 story	1,500 sf.	
	2+ story	650 sf.	
Total Minimum Living Area (Per Unit)		1,500 sf./ 1,100 sf. [3, 7]	
Minimum Living Area Façade Width		24 ft.	
Maximum Lot Coverage (structures and buildings)		40% [11] Acc: 5% or 600 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		50% [12]	



The plan shown does not reflect all requirements contained in this ordinance.

1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

3 Minimum unit size for accessory apartment shall be 600 sf.

6 Structures 200 sf. or less / structures greater than 200 sf.

7 Single-family residential / two-family residential (ADU)

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

12 Permitted non-residential uses shall not exceed 60%

District Intent

The Single-Family Residential (R2) District is intended to provide for moderate density single-family and two-family residential (ADU) development on smaller lots than are permitted in the other residential districts. This district may also accommodate neo-traditional subdivisions and the pattern of development that may occur in the town centers, where a compact urban form with smaller setbacks, and alley access to rear yards and rear-loading garages. This district is designed for areas close to urban development. All lots shall be connected to centralized sewer and water facilities and an urbanized

R2

Permitted Uses

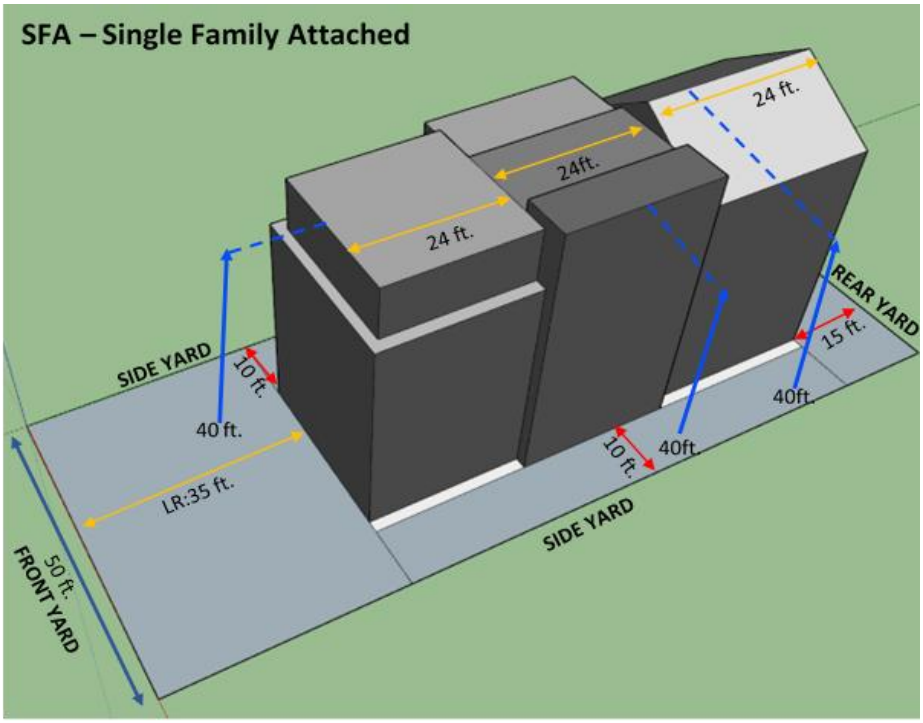
1) Residential
   a) dwelling, accessory apartment
   b) dwelling, single-family
   c) home occupation
2) Parks & Recreation
   a) nature preserve
   b) recreation (passive)

Conditional Uses

1) Residential
   a) day care home: small (1-6 enrollees)
   b) personal care home, family (4-6 residents)
   c) personal care home, group (7 -16 residents)
   d) nursing home, assisted living, or retirement facility
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) funeral home / mortuary / crematory
   b) lodge or private club
   c) educational inst, excluding p-12, public
   d) educational inst, p-12 only, public
   e) educational inst, excluding p-12, private
   f) educational inst, p-12 only, private
   g) bus/train terminal
   h) cemeteries
   i) community center
   j) places of worship
   k) publicly-owned buildings and facilities
   l) parking lot or structure (as a primary use)
   m) bus/train terminal
   n) community center
   o) places of worship
   p) publicly-owned buildings and facilities
4) Parks & Recreation
   a) golf course
   b) recreation (active)

SFA

		SFA Single-Family Attached	
		Res	Other
Minimum Lot Size		10,000 sf.	1 ac.
Minimum Lot Width		50 ft.	100 ft.
Minimum Lot Frontage		50 ft.	
Maximum Building Height [9]	Principal	40 ft.	
	Accessory	24 ft.	
Front Setback [1,10]	Urban Roads	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.	
	Rural Roads	PA: 80 ft. MA: 50 ft. UC: 45 ft. LR: 35 ft.	
Side Setback [2]	Principal	0 ft./10 ft.	
	Accessory	0 ft./5 ft.	
Rear Setback [2]	Principal	15 ft.	
	Accessory	5 ft./10 ft. [6]	
Minimum Distance from Structures on Same Lot		5 ft.	
Minimum Ground Floor Area (Per Unit)	1 story	1,040 sf.	
	2+ story	650 sf.	
Total Minimum Living Area (Per Unit)		1040 sf./ 950 sf. [3,7]	
Minimum Living Area Façade Width		24 ft.	
Maximum Lot Coverage (structures and buildings)		40% [11] Acc: 5% or 600 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		50% [12]	



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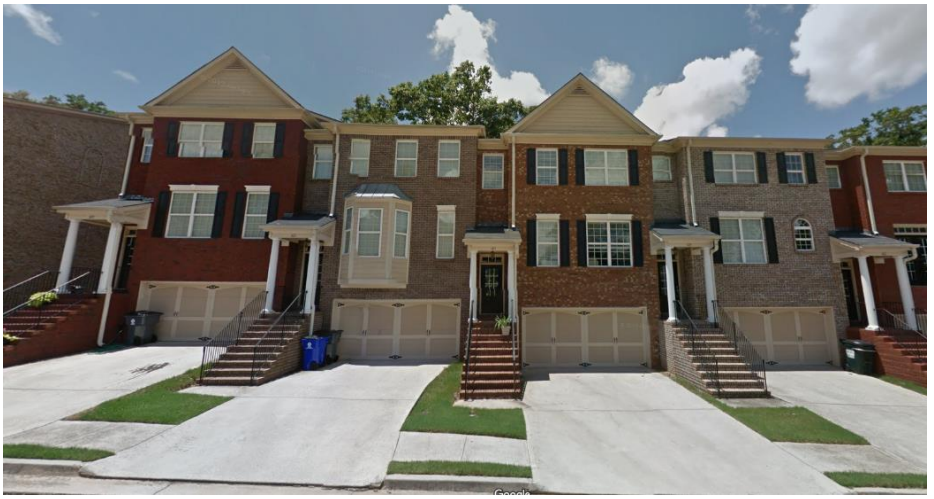


1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

3 Minimum unit size for accessory apartment shall be 600 sf.

6 Structures 200 sf. or less / structures greater than 200 sf.

7 Single-family residential / two-family residential (ADU)

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

12 Permitted non-residential uses shall not exceed 60%

District Intent

The intent of the Single-Family Attached (SFA) District is to maintain and create an environment which meets the community needs for attached single-family dwellings and single-family dwellings with small accessory apartments (ADU), by restricting other uses within the district and by establishing a minimum lot size. All lots shall be connected to centralized sewer and water facilities and an urbanized roadway network.

SFA

Conditional Uses

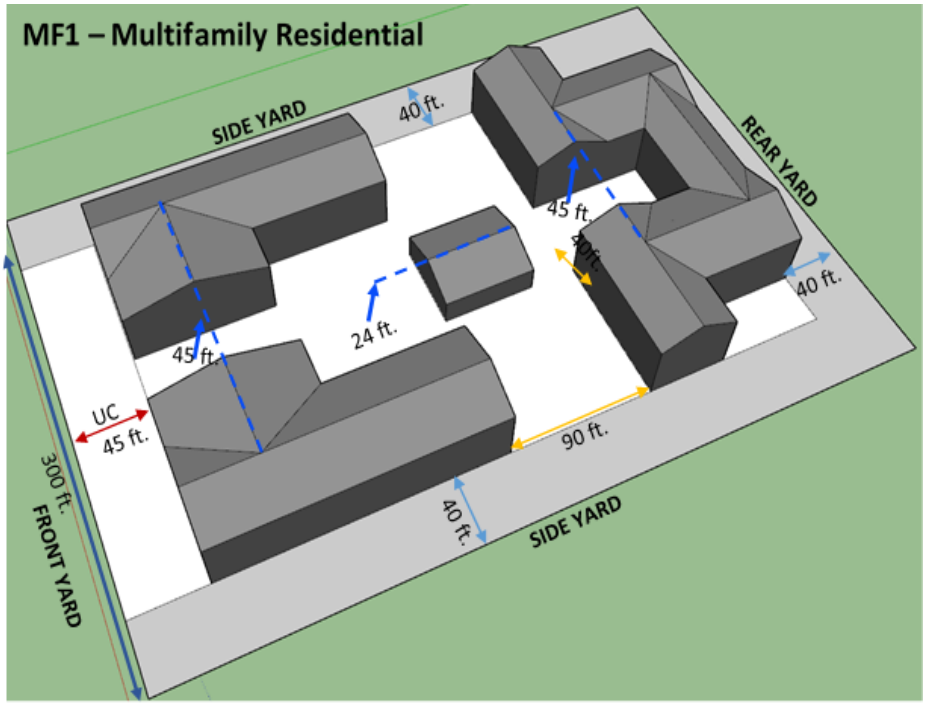
1) Residential
   a) day care home: small (1-6 enrollees)
   b) nursing home, assisted living, or retirement facility
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) bus/train terminal
   b) publicly-owned buildings and facilities
4) Parks & Recreation
   a) recreation (active)

Permitted Uses

1) Residential
   a) dwelling, multifamily
   b) dwelling, two-family
   c) home occupation
2) Parks & Recreation
   a) nature preserve
   b) recreation (passive)

MF1

		MF1 Multifamily Low-Density	
		Res	Other
Minimum Lot Size		1 ac.	
Minimum Lot Width		100 ft	
Minimum Lot Frontage		50 ft.	
Maximum Building Height [9]	Principal	45 ft.	
	Accessory	24 ft.	
Front Setback [1,10]	Urban Roads	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.	
	Rural Roads	PA: 80 ft. MA: 50 ft. UC: 45 ft. LR: 35 ft.	
Side Setback [2]	Principal	40 ft.	
	Accessory	10 ft.	
Rear Setback [2]	Principal	40 ft.	
	Accessory	10 ft.	
Minimum Distance from Structures on Same Lot		20 ft	
Minimum Ground Floor Area (Per Unit)	1 story	950 sf. Average	
	2+ story	650 sf. avg.	
Total Minimum Living Area (Per Unit)		950 sf. Average	
Minimum Living Area Façade Width		24 ft.	
Maximum Lot Coverage (structures and buildings)		50% [11] Acc: 5% or 750 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		50% [12]	



The plan shown does not reflect all requirements contained in this ordinance.

1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

12 Permitted non-residential uses shall not exceed 60%

District Intent

The Multifamily Residential (MF1) District is intended to provide areas for lower-density multifamily developments for a variety of housing and ownership types such as duplex/triplex, townhomes, apartment homes, and condominiums. These lower density communities should be located in areas with access to compatible infrastructure (streets and utilities), commercial, and recreational development.

MF1

Conditional Uses

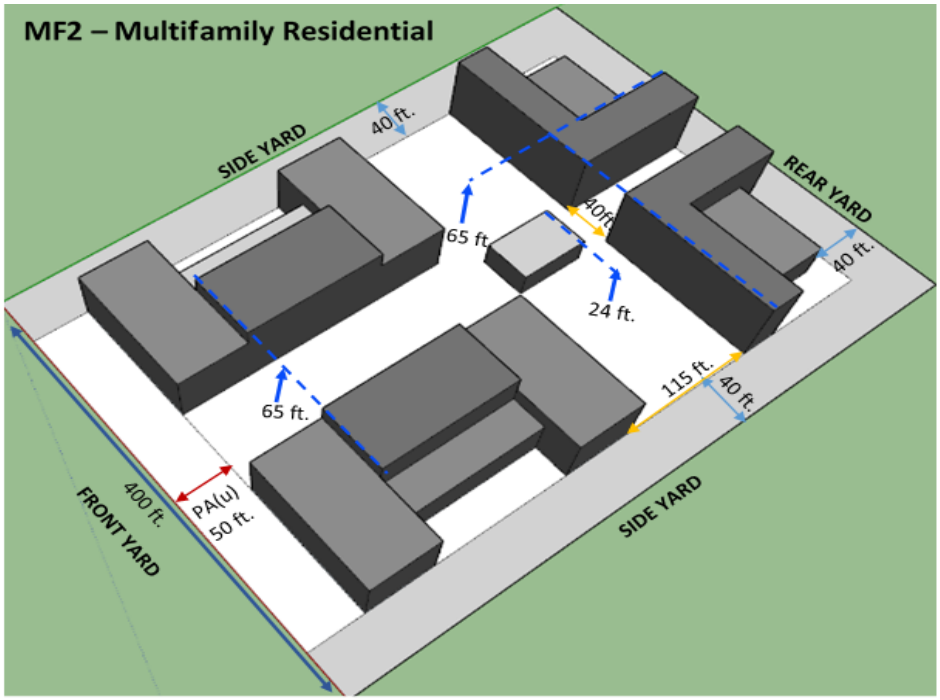
1) Residential
   a) Day care home, small (1-6 enrollees)
   b) nursing home, assisted living, or retirement facility
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) bus/train terminal
   b) publicly-owned buildings and facilities
4) Parks & Recreation
   a) recreation (active)

Permitted Uses

1) Residential
   a) dwelling, multifamily
   b) home occupation
2) Parks & Recreation
   a) nature preserve
   b) recreation (passive)

MF2

		MF2 Multifamily Medium-Density	
		Res	Other
Minimum Lot Size		5 ac.	
Minimum Lot Width		150 ft.	
Minimum Lot Frontage		50 ft.	
Maximum Building Height [9]	Principal	65 ft.	
	Accessory	24 ft.	
Front Setback [1,10]	Urban Roads	PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.	
	Rural Roads	PA: 80 ft. MA: 50 ft. UC: 45 ft. LR: 35 ft.	
Side Setback [2]	Principal	40 ft.	
	Accessory	10 ft.	
Rear Setback [2]	Principal	40 ft.	
	Accessory	10 ft.	
Minimum Distance from Structures on Same Lot		20 ft.	
Minimum Ground Floor Area (Per Unit)	1 story	950 sf. Average	
	2+ story	650 sf. avg.	
Total Minimum Living Area (Per Unit)		950 sf. Average	
Minimum Living Area Façade Width		24 ft.	
Maximum Lot Coverage (structures and buildings)		75% [11] Acc: 5% or 2,500 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		75%	



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1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

District Intent

The Multifamily Residential (MF2) District is intended to provide areas for medium-density multifamily developments for a variety of housing and ownership types such as apartment homes and condominiums. These higher density communities should be located in areas with access to compatible infrastructure (streets and utilities), commercial, and recreational development.

MF2

Conditional Uses

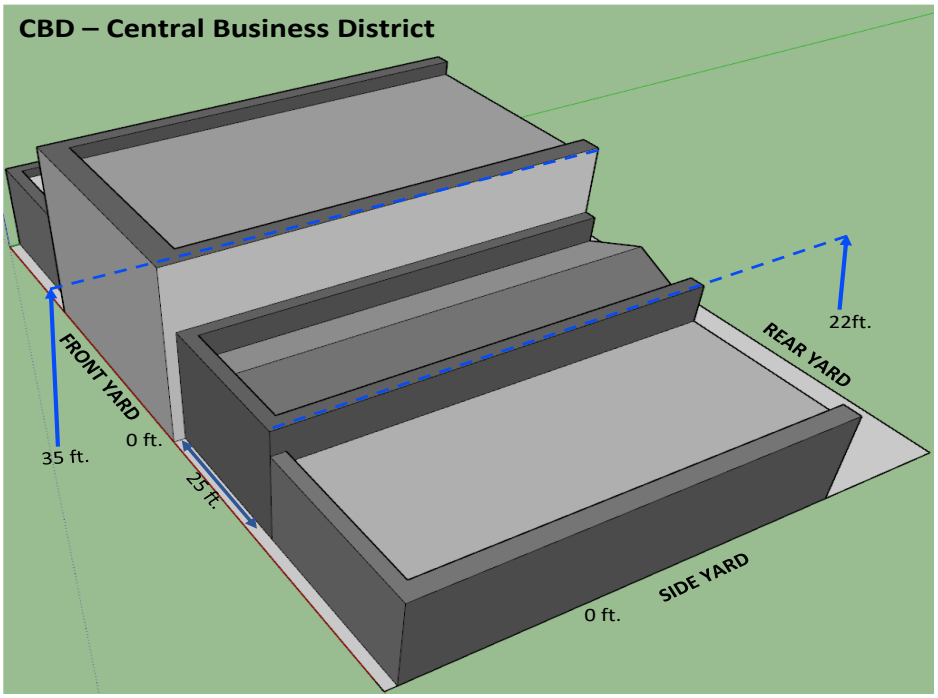
1) Residential
   a) day care home, small (1-6 enrollees)
   b) day care home, large (7 or more enrollees)
   c) nursing home, assisted living, or retirement facility
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) bus/train terminal
   b) publicly-owned buildings and facilities
4) Parks & Recreation
   a) recreation (active)

Permitted Uses

1) Residential
   a) dwelling, multifamily
   b) home occupation
2) Parks & Recreation
   a) nature preserve
   b) recreation (passive)

CBD

		CBD Central Business District
Minimum Lot Size		N/A
Minimum Lot Width		25 ft.
Minimum Lot Frontage		25 ft.
Maximum Building Height [9]	Principal	35 ft.
	Accessory	24 ft.
Front Setback [1,10]		0 ft./15 ft. [14]
Side Setback [2]	Principal	0 ft./5 ft. [13]
	Accessory	5 ft.
Rear Setback [2]	Principal	0 ft./5 ft. [13]
	Accessory	5 ft.
Minimum Distance from Structures on Same Lot		10 ft.
Minimum Ground Floor Area (Per Unit)	1 story	N/A
	2+ story	N/A
Total Minimum Living Area (Per Unit)		750 sf. Avg.
Minimum Living Area Façade Width		N/A
Maximum Lot Coverage (structures and buildings)		N/A
Maximum Lot Coverage (all impervious surfaces)		N/A



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2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

11 Permitted non-residential uses shall not exceed 50%

13 When attached to another unit, the setback shall be 0 ft. for the shared wall.

14 Zero (0) front lot line on attached buildings with same setback.

District Intent

The intent of the Central Business District (CBD) is to provide a commercial core to the downtown that allows a wide range of retail, service, municipal and tourism-related uses that includes residential uses that do not occupy street level, street fronting space. The high volume of pedestrian movement generated within this district will be facilitated as much as possible by the separation of pedestrian and vehicular traffic.

CBD

Conditional Uses

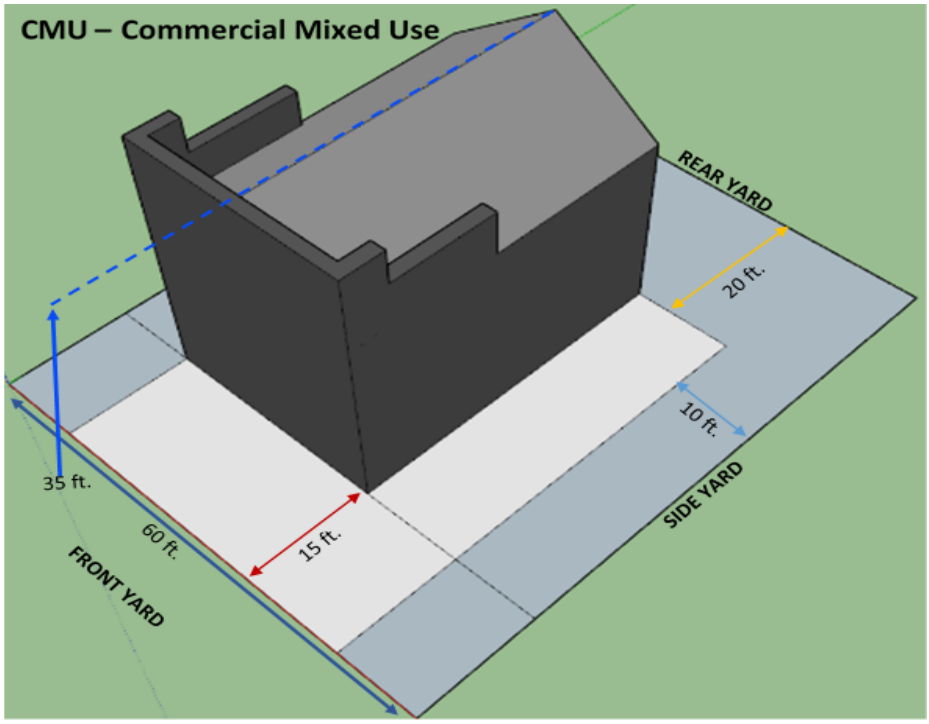
1) Agricultural
   a) farmers market
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) bus/train terminal

Permitted Uses

1) Residential
   a) dwelling, part of mixed use structure
2) Institutional
   a) lodge or private club
   b) publicly-owned buildings and facilities
3) Parks & Recreation
   a) nature preserve
   b) recreation (passive)
4) Commercial
   a) commercial services
   b) fitness center
   c) administrative/professional office
   d) bar/tavern
   e) coffee shop
   f) microbrewery/brew-pub
   g) wine and craft beer boutiques
   h) restaurants
   i) retail, small scale (less than 15,000 sf.)

CMU

		CMU Commercial Mized Use
Minimum Lot Size		10,000 sf.
Minimum Lot Width		60 ft
Minimum Lot Frontage		50 ft.
Maximum Building Height [9]	Principal	35 ft.
	Accessory	24 ft.
Front Setback [1,10]		0 ft./15 ft. [14]
Side Setback [2]	Principal	0 ft./10 ft. [13]
	Accessory	10 ft.
Rear Setback [2]	Principal	20 ft.
	Accessory	5 ft./10 ft. [6]
Minimum Distance from Structures on Same Lot		10 ft.
Minimum Ground Floor Area (Per Unit)	1 story	N/A
	2+ story	N/A
Total Minimum Living Area (Per Unit)		750 sf. Avg.
Minimum Living Area Façade Width		N/A
Maximum Lot Coverage (structures and buildings)		60%
Maximum Lot Coverage (all impervious surfaces)		75%



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1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

6 Structures 200 sf. or less / structures greater than 200 sf.

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

13 When attached to another unit, the setback shall be 0 ft. for the shared wall.

14 Zero (0) front lot line on attached buildings with same setback.

District Intent

The purpose of the Commercial Mixed-Use (CMU) District is to encourage the development of a range of convenience retail uses, personal, professional and business services required to meet the needs of the immediate neighborhood. This district could permit mixed-use development. This district should be protected from non-neighborhood serving land uses such as "big box" retail uses or other non-compatible commercial or industrial uses.

CMU

Conditional Uses

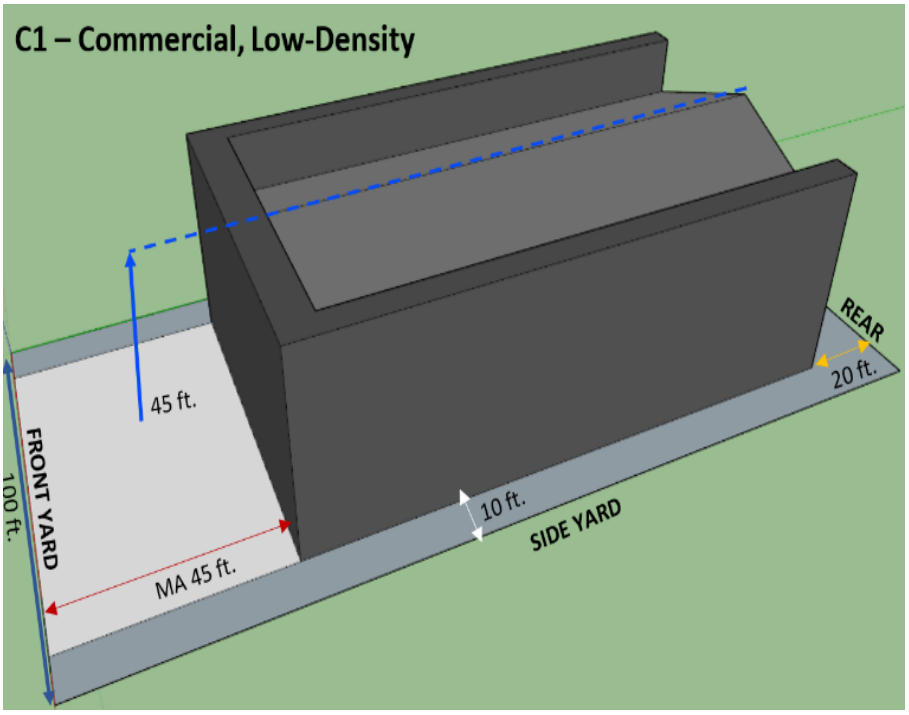
1) Agricultural
   a) farmers market
2) Residential
   a) bed and breakfast establishments
   b) daycare home, large (7 or more enrollees)
   c) personal care home, family (4-6 residents)
   d) personal care home, group (7-16 residents)
   e) home occupation
3) Communications / Utilities
   a) essential services, major
4) Institutional
   a) bus/train terminal
   b) funeral home/mortuary/crematory
   c) healthcare facilities, medical and emergency
5) Commercial
   a) filling station
   b) storage, self-service
   c) restaurant, fast food
   d) retail, medium scale (greater than 15,000sf, less than 30,000sf)

Permitted Uses

1) Residential
   a) dwelling, part of mixed use structure
2) Communications / Utilities
   a) essential services, minor
3) Institutional
   a) cemeteries
   b) clinics
   c) community center
   d) lodge or private club
   e) publicly-owned buildings and facilities
4) Parks & Recreation
   a) nature preserve
   b) recreation (passive)
5) Commercial
   a) commercial services
   b) day care (child/adult)
   c) fitness center
   d) administrative/professional office
   e) bank/financial/investment institution
   f) veterinarian clinic/animal hospital
   g) bar/tavern
   h) coffee shop
   i) microbrewery/brew-pub
   j) wine and craft beer boutiques
   k) restaurants
   l) retail, small scale (less than 15,000 sf.)

C1

		C1 Commercial Low-Density
Minimum Lot Size		1 ac.
Minimum Lot Width		100 ft.
Minimum Lot Frontage		50 ft.
Maximum Building Height [9]	Principal	45 ft.
	Accessory	26 ft.
Front Setback [1,10]		PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.
Side Setback [2]	Principal	10 ft.
	Accessory	10 ft.
Rear Setback [2]	Principal	20 ft.
	Accessory	15 ft.
Minimum Distance from Structures on Same Lot		10 ft.
Minimum Ground Floor Area (Per Unit)	1 story	N/A
	2+ story	N/A
Total Minimum Living Area (Per Unit)		750 sf. Avg.
Minimum Living Area Façade Width		N/A
Maximum Lot Coverage (structures and buildings)		50%
Maximum Lot Coverage (all impervious surfaces)		75%



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1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

C1

District Intent

The purpose of the Commercial, Low-Density (C1) District is to encourage well-planned commercial uses (retail, service, office, personal and professional services) on visually prominent and high use corridors to meet the needs of a community market area. These developments should provide unified design, safe ingress and egress, adequate and properly located parking and service facilities and convenient and safe pedestrian

Conditional Uses

1) Residential
   a) daycare home: large (7 or more enrollees)
2) Institutional
   a) funeral home/mortuary/crematory
3) Commercial
   a) motor vehicle repair and service, major
   b) storage, rv and boat
   c) entertainment complex
   d) storage, contractor
4) Light and Heavy Industrial
   a) bottle gas storage & distribution
   b) tool & die shop

Permitted Uses

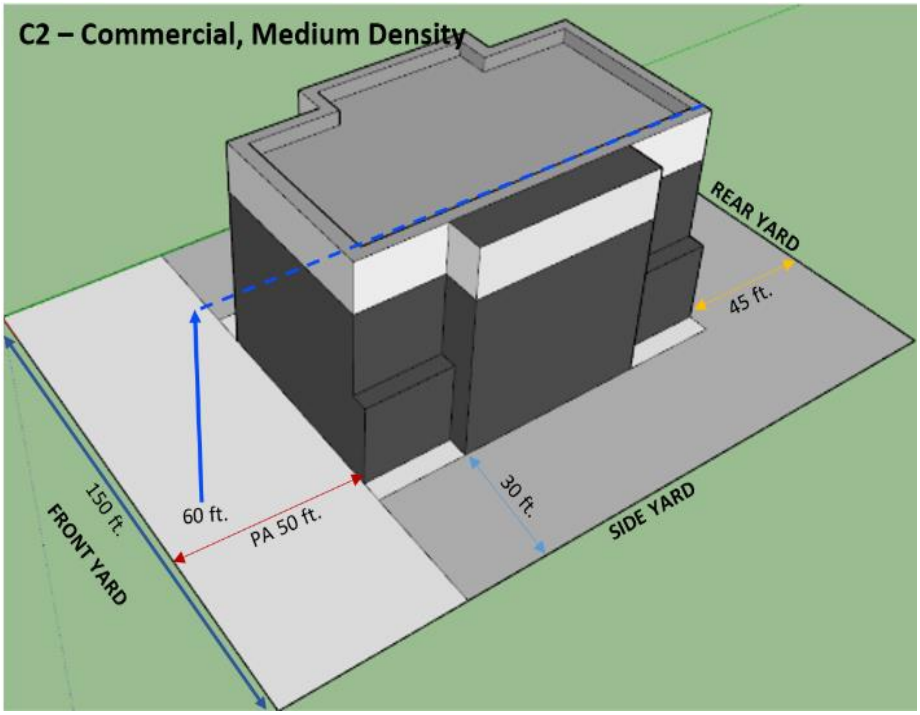
1) Agricultural
   a) winery
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) cemeteries
   b) clinic
   c) community center
   d) healthcare facilities, medical and emergency
   e) lodge or private club
   f) places of worship
   g) publically owned buildings or facilities
4) Parks & Recreation
   a) golf course
   b) nature preserve

Permitted Uses (Cont.)

5) Commercial
   a) car wash
   b) filing station
   c) motor vehicle parts sales (without on-site repair)
   d) motor vehicle repair and service, minor
   e) motor vehicle sales, small
   f) banquet or assembly hall
   g) retreat center
   h) commercial services
   i) daycare center (child/ adult)
   j) fitness center
   k) hotels/motels
   l) kennel, inside runs
   m) lawncare/landscape business
   n) storage, self-service
   o) administrative/professional office
   p) bank/financial/investment institution
   q) data processing/call center
   r) medical/dental laboratories
   s) veterinarian clinic and animal hospitals
   t) bar/tavern
   u) coffee shop
   j) microbrewery/brew-pub
   k) wine and craft beer boutiques
   v) restaurants
   w) restaurants, fast food
   x) retail, small scale (less than 15,000 sf.)
   y) retail, medium-scale (greater than 15,000 sf, less than 35,000 sf)

C2

		C2 Commercial Medium-Density
Minimum Lot Size		2.5 ac.
Minimum Lot Width		150 ft.
Minimum Lot Frontage		50 ft.
Maximum Building Height [9]	Principal	60 ft.
	Accessory	26 ft.
Front Setback [1,10]		PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.
Side Setback [2]	Principal	30 ft.
	Accessory	10 ft./30 ft. [4]
Rear Setback [2]	Principal	45 ft.
	Accessory	15 ft./45 ft. [6]
Minimum Distance from Structures on Same Lot		10 ft.
Minimum Ground Floor Area (Per Unit)	1 story	N/A
	2+ story	N/A
Total Minimum Living Area (Per Unit)		N/A
Minimum Living Area Façade Width		N/A
Maximum Lot Coverage (structures and buildings)		50%
Maximum Lot Coverage (all impervious surfaces)		80%



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1 See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

4 When adjoining the same or a more intense district /when adjoining a less intense district

6 Structures 200 sf. or less / structures greater than 200 sf.

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

District Intent

The intent of the Commercial, Medium-Density (C2) District is to encourage the establishment of business and institutional uses that serve a regional market and require convenient access to high-volume transportation routes such as interstate highways or major arterial.

Conditional Uses

1) Agriculture
   a) farm equipment sales and service
2) Commercial
   a) motor vehicle sales, small
3) Light and Heavy Industrial
   a) Auction facility (excluding livestock)

Permitted Uses

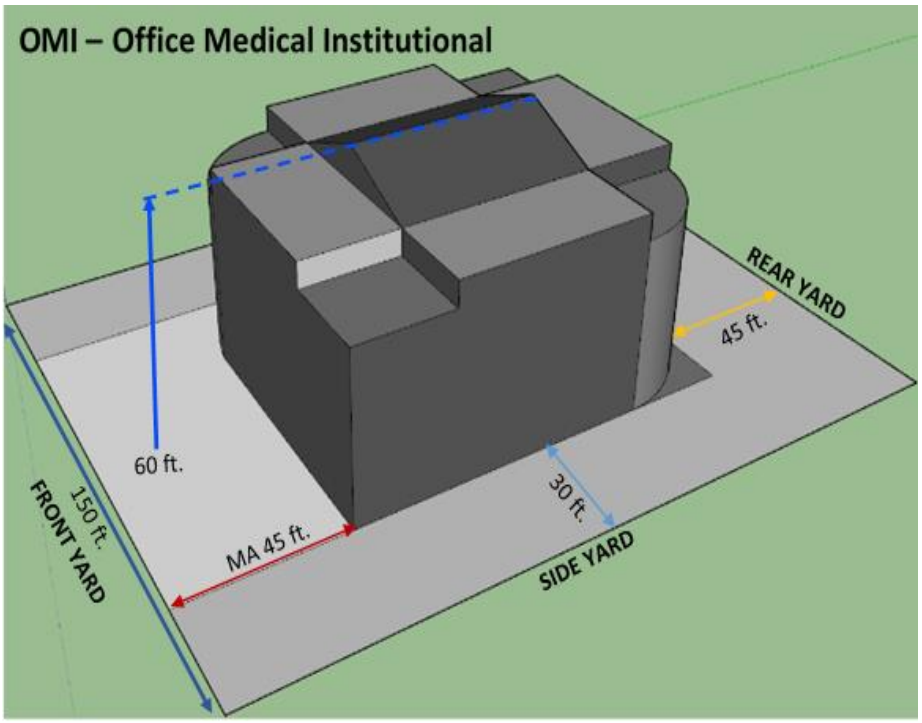
1) Agricultural
   a) winery
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) educational institution, excluding p-12, public
   b) educational institution, p-12 only, public
   c) educational institution, excluding p-12, private
   d) educational institution, p-12 only, private
   e) bus/train terminal
   f) parking lot or structure (as primary use)
   g) clinic
   h) community center
   i) healthcare facilities, medical and emergency
   j) lodge or private club
   k) places of worship
   l) publically owned buildings or facilities
4) Parks & Recreation
   a) Campground/rv park
   b) nature preserve

Permitted Uses (Cont.)

5) Commercial
   a) car wash
   b) filing station
   c) motor vehicle parts sales (without on-site repair)
   d) motor vehicle repair and service, minor
   e) motor vehicle sales, large
   f) truck stop/travel center
   g) banquet or assembly hall
   h) conference/convention center
   i) entertainment complex
   j) commercial services
   k) daycare center (child/ adult)
   l) fitness center
   m) hotels/motels
   n) kennel, inside runs
   o) storage, self-service
   p) administrative/professional office
   q) bank/financial/investment institution
   r) data processing/call center
   s) employment service
   t) medical/dental laboratories
   u) veterinarian clinic and animal hospitals
   v) bar/tavern
   w) coffee shop
   x) microbrewery/brew-pub
   y) wine and craft beer boutiques
   z) restaurants
   aa) restaurants, fast food
   bb) retail, small scale (less than 15,000 sf.)
   cc) retail, medium-scale (greater than 15,000 sf, less than 35,000 sf)
   dd) retail, large-scale, (greater than 35,000sf)

OMI

		OMI Office Medical Instituttional
Minimum Lot Size		1 ac.
Minimum Lot Width		60 ft
Minimum Lot Frontage		50 ft.
Maximum Building Height [9]	Principal	60 ft.
	Accessory	26 ft.
Front Setback [1,10]		PA: 50 ft. MA: 45 ft. MC: 45 ft. RC: 40 ft. LR: 35 ft.
Side Setback [2]	Principal	30 ft.
	Accessory	10 ft./30 ft. [4]
Rear Setback [2]	Principal	45 ft.
	Accessory	15 ft./45 ft. [6]
Minimum Distance from Structures on Same Lot		10 ft.
Minimum Ground Floor Area (Per Unit)	1 story	N/A
	2+ story	N/A
Total Minimum Living Area (Per Unit)		N/A
Minimum Living Area Façade Width		N/A
Maximum Lot Coverage (structures and buildings)		40%
Maximum Lot Coverage (all impervious surfaces)		60%



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2 Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

4 When adjoining the same or a more intense district /when adjoining a less intense district

6 Structures 200 sf. or less / structures greater than 200 sf.

9 See height exemptions per *Section 7.10 – Height Standards*

10 The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

OMI

District Intent

The purpose of the Office Medical Institutional (OMI) District is to encourage the establishment of campus-style areas for professional offices and services, non-retail in nature, including research facilities, testing laboratories, and administrative facilities that are office-like in physical appearance and service requirements. The district may also provide limited service and retail uses to meet the needs of the district's employees. The OIM district layout should encourage well-planned office communities with cohesive design elements, vehicular and pedestrian access, and parking facilities. This district can be used as a transitional use or buffer between commercial and more intense industrial uses.

Conditional Uses

1) Light and Heavy Industrial
   a) tool and die shop
   b) truck and freight terminal

Permitted Uses

1) Residential
   a) Personal care home, group (7-16 residents)
   b) Personal care home, congregate (17+ residents)
   c) nursing home, assisted living, or retirement facility
   d) independent living facility for seniors
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) bus/train terminal
   b) parking lot or structure (as a primary use)
   c) clinic
   d) community center
   e) healthcare facilities, medical and emergency
   f) publically owned buildings and facilities
4) Parks & Recreation
   a) nature preserve
5) Commercial
   a) conference/convention center
   b) retreat center
   c) daycare center (child/ adult)
   d) fitness center
   e) hotels/motels

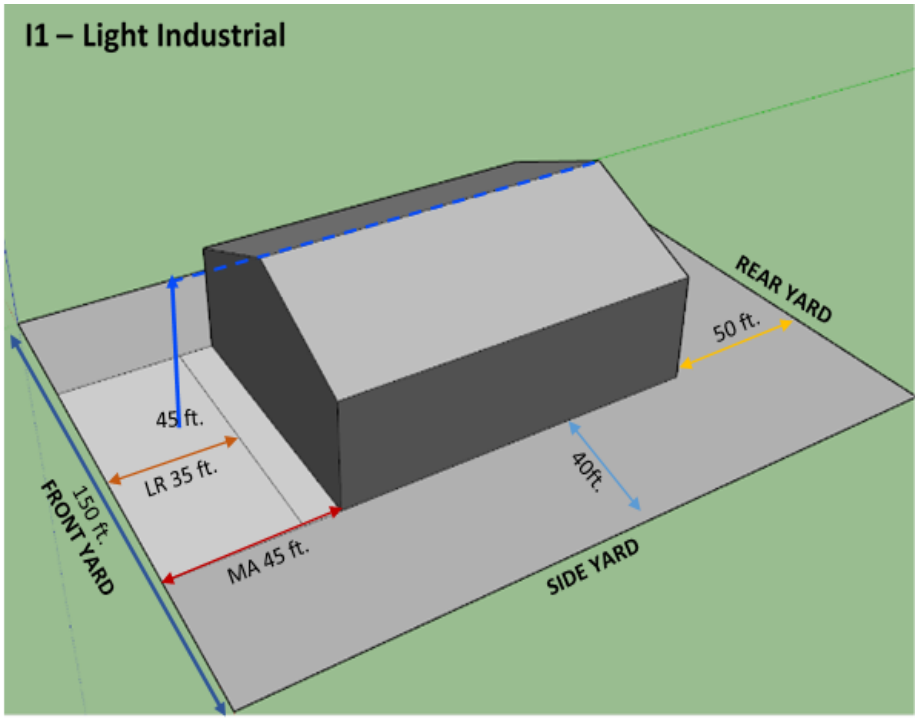
Permitted Uses (Cont.)

Commercial (cont.)

   f) conference/convention center
   g) retreat center
   h) daycare center (child/ adult)
   i) fitness center
   j) hotels/motels
   k) administrative/professional office
   l) bank/financial/investment institution
   m) data processing/call center
   n) employment service
   o) medical and dental laboratories
   p) coffee shop
   q) restaurants
   r) restaurants, fast food
   s) retail, small scale (less than 15,000 sf.)

6) Light and Heavy Industrial
   a) manufacturing (light)
   b) printing/publishing facility
   c) research and testing laboratories
   d) warehouse and distribution facility

I1



The plan shown does not reflect all requirements contained in this ordinance.

[1] See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

[2] Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

[4] When adjoining the same or a more intense district /when adjoining a less intense district

[9] See height exemptions per *Section 7.10 – Height Standards*

[10] The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

I1

District Intent

The purpose of the Industrial, Low-Density (I1) District is to provide locations for production, small-scale manufacturing, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate only industrial uses that do not involve the release of potential environmental pollutants or other objectionable elements such as noise, odor, dust, smoke, glare or traffic. This district is designed as a transitional use between heavy manufacturing uses and other less intense business uses.

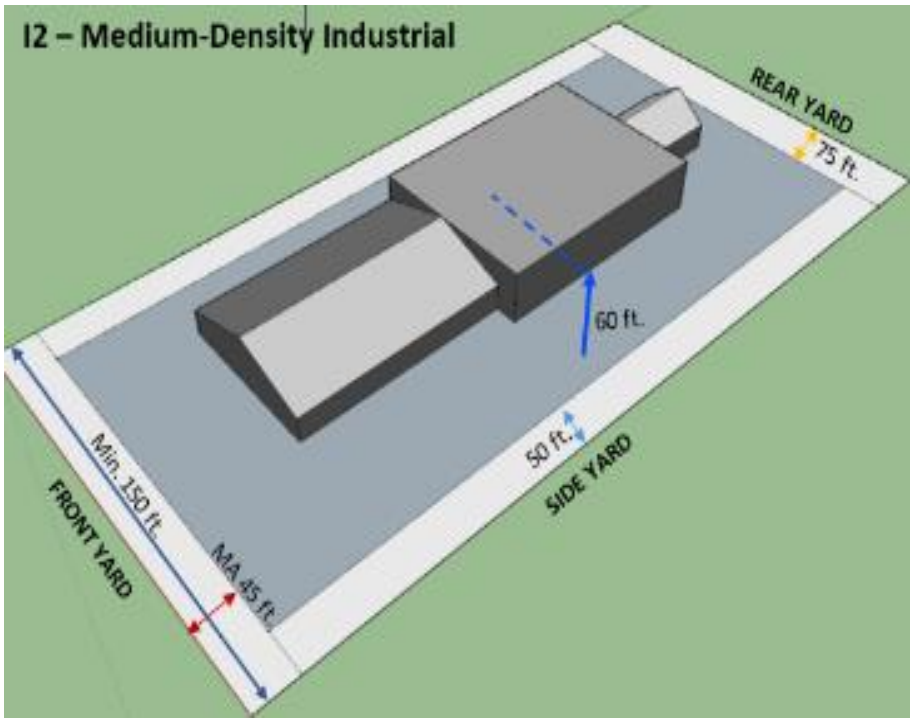
Conditional Uses

1) Commercial
   a) impound facility
   b) administrative/professional office
   c) coffee shop
   d) restaurants
   e) restaurants, fast food
2) Light and Heavy Industrial
   a) lumber yard
   b) recycling center

Permitted Uses

1) Communications / Utilities
   a) essential services, minor
   b) essential services, major
2) Institutional
   a) Animal shelter
   b) publically owned buildings and facilities
3) Parks & Recreation
   a) nature preserve
4) Commercial
   a) motor vehicle repair and service, minor
   b) storage, rv and boat
   c) kennel
   d) storage, contractor
   e) storage, self-service
   f) medical and dental laboratories
5) Light and Heavy Industrial
   a) auction facility (excluding livestock)
   b) bottle gas storage & distribution
   c) food & beverage production
   d) manufacturing (light)
   e) printing/publishing facility
   f) research and testing laboratories
   g) tool and die shop
   h) warehouse and distribution facility

I2



The plan shown does not reflect all requirements contained in this ordinance.

[1] See accessory structure location restrictions *Section 8.02 – Accessory Uses and Structure Standards*

[2] Check buffer yard standards *Section 7.05 – Landscaping Standards* and/or apply any applicable easement widths

[4] When adjoining the same or a more intense district /when adjoining a less intense district

[9] See height exemptions per *Section 7.10 – Height Standards*

[10] The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

I2

District Intent

The purpose of the Industrial, Medium-Density (I2) District is to encourage the development of manufacturing and wholesale business establishments accommodating a broad range of heavier industrial activities diverse in products, operational techniques and size, which are in locations and under conditions that minimize land, use conflicts. The I2 district is intended to be located in areas with good access to major thoroughfares and where large shipping truck traffic does not disrupt

Conditional Uses

1) Communications/Utilities
   a) Solar farms and wind energy conversion systems, noncommercial
   b) wireless communications facilities
2) Commercial
   a) sexually oriented businesses
3) Light and Heavy Industrial
   a) composting facility
   b) explosive manufacturing and storage
   c) junk/scrap metal yard
   d) mineral extraction operations
   e) salvage yard
   f) sanitary landfill
   g) solid waste transfer station

Permitted Uses

1) Agricultural
   a) agricultural chemical sales, distribution & storage
2) Communications / Utilities
   a) essential services, minor
   b) essential services, major
3) Institutional
   a) publically owned buildings and facilities
4) Parks & Recreation
   a) nature preserve
5) Commercial
   a) impound facility
   b) motor vehicle repair and service, major
   c) storage, contractor
6) Light and Heavy Industrial
   a) agricultural products terminal
   b) animal & animal products processing, packaging
   c) concrete/asphalt production facility
   d) food & beverage production
   e) lumber yard
   f) manufacturing (heavy)
   g) manufacturing (light)
   h) Petroleum and chemical processing and storage
   i) Power generation facility, commercial
   j) printing/publishing facility
   k) recycling center
   l) truck freight terminal
   m) warehouse and distribution facility

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CHAPTER V – INFILL DEVELOPMENT STANDARDS

Sec. 5.01 – INFILL DEVELOPMENT STANDARDS

1) INTENT

   a) Infill development shall be considered to be new development, redevelopment, or expansion of existing legally conforming uses that occurs in an area where at least sixty-six percent (66%) of all lots on both sides of the same street block as the subject lot have been developed into residential or commercial uses, and where infrastructure is already in place. It is the general intent of this Section to:

      i) Accommodate growth in Villa Rica by encouraging and facilitating new development on vacant, bypassed and underutilized land.

      ii) Accommodate development in older established residential neighborhoods.

      iii) Encourage efficient use of land and public services in the context of existing communities.

      iv) Stimulate economic investment and development in older established communities.

      v) Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing communities.

      vi) Create a high quality community environment that is enhanced by a balanced compact mix of development and building types that is pedestrian-scaled and, if applicable, transit-oriented.

      vii) Improve approval certainty for infill development by providing clear development standards.

2) GENERAL REQUIREMENTS

   a) A Development Plan, plat, or certified plot plan shall be required for infill/redevelopment where applicable.

   b) The Development Plan / plat shall incorporate the following elements to enhance compatibility with the surrounding community:

      i) Sidewalks that connect to the adjacent sidewalk system;

      ii) Public streets that connect to the adjacent street pattern;

      iii) Preservation of architecturally significant structures whenever feasible; and

      iv) Setbacks, building envelopes, use and parking compatible with surrounding community.

   c) All new buildings (except accessory structures) shall have the primary entrance oriented to the street or public walkway, with direct, accessible, and convenient pedestrian connections.

3) PERMITTED USES. Permitted uses shall be determined by the following subsections:

   a) Residential Areas. Areas that are made up of predominantly residential uses but no longer permit residential uses may fall under the provisions of *Subsection 3.06(2).*

      i) One accessory apartment dwelling unit per lot may be allowed in addition to the principal dwelling unit. Accessory apartment dwelling standards can be found in *Section 8.02 – Accessory Use and Structure Standards*.

ii) Home occupations and home-based businesses are allowed in accordance with *Section 8.11 – Home-Based Business*.

b) Commercial and Mixed-Use Areas. Areas that are made up of predominantly commercial or commercial/residential mixed uses may include uses other than what is permitted in the underlying zoning district by right, subject to consistency with uses that are identified as permitted or Special Exception within the Commercial Mixed Use (CMU) zoning district, or the Central Business District (CBD).

i) Commercial uses may be mixed vertically or horizontally with residential uses. First floor space shall be restricted to non-residential use in areas of predominantly commercial or mixed-use.

ii) Mixed-use should be planned for in the context of existing walkable amenities in the neighborhood or set the standard for future redevelopment.

4) LOT AND DEVELOPMENT STANDARDS. Density, design, materials, use and scale should reflect local style, heritage and materials unique to those existing in the surrounding area.

a) Lot Size. Lot areas shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.

i) Existing Small Lot Amnesty. A legal lot of record that existed prior to the date of record of this Ordinance, and is being used for infill or redevelopment may use the minimum lot standards that follow.

b) Building Height.

i) Buildings shall conform to:

(1) maximum heights allowed in the zoning district in accordance with *Table 4.4: Residential Lot Standards* or *Table 4.5: Non-Residential Lot Standards*; or

(2) a height that is equal to or the average of adjacent building heights.

ii) If the proposed building height(s) is greater than the allowed maximum, the proposed building or structure must meet the following criteria for community compatibility:

(1) Neighborhood scale

(2) Privacy

(3) Light and shadow

(4) Views

(5) Architectural compatibility

c) Setbacks. Minimum setbacks shall be:

i) as required in the zoning district; or

ii) the average of the established front and side setbacks on properties within the block or six-hundred (600) feet on both sides of the lot parallel to its side lot lines.

b) Bulk and Scale. Bulk and scale shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the

proposed development. Larger buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.

d) Flexible Standards. Flexible development standards to reduce lot area, width, setbacks, height, and other standards may be permitted for infill and redevelopment at the discretion of the Director, subject to proof of good cause and benefit to the development and community, to encourage a variety of land uses, and to address difficult sites which incorporate infill and redevelopment or rehabilitation. Building height and coverage may vary so long as the project average height is consistent with the neighborhood scale and architectural rhythm and does not constitute a disruptive condition in the identity of the area as described here or in *Subsection 5.01(5).*

5) COMPATIBILITY STANDARDS. Infill and redevelopment should provide exemplary site design, architectural design and high quality materials that are compatible with, and does not negatively alter the character of, the existing neighborhood. The applicant should refer to *Chapter IX: Design Standards*.

a) All infill and redevelopment uses shall meet the intent of this chapter and shall be compatible with existing or proposed uses, as identified in the Comprehensive Plan, in the general vicinity of the proposed development. The following requirements shall apply:

i) Building Size, Height, Bulk, Mass, Scale. Similar in height and size or articulated and subdivided into massing that is more or less proportional to other structures in the area, and maintains the existing architectural rhythm.

ii) Building Orientation. Primary facades and entries face the adjacent street with a connecting walkway that does not require pedestrians to walk through parking lots or across driveways.

iii) Privacy. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses by considering the placement of windows and door entrances. Create opportunities for interactions among neighbors in common pedestrian circulation areas of the project.

iv) Building Materials shall be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc. to establish compatibility.

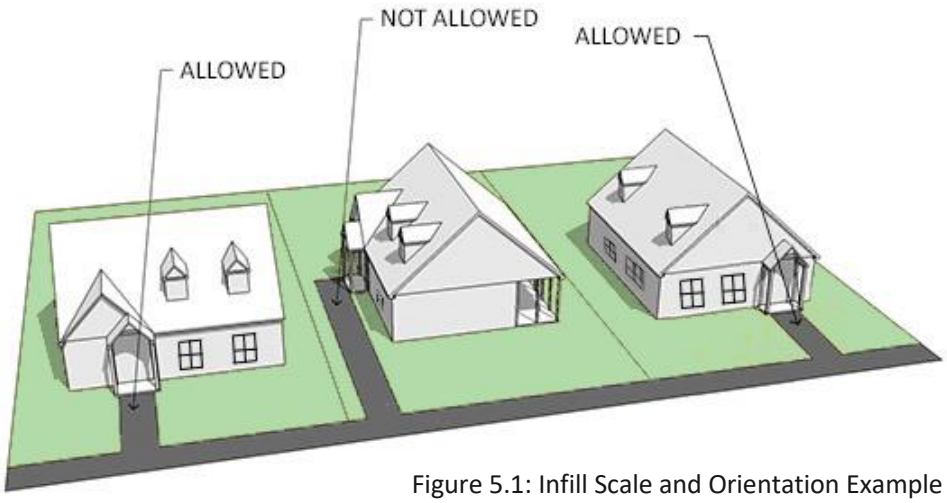


Figure 5.1: Infill Scale and Orientation Example

b) All planned uses, building types, and landscaping shall be included on the Development Plan or plat and shall demonstrate the relationship of the proposed development with existing off-site development in the context of the adjacent community. Compliance with these requirements shall in and of itself be deemed to create a presumption of compatibility.

6) OPEN SPACE AND LANDSCAPING. All open space, recreational amenities, and landscaped areas shall meet the requirements of *Section 7.05 – Landscaping Standards* and *Section 7.13 – Open Space Requirements* unless modified per this subsection, and shall be shown on the Development Plan / Plat.

a) Open Space. Non-residential infill development shall provide common public open space, if planned. An open space credit may be granted if a project is connected to, and located within one-fourth (1/4) mile of, an improved public park or common area by a continuous public sidewalk.

b) Landscaping. Natural vegetative features and existing trees shall be incorporated into the site design if practicable. Landscaping, buffering, and other plant material requirements may be reduced at the discretion of the Director and approval of the Planning & Zoning Commission. However, the intent of the landscaping to enhance and create a hierarchy of space shall remain. Buffering and screening of incompatible uses shall be maintained.

7) PUBLIC FACILITIES AND UTILITIES. Existing and planned public facilities should be shown on the Development Plan / Plat.

a) All public streets, walkways and alleyways shall be shown on the Development Plan / plat. All through streets and walkways shall be public. The local street and walkway system shall be safe, efficient, convenient, attractive and shall accommodate use by all segments of the population.

i) The street and walkway system shall provide multiple, direct and continuous intra- and inter-neighborhood connections between destinations.

ii) The street network shall include sidewalks on both sides of the street.

8) PARKING. Flexibility for the number of parking spaces required by *Section 7.02 – Off-Street Parking and Loading* may be considered if the project is pedestrian-oriented and serviced within six-hundred (600) feet by public parking.

a) The parking plan may provide a combination of off-street and on-street spaces. On-street parking is encouraged.

b) Shared parking is encouraged and shall comply with *Subsection 7.02(20).*

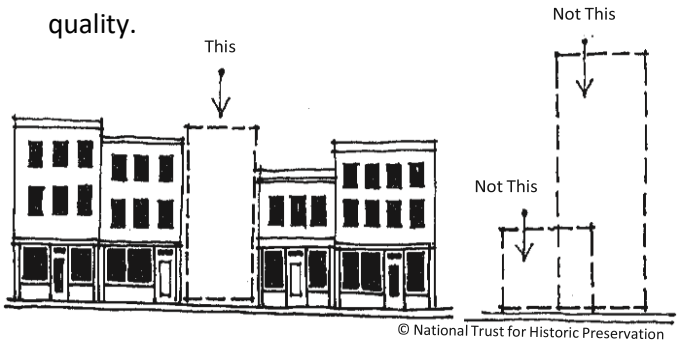
c) As is practicable, at-grade off-street parking areas should be located at the rear of dwellings in mixed-use or residential areas, with alley access.

d) Bicycle spaces shall be provided per *Subsection 7.2(23).*

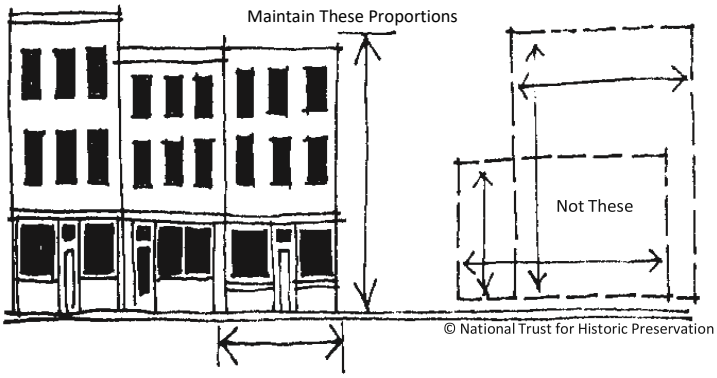
e) Infill development on properties zoned CBD shall be exempt from *Section 7.02 – Off-Street Parking and Loading Requirements.*

Sec. 5.02 – INFILL COMPATIBILITY EXAMPLES

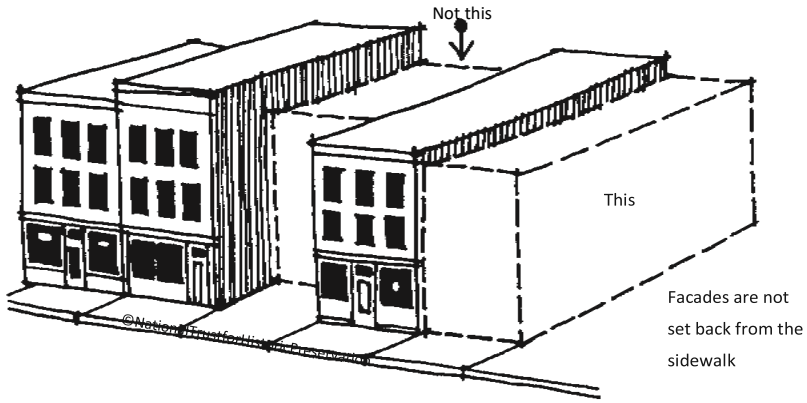
1) HEIGHT. Buildings in town centers or established neighborhoods share a similar height. Infill construction should respect this. A new facade that is too high or low can interrupt this consistent quality.



2) PROPORTION. The characteristic proportion (the relationship between height and width) of existing facades should be respected.



3) RELATIONSHIP TO STREET. The new facade's relationship to the street (setback) should be consistent with that of its neighboring buildings.



4) RESIDENTIAL NEIGHBORHOOD COMPATIBILITY. Infill development should be compatible with the established character of the existing neighborhood by utilizing a similar setback and building orientation.

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CHAPTER VI: PLANNED UNIT DEVELOPMENT

Sec. 6.01 – PURPOSE

1) This chapter is intended to permit the creation of Planned Unit Development (PUD) Districts in accordance with Georgia Code. PUD districts are intended for a parcel of land planned as a single unit which allows for mixed uses and mixed densities under one zoning classification. This Ordinance allows any zoning district to be rezoned for the creation of a PUD district. PUD Districts create neighborhoods that can benefit from innovations in community development, provide greater efficiency in public utilities and services, and preserve open space. All Planned Unit Developments shall be served by centralized sewer and water.

Sec. 6.02 – PUD USES AND STANDARDS

1) USES. All land use classifications that are allowed in this Ordinance may be permitted within a PUD, unless otherwise omitted. All uses are subject to the discretion and approval of the City Council. Once uses are approved by the Council, they are granted by right. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

2) STANDARDS. The development and design standards established in this Ordinance or applicable design guideline documents shall apply unless alternate development or design standards are proposed by the petitioner. The alternate development standards deemed appropriate by the Planning & Zoning Commission in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Planning & Zoning Commission and adopted by the City Council. Any lessening of the required development and design standards of this Ordinance or applicable design guideline documents shall be directly linked to the intent of the Planned Unit Development to:
   a) Provide a mixed-use development; or
   b) Provide a creative and unique design; or
   c) Address unusual physical conditions on site.

Sec. 6.03 – PROCEDURE SUMMARY

1) The section establishes procedures for the review, approval and development of a Planned Unit Development District. There are four basic steps in the PUD process which are illustrated in sequence in the flow charts on the following pages and which are described below:
   a) Pre-Submittal Conference. The applicant is encouraged to engage in informal consultations with the Villa Rica Community Development staff prior to preparing plans. The purpose of this meeting is to discuss expectations, schedule, concept and standards contained herein. It shall be understood that no statement or representations by a member of either Staff shall be binding upon either the Council or upon any zoning body.

   b) PUD District Ordinance and Concept Plan. The PUD District Ordinance and Concept Plan is the second step in the process for establishing a Planned Unit Development. During this step, the

petitioner's proposed development requirements for the Planned Unit Development are reviewed by the Planning & Zoning Commission and the City Council. The approved standards are codified in a PUD District Ordinance that has the effect of rezoning the subject property to a Planned Unit Development zoning district, and establishing the development requirements that will be applied in all subsequent reviews. A Concept Plan which accompanies the ordinance provides the Planning & Zoning Commission and City Council with a general vision for the development of the site.

c) Primary Development Plan. The Detailed Development Plan is the third step in the process. In this step, the applicant prepares an overall plan for the site which will be reviewed by staff, the Technical Advisory Committee and approved by the Planning & Zoning Commission. For a Planned Unit Development that is going to be subdivided, this step also serves as the Preliminary Plat.

d) Secondary Development Plan. The Secondary Development Plan is the final step in establishing a Planned Unit Development. During this step, the petitioner's specific plan for the entire site or a portion of the site is reviewed by the members of the Technical Advisory Committee. For a Planned Unit Development that is going to be subdivided, this step also serves as the Final Plat.

i) Options.

(1) Submission of a Primary Development Plan, processed in the manner described in this Chapter, and the subsequent submission of a Secondary Development Plan for any portion of the approved Primary Development Plan the applicant wishes to develop. The Secondary Development Plan submitted according to this option shall be processed in the manner described in this Chapter.

(2) Submission of a Secondary Development Plan without a Primary Development Plan, processed in the manner described in this Chapter.

Sec. 6.04 – PRE-SUBMITTAL CONFERENCE

1) Prior to submitting a Planned Unit Development application, the petitioner shall meet with the Villa Rica Community Development staff to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. Department staff shall aid and advise the applicant in preparing the application and supportive documents as necessary.

Sec. 6.05 – PUD DISTRICT ORDINANCE AND CONCEPT PLAN

1) ORIGINATION OF PROPOSALS. Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this chapter. The applicant shall submit an application and fee for a Planned Unit Development in accordance with this section, *Section 6.03 –Procedure Summary*, and the established procedure of the Community Development department. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered.

2) AREA REQUIREMENTS. The minimum land area required for a Planned Unit Development shall be five (5) acres. However, a development of less than five (5) acres may be considered by the Planning & Zoning Commission for infill projects.

3) PROJECT OWNERSHIP. The project may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals, or homeowner's association. Such ownership may be a public or private corporation. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Planning & Zoning Commission. The City Council may grant an extension of such time for such a period as it deems in the public interest.

4) DEVELOPMENT STANDARDS. In addition to the applicable provisions of this Ordinance, the PUD Ordinance must comply with the following requirements unless specifically waived by the Planning & Zoning Commission:

   a) The Planned Unit Development must be substantially completed within the period of time specified in the schedule of development submitted by the developer.

   b) The Planned Unit Development will address the public health, safety, and general welfare.

   c) All uses are subject to the discretion and approval of the City Council.

   d) The PUD Ordinance shall address the impact on traffic and public services and facilities, such as schools, fire and police protection. A Fiscal Impact Analysis shall be required for developments of one-hundred fifty (150) or more residential units. The Planning & Zoning Commission may also request a Fiscal Impact Analysis or a traffic study for projects under one-hundred fifty (150) units at their discretion. These studies shall address the impact of the proposed Planned Unit Development on all adjacent streets and intersections.

   e) The PUD Ordinance shall contain such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for public health, safety and general welfare.

   f) Gross residential density shall be calculated by dividing the gross acreage of the total development area by the size of the recommended lots to determine total dwelling units per acre in the proposed project.

   g) Open Space shall be required in accordance with *Section 7.13 –Open Space Requirements*.

5) PUD ORDINANCE REQUIREMENTS

   a) The PUD Ordinance shall address all of the development standards contained within, and may defer to, the City of Villa Rica Zoning Ordinance. At a minimum, the following requirements should be addressed:

      i) Location, size, orientation and shape of buildings;

      ii) Building materials and appurtenances;

      iii) Parking;

      iv) Signage;

v) Exterior renovation or altering of existing structures;

vi) Demolition of existing structures;

vii) Landscaping;

viii) Environmental and natural resource protection;

ix) Erosion and sedimentation control;

x) Vehicular and pedestrian circulation;

xi) Outdoor lighting;

xii) Minimum lot area;

xiii) Minimum lot frontage;

xiv) Minimum lot width;

xv) Minimum front setback;

xvi) Minimum side setback;

xvii) Minimum rear setback;

xviii) Maximum height of structures (principal and accessory);

xix) Maximum lot coverage;

xx) Minimum floor area;

xxi) Site access;

xxii) Site screening and buffering;

xxiii) Location of dumpsters; and

xxiv) Location of open spaces.

6) REVIEW

a) The Community Development department shall determine that the PUD District Ordinance and Concept Plan application are a complete submittal. The Department shall:

i) Docket Number. Assign the item a docket number;

ii) Planning & Zoning Commission. Place the item on an agenda of the Planning & Zoning Commission for public hearing; and

iii) Notification. Inform the petitioner of the time, date, and place of the hearing.

iv) Record. The Department shall maintain records of all applications, plans, and permits filed for a PUD District Ordinance and Concept Plan.

7) PLANNING & ZONING COMMISSION

a) Public Notice. The Community Development department shall be responsible for posting public notice pursuant to the Planning & Zoning Commission Rules of Procedure.

b) Public Hearing. A public hearing shall be held in accordance with the Planning & Zoning Commission Rules of Procedure and the Ordinance draft, concept plan and testimony of the applicant and other attendees shall be considered.

c) Decision. The Planning & Zoning Commission shall:

i) Certify and forward the petition to the City Council with:

(1) A favorable recommendation;

(2) A negative recommendation;

(3) No recommendation; or

(4) Continue the petition to a definite future meeting date.

d) Commitments. In conjunction with its recommendation to the City Council regarding a PUD District Ordinance and Concept Plan, the Planning & Zoning Commission may recommend that the City Council permit the petitioner to make written commitments and may recommend that the Council impose conditions of approval concerning the use or development of the parcel.

e) Revisions. Following Planning & Zoning Commission approval, the petitioner shall submit revised copies of the PUD District Ordinance and the Concept Plan that address the comments and concerns of the Planning & Zoning Commission.

8) CITY COUNCIL

a) Decision. The City Council shall:

i) Adopt the PUD District Ordinance and Concept Plan;

ii) Adopt the PUD District Ordinance and Concept Plan with conditions and/or commitments;

iii) Return the PUD District Ordinance and Concept Plan to the Planning & Zoning Commission with proposed amendments; or

iv) Deny the PUD District Ordinance and Concept Plan.

b) Meaning of Approval. Approval of the PUD District Ordinance by the City Council shall act as a zoning map amendment and an overall guide for the Planned Unit Development, setting forth concepts that shall be consistent in the Primary Development Plan (preliminary plat) and Secondary Development Plan (final plat).

c) Commitments. The applicant shall prepare the commitment instrument in a form approved by the City Attorney. The petitioner and the Mayor and City Council shall sign the commitment instrument.

9) Recording. The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the PUD District Ordinance and Concept Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Community Development department before filing a Preliminary Development Plan petition.

10) Modification or Termination. A commitment or conditions of approval made under this section may be modified or terminated only by a decision of the City Council at a public hearing.

11) Enforcement. The City may enforce any commitment or condition of approval as if the commitment were a standard of the Villa Rica Zoning Ordinance.

Sec. 6.06 – PRIMARY DEVELOPMENT PLAN PROCEDURE

1) PURPOSE. The purpose of a Detailed Development Plan is to divide land into lots, blocks and common area.

2) APPLICATION. An application for Primary Development Plan shall be filed with the Secretary of the Planning & Zoning Commission by the owner, or his/her designee, of property for which the Planned Unit Development is proposed. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered and the application shall be in accordance with the established procedures of the Community Development department and shall contain, at a minimum, the following information:

   a) Name, address, and phone number of applicant;

   b) Name, address, and phone number of registered surveyor or registered engineer assisting in the preparation of the Primary Development Plan;

   c) A survey of the tract that is to be developed;

   d) Description of existing use;

   e) Identification of the existing zoning district;

   f) A vicinity map at a scale approved by the Planning & Zoning Commission, showing existing property lines, streets, existing and proposed zoning, and such other items as the Planning & Zoning Commission may require to show the relationship of the Planned Unit Development to the Comprehensive Plan and to existing developments, schools and other community facilities and services;

   g) A Primary Development Plan at a scale approved by the Planning & Zoning Commission showing topography at two (2) foot intervals; the approximate location and type of residential, commercial and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and open spaces; layout and dimensions of lots and building setback lines, areas of proposed buffering; preliminary improvement drawings showing: points of ingress/egress, water, sewer, drainage, electricity, telephone, and such other characteristics as the Planning & Zoning Commission deems necessary;

   h) Proposed schedule for the development of the site, identifying phasing where applicable;

   i) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;

   j) In the case of a residential planned unit development, the proposed density to which the Development shall be limited; and

   k) In the case of office, commercial, industrial, or mixed-use planned unit development, a statement identifying the principal type of office, business, industrial, and/or other uses that are to be included in the proposed development.

3) TECHNICAL ADVISORY COMMITTEE. Once the Department has determined that it has received a submittal that is sufficiently complete for Technical Advisory Committee (TAC) review, the Department shall inform the petitioner of the time, date, and place of the meeting. Following TAC review, the applicant shall submit revised copies of the plans that address the comments and concerns of the TAC. The Department shall inform the petitioner of the time, date, and place of the Planning & Zoning Commission meeting. The public hearing procedures shall be as established in the Villa Rica Planning & Zoning Commission Rules of Procedure.

4) NOTICE

   a) Notice of Public Hearing. The notice of public hearing shall occur as established in *O.C.G.A. 36-36-36. et seq.* As a minimum, the secretary shall, at least ten (10) days prior to the date set for the public hearing at the applicant's expense, publish a notice one (1) time in the City's Legal Organ. The notice shall set forth the time and place of the public hearing and a general description of the Planned Unit Development.

5) PUBLIC HEARING / PLANNING & ZONING COMMISSION REVIEW AND APPROVAL

   a) After receipt of the Primary Development Plan, the Planning & Zoning Commission shall hold a public hearing within a reasonable period of time.

   b) The Planning & Zoning Commission shall review the preliminary plan to determine if the Proposed Planned Unit Development is:

      i) Consistent with the intent and purpose of this Ordinance;

      ii) Whether the proposed development advances the general welfare of the community and neighborhood; and

      iii) Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.

   c) The Planning & Zoning Commission's approval in principle of the primary development shall be necessary before an applicant may submit a Secondary Development Plan.

   d) Approval in principle shall not be construed to endorse the following:

      i) A precise location of uses;

      ii) Configuration of parcels;

      iii) Engineering feasibility.

EXPIRATION. The Primary Development Plan approval shall expire in five (5) years unless final approval of all or part of the development is complete.

Sec. 6.07 – SECONDARY DEVELOPMENT PLAN

1) PURPOSE. The purpose of a Secondary Development Plan is to provide the details for the construction of individual portions of the PUD. Typical construction plans are submitted and final plats are recorded.

2) SUBMISSION. After approval of the Primary Development Plan, the developer shall submit a Secondary Development Plan in accordance with established procedures of the Community Development department. The Secondary Development Plan shall be in general conformance with the Primary Development Plan as approved by the City Council. The Secondary Development Plan shall be certified by a registered engineer or land surveyor.

3) APPLICATION. An application for approval of the Secondary Development Plan shall be filed with the Secretary of the Planning & Zoning Commission by all owners, or their designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Secondary Development Plan. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. At a minimum, the application shall contain the following information:

   a) Any changes necessary to the survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses;

   b) All information required on the Primary Development Plan, the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties;

   c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes, tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by the type, estimated residential population by type housing. Estimated nonresidential population, anticipated timing for each unit, and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development, whenever the applicant proposes an exception from standard zoning districts or other Ordinances governing development;

   d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, and telephone, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;

   e) Development plan, showing buildings, various functional use areas, circulation, and their relationship;

   f) Preliminary building plans, including floor plans and exterior elevations; Landscaping plans;

   g) When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;

h) A traffic impact study to determine the off-site impacts on the existing thoroughfare system;

i) When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that shall be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and bylaws of such entity shall be submitted;

j) Deed restrictions, and restrictive/protective covenants, and other legal statements or devises to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;

k) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development; and

l) One (1) copy of the Primary Development Plan.

4) REVIEW

a) Review. The Technical Advisory Committee shall review Secondary Development Plans at a regular meeting. This shall not be a public hearing.

b) TAC Review Criteria. Before taking action, TAC shall find that the facts submitted with the application and presented at the public hearing establish that:

i) The proposed development can be initiated within two (2) years of the date of approval;

ii) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained, the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;

iii) The streets as proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;

iv) Any proposed commercial development can be justified at the locations proposed;

v) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Secondary Development Plan, in accordance with the Planned Unit Development;

vi) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development;

vii) The Planned Unit Development is in general conformance with the Comprehensive Plan of the City;

viii) The existing and proposed utility services are adequate for the commercial uses provided; and

ix) The proposed open spaces are adequate and appropriate as identified in this Chapter.

c) Action.

i) The Technical Advisory Committee shall take action to:

(1) approve as presented;

(2) approve with supplementary conditions; or

(3) disapprove at a public hearing.

ii) Following Technical Advisory Committee review, the applicant shall submit revised copies of the plans that address the comments and concerns of the Technical Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered.

5) APPEAL OF A DECISION OF THE DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT. The decision of the Community Development Director can be appealed by the Villa Rica City Council in accordance with *Section. 11.11 – Administrative Appeals Procedure*.

6) COMMERCIAL PROJECTS. For a Planned Unit Development that is being subdivided, approval of the Secondary Development Plan shall be considered to be the Secondary Plat for recording purposes. Subdivision plat procedures/approval may coincide with, and be approved at the same time as, the Primary Development Plan and the Secondary Development Plan.

7) COMMENCEMENT OF CONSTRUCTION. No construction or site grading shall begin prior to the issuance of a Land Disturbance Permit. No Zoning Certificate shall be issued for any property for which a Planned Unit Development classification is requested and no construction shall begin until an approved Secondary Development Plan is in effect for that phase or property, whichever of the above options is chosen by the applicant. No improvement location permit shall be issued for any structure in any portion of a Planned Unit Development unless and until the final subdivision plat for that portion has been approved by the proper planning authority and recorded in the public record of the City. This requirement may be waived by the Director when it is deemed that a subdivision plat is not required.

Sec. 6.08 – ALTERNATIVE SUBMISSION FOR SECONDARY DEVELOPMENT PLAN

1) APPLICATION. The applicant need not file a Primary Development Plan if filing a Secondary Development Plan for the entire site, incorporating all requirements of both the Preliminary and Secondary Development Plans as described in this Section. The Secondary Development Plan shall be filed with the Secretary of the Planning & Zoning Commission by at least one (1) owner, or his/her designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Secondary Development Plan, and submitted to the Planning & Zoning Commission for public hearing. At a minimum, the application shall contain the following information:

a) A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features;

b) A development plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including streets where required the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening, and areas to be left in their natural state;

c) A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures;

d) Floor plans of the proposed structures; Landscaping plans;

e) When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;

f) Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development;

g) In the case of a residential planned unit development, the proposed density to which the Development shall be limited;

h) In the case of Office, Commercial, or Industrial, a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed Development;

i) When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and bylaws of such entity shall be submitted; and

j) Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

2) EXPIRATION. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application.

Sec. 6.09 – PUD ABANDONMENT

1) In the event of the abandonment of a Planned Unit Development authorized under this section, the City Council may initiate an amendment to the Zoning Ordinance so that the land will be zoned into a category or categories which approximates its existing use or such other zoning category or categories which it deems appropriate. This amendment shall follow the procedures in *Section 10.05 – Zoning Map and Text Amendments*.

a) Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Secondary Development Plan for twenty-four (24) consecutive months.
   i) The twenty-four (24) month time limitation may be extended at the discretion of the City Council.

Figure 6.1: PUD Process Summary Flow Chart

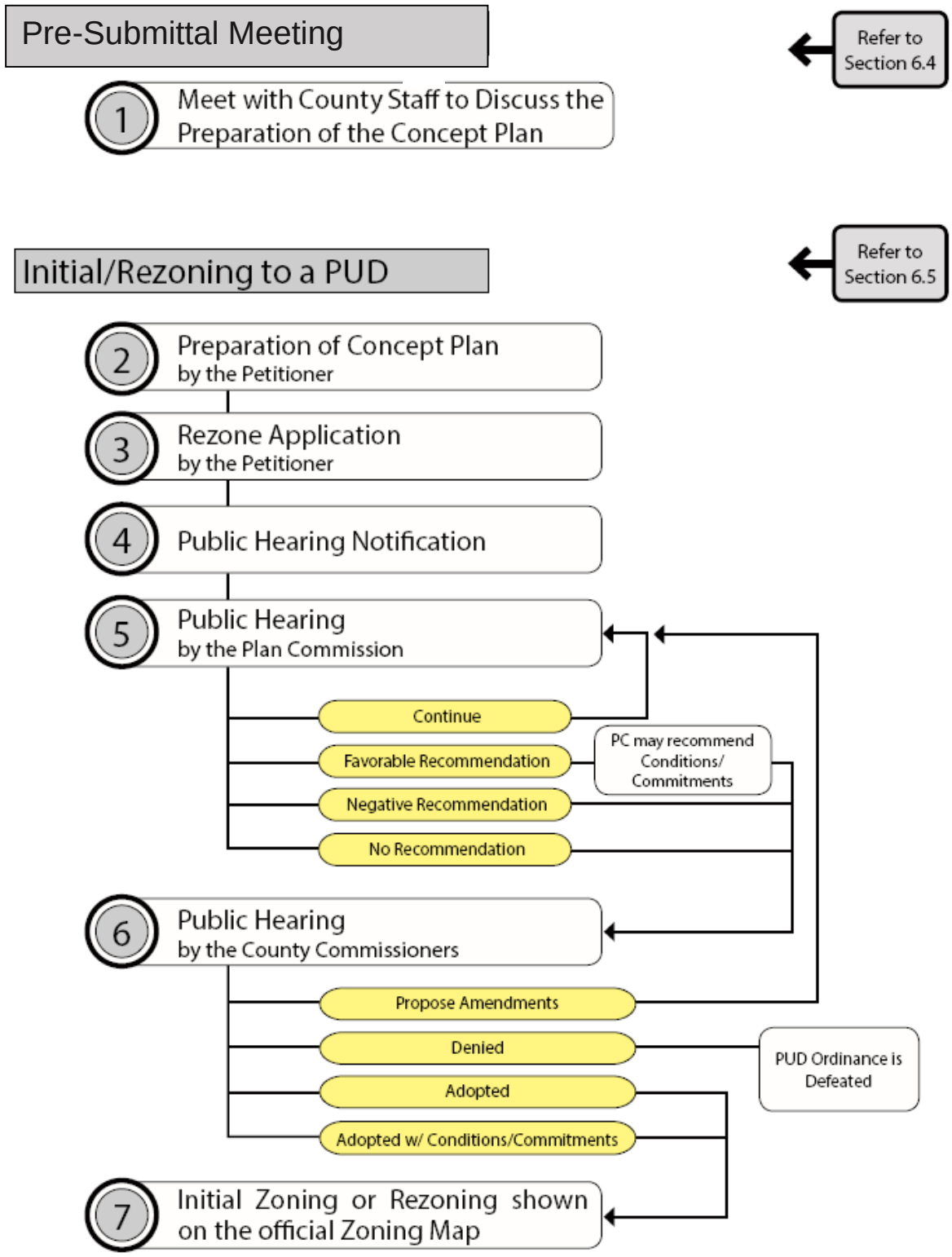
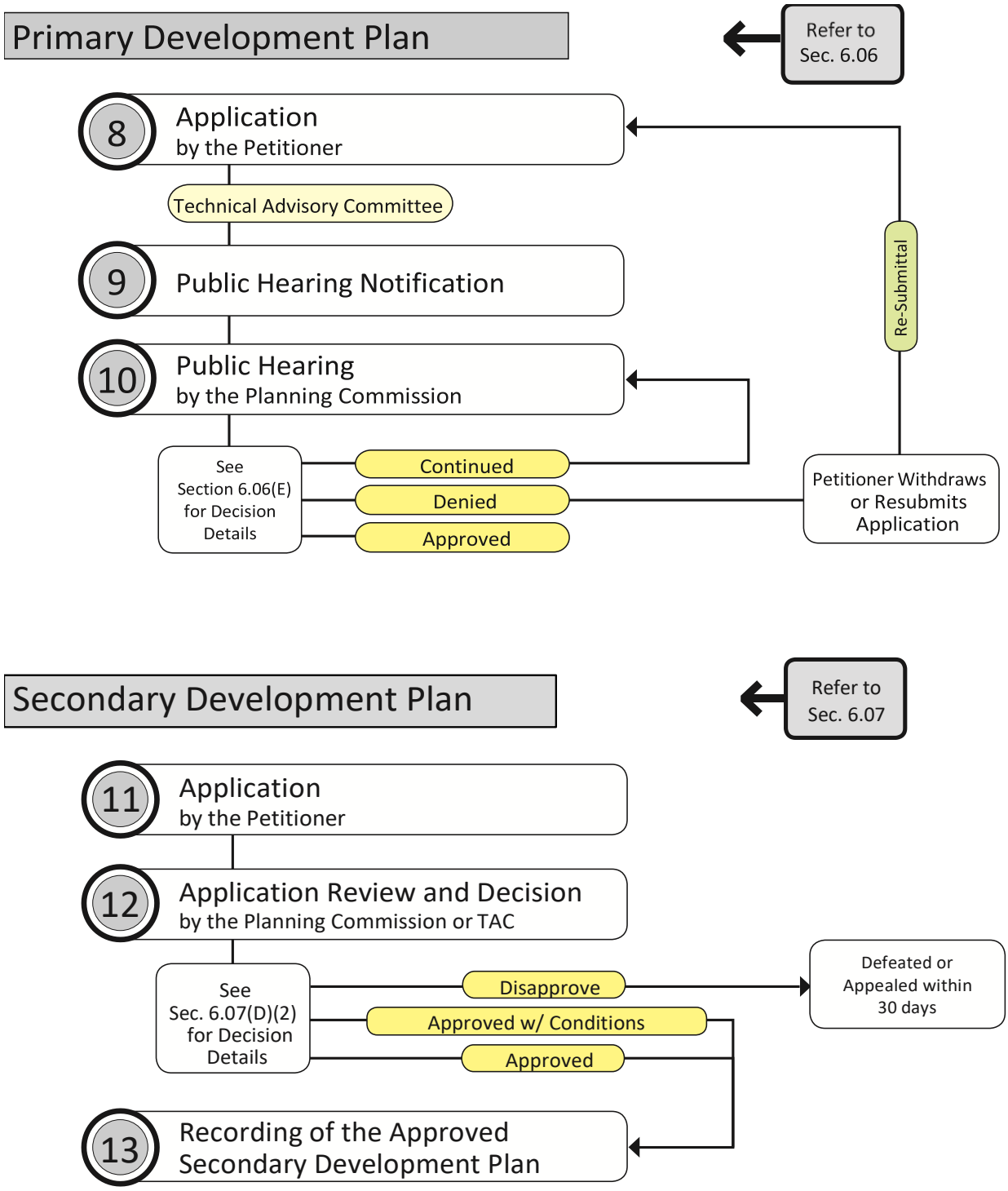


Figure 6.2: Primary/Secondary Development Plan Flow Chart



***** If denied by the TAC, an appeal can be made to the City Council per *Section 11.11*.

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Chapter VII – DEVELOPMENT STANDARDS

Sec. 7.01 – INTRODUCTION AND APPLICATION

1) INTRODUCTION. All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements of legally conforming uses that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all Development Standards and regulations applicable to the zoning district in which they are located. All development plans approved prior to the effective date of this Ordinance shall adhere to the terms and conditions of approval and/or written commitments made under the zoning ordinance that was in place at the time of filing.
2) REQUIREMENTS FOR USES PERMITTED BY SPECIAL EXCEPTION. Any use which is permitted by Special Exception shall be consistent with the standards for the zoning district in which the use is permitted by this Ordinance. The City Council may adopt conditions of approval for any use permitted by Special Exception.
3) USES PERMITTED PER LOT. Only one principal use (whether a permitted or Special Exception use) of a lot shall be permitted. All other uses occurring on a lot shall be accessory to or a subordinate component of the principal use. For properties proposed to include a mix of uses or platted under the horizontal property regime, several compatible principal uses sharing a structure/structures may be considered collectively as the principal use. This shall apply to uses including and similar to shopping centers, retail and residential contained within the same structure, or residential condominiums.

Sec. 7.02 – OFF-STREET PARKING AND LOADING

1) PURPOSE. The purpose of this section is to provide adequate and appropriate areas for the size, location and construction of off-street parking areas and loading areas for new or converted uses within the City. Refer to *Section 7.03 – Entrance/Drive Standards* for parking lot entrance drive standards.
2) GENERAL REQUIREMENTS
    a) Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this section. A parking plan shall be required for all uses except single- and two-family dwellings (ADU). The parking plan shall be submitted to the City as part of the Development Plan Review process. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, illumination, boundary walls, fences and screening, as appropriate.
    b) Whenever a building or use constructed or established after the effective date of this Zoning Ordinance is changed in use or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

c) Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of thirty-five percent (35%) or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

3) REVIEW PRIOR TO ISSUANCE OF IMPROVEMENT LOCATION PERMIT. Any proposed new development or conversion for which a Land Disturbance Permit (LDP) is required as specified in *Chapter XI: Petitions, Permits, and Procedures* shall be reviewed for conformance to the requirements of this chapter.

4) DESIGN STANDARDS. All off-street parking facilities shall be in accordance with the following standards and specifications:

a) DESIGN AND CONSTRUCTION OF PARKING AREAS. The following standards shall apply to the design of off-street parking areas as they are required in this section for all new or converted multifamily, commercial, industrial or quasi-public uses:

i) Minimum Size and Maneuvering Space. The minimum size of a parking space shall be as shown on *Table 7.1: Parking Dimensions* and *Figure 7.2: Parking Aisle and Space Dimensions*. In no instance shall the overhang of a vehicle be considered as part of the required parking space area. Minimum dimensions for semi tractor-trailer parking at truck stops shall be 12.5' x 65'.

(1) All parking spaces shall be provided with adequate maneuvering space into which vehicles can back for the purpose of exiting the parking space.

(2) Proximity. The parking spaces for dwelling units shall be located on the lot.

(3) Location. Off-street parking spaces may be located in front of a structure, but not within the required landscape buffer or utility and drainage easements, unless approved by the Planning & Zoning Commission.

(4) Setbacks. In no case shall a parking area be located closer than ten (10) feet from any right-of-way or adjacent property line.

b) DESIGN AND CONSTRUCTION OF THE PARKING LOT ENTRANCE DRIVE. Refer to *Section 7.03 – Entrance/Drive Standards*.

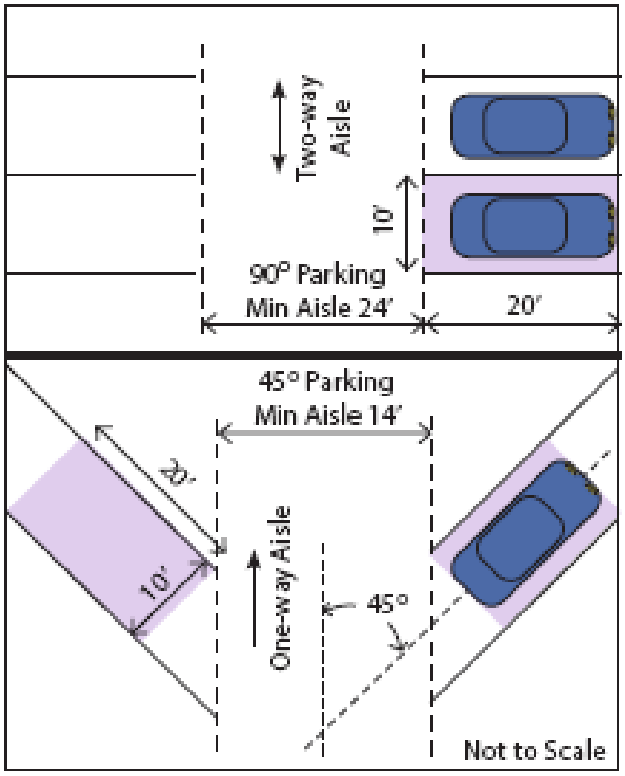
C) PARKING LAYOUT. In addition to the minimum requirements, a maximum of fifty (50) percent of the required parking shall be located between the front facade and the primary street. The balance of the parking shall be on the rear or side of the primary building.

Table 7.1: Parking Dimensions

Angle of Parking	Minimum Parking Space Size		Minimum Aisle Width
	Width	Length	
Parallel	8 feet	22 feet	on-street
90 Degree	10 feet	20 feet	24 feet (two-way aisle)
60 Degree	10 feet	20 feet	18 feet (one-way aisle)
45 Degree	10 feet	20 feet	14 feet (one-way aisle)
Disabled	(refer to ADA guidelines)		

5) PAVING AND DRAINAGE. All parking areas, regardless of size, shall be a hard, dust-free surface. Pavement type and thickness shall be reviewed by the City Engineer prior to Planning & Zoning Commission approval, taking into consideration soil conditions and traffic loading. Porous pavement and pavers may also be used if approved by the Technical Advisory Committee or the Community Development Director. Pavers shall include durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads.
6) EXCEPTIONS. Loose paving materials, including gravel, may be used on lots of five (5) acres or more with primarily agricultural uses, as approved by the City Engineer.
7) STORMWATER MANAGEMENT. Stormwater runoff created as a result of the improvements to the parking area shall be controlled in such a manner so as to eliminate draining onto neighboring properties. Improved parking areas shall be incorporated into the stormwater management plan for the proposed project. Innovative drainage techniques or stormwater best management practices (BMPs) are recommended. Site grading as well as stormwater control provisions shall be reviewed and approved by the City Engineer prior to site construction.

Figure 7.2: Parking Aisle and Space Dimensions



Top: Double-Loaded Parking (minimums)

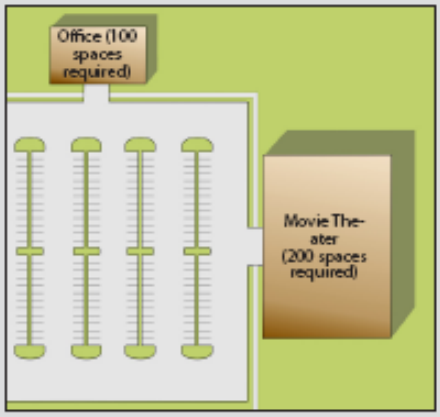
Bottom: Diagonal Parking (minimums)

8) BARRIERS. Wherever a parking space extends to a property line, sidewalk, walkway, landscaping, or fencing, the inclusion of wheel stops, concrete curbs, or other suitable barriers shall be required in order to prevent any part of a parked vehicle from extending beyond the property line, sidewalk, or walkway, and from destroying the screening materials.
9) VISIBILITY. Entrance drives for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
10) MARKING. All parking areas for more than five (5) vehicles shall be marked with paint lines or in some other manner approved by the City and shall be maintained in a clearly visible condition.
11) MAINTENANCE. All off-street parking areas shall be continually maintained in satisfactory condition so as to be safe, attractive and free of any hazard, nuisance or other unsafe condition.
12) SIGNAGE. Signs shall be in conformance with the *Article 9: Villa Rica Sign Ordinance*.
13) LIGHTING. When lighting facilities are used, such lighting shall be in accordance with *Section 7.12 – Outdoor Lighting*.

14) LANDSCAPING. Refer to *Section 7.05 – Landscaping Standards* for landscaping requirements. Refer to *Subsection 7.05(6)(c)(ii)* if the minimum number of parking spaces is exceeded.

15) STACKING SPACES FOR DRIVE-THROUGH BUSINESSES
   a) For the purposes of this Ordinance, one stacking space shall be construed as a minimum of nine (9) feet in width and nineteen (19) feet in length.
   b) Businesses utilizing drive-through windows or those that offer drive-through facilities shall provide a minimum of:
      i) seven (7) stacking spaces per vehicular service window for restaurants and coffee houses;
      ii) five (5) stacking spaces per vehicular service window or automated teller machine for banks and other financial institutions;
      iii) seven (7) stacking spaces per service bay for car-washing establishments;
      iv) three (3) stacking spaces per fuel pump or air compressor for gas stations;
      v) five (5) stacking spaces per vehicular service window for all other uses.
   c) Additional stacking space may be required based on the number of vehicles utilizing the drive-through at peak hour.
   d) Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked.
      i) Exception: Automobile filling stations do not need to delineate lane widths or individual spaces with pavement markings.
   e) Stacking spaces shall be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.
   f) Stacking spaces shall begin at the point of transaction including all service windows, service bays, and automated teller machines.

Figure 7.1 – Parking Calculation Example



EXAMPLE 1: In the calculation of shared parking there are two scenarios depending on which use was created first. (The numbers below are for illustration purposes only and do not reflect the number of spaces required by this Ordinance.)

Movie Theater Exists First:
- 200 spaces already exist for the Movie Theater
- 100 spaces are required for the Office
- 50% of the spaces required for the Office can be provided by the existing Movie Theater
- = 50 spaces (total) must be provided by the Office
- The lot now has a total of 250 parking spaces

Office Exists First:
- 100 spaces already exist for the Office
- 200 spaces are required for the Movie Theater
- 50% of the spaces required for the Movie Theater can be provided by the existing Office
- = 100 spaces (total) must be provided by the Movie Theater
- The lot now has a total of 200 parking spaces

16) TURNING RADII. Sufficient turning radii shall be provided in accordance with approved engineering standards so as to be adequate for all vehicle movement, including fire and safety vehicles, school buses or other oversize vehicles which may make use of the area.

17) PARKING OF COMMERCIAL VEHICLES.
   a) In commercial and industrial districts, commercial vehicles with or without signage which are over eight (8) feet in width and/or nineteen (19) feet in length shall not be stored in a parking area. Such vehicles shall be parked or stored in the required off-street loading space(s) or to the

rear of the principal building when not in use or during non-business hours. Truck stops shall be exempt from this section.

b) With the exception of properties utilized for agricultural use, truck parking (except the temporary parking for the delivery of goods and/or services) and the outdoor storage of trucks over seventy-five hundred (7,500lbs.) pounds gross vehicle weight and or eight (8) feet in height, buses, and semi-tractor and/or trailers shall not be permitted in residential districts. No vehicles shall be parked for the purposes of advertising alongside interstates and highways in any zoning district.

18) PARKING OF NON-COMMERCIAL MOTOR VEHICLES. The parking of recreational vehicles, travel-trailers, boats, vehicle carrier trailers (including automobiles, snowmobiles, motorcycles, etc.), equipment trailers, and other non-commercial motor vehicles associated with residential uses are subject to the following requirements:
   a) At no time shall any parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purpose.
   b) The Director may require a land owner to verify that the vehicle is licensed and operational.
   c) In any District the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.
   d) The outside storage of motor vehicles used for motorsports shall be prohibited.
19) SPECIAL AREA DESIGNATION. Development Plans for proposed projects shall identify the location of handicapped spaces, trash receptacles, cart corrals, fire lanes or other special areas as may be required by other local, state or federal laws.
20) OFF -SITE AND SHARED PARKING
   a) Off-Site Parking. Off-site parking may be allowed on another lot that is within five-hundred (500) feet of the lot occupied by the use(s) for which it is required. A formal agreement between property owners shall be provided prior to Development Plan approval. The agreement shall be recorded with the Plat.
   b) Shared Parking. Shared parking may be allowed between two (2) or more lots that share property lines.
      i) Uses with Similar Business Hours. The total of such off-street parking spaces supplied collectively for multiple uses with similar business hours, where all uses are located within a shopping center or a retail/office/business park subdivision, may be less than the sum of the requirements for the various uses computed separately. In no case shall the sum of the requirements for the various uses be reduced by more than fifteen percent (15%) of the required parking for uses when computed separately as determined by the planning staff.
      ii) Uses with Dissimilar Business Hours. Churches, civic clubs, auditoriums, lodge halls, banquet halls, movie theaters, and stadiums may make arrangements with existing business establishments which normally have different hours of operation for sharing up to fifty percent (50%) of their required parking spaces (Example 1), provided however, where there is a sharing of facilities by different owners or tenants, there shall be a written agreement approved by the Planning & Zoning Commission. In addition, should any of the uses having a joint agreement after passage of this Ordinance be changed or facilities discontinued, then the required spaces for the use or uses remaining shall be provided elsewhere as a condition

precedent to the continued use of the building or buildings. The approved agreement shall be recorded with the County Recorder, and a copy kept on file with the Community Development department.

c) Approval Requirements. All off-site and shared parking space arrangements are subject to the approval of the Director. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces for the uses involved. The parking needs of possible future uses of the property shall also be considered by the Director.

21) PARKING LOTS IN SPECIAL AREAS. Refer to *Chapter V: Infill Development Standards* for additional parking standards.

22) PARKING LOTS IN RESIDENTIAL DISTRICTS. The Planning & Zoning Commission may approve parking lots in the residential zoning districts subject to the following conditions:
   a) The parking lot shall be accessory to and for the use in connection with one or more permitted or Special Exception permitted uses in and adjoining commercial and industrial districts.
   b) The parking lot shall contain not less than five-thousand (5,000) square feet, which shall abut at least fifty (50) feet, either directly or across an alley or street, on the district in which the use for which the parking is provided, permitted or conditionally permitted.
   c) The parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on the parking lot.
   d) No sign of any kind, other than those designating entrances, exits, conditions or use and penalties for improper use shall be maintained on the parking lot.
   e) The parking lot located in a residential district shall not be illuminated after 9 p.m., with the exception of multifamily developments.
   f) Entrances and exits shall be at least twenty (20) feet from any adjacent property located in a residential district.
   g) Refer to *Section 7.05 – Landscaping Standards* for landscaping and screening standards.

23) BICYCLE PARKING. When located within five-hundred (500) linear feet from the nearest property line to a dedicated public bike/ped trail system, all non-residential uses shall provide one designated bicycle parking area for every twenty-five (25) vehicle parking spaces required by this Ordinance, with a minimum provision for three (3) bicycle spaces. Each bicycle area shall provide adequate facilities for securing the parked bicycles.

24) MODIFICATION. The Planning & Zoning Commission shall have the authority to modify any of the requirements of this section in accordance with *Subsection 2.02(1)(q)*.

25) LOADING AND UNLOADING SPACES REQUIRED. Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:
   a) Number of Loading and Unloading Spaces Required
      i) Loading space as required under this section shall be provided as area additional to off-street parking spaces required by other provisions of this chapter and shall not be considered as supplying off-street parking space.
   b) Loading and Unloading Space Design Standards

i) Dimensions. Every loading and unloading space shall not be less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance.

ii) Access. Access to truck loading and unloading spaces shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.

iii) Surfacing. All open loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials capable of withstanding one thousand (1,000) pounds per square inch (psi).

iv) Drainage. All loading spaces shall be provided with adequate drainage facilities as approved by the City Engineer during the Development Plan Review process.

v) Location. No loading shall occur in a yard abutting a residential use and/or zone unless approved by the Planning & Zoning Commission.

vi) Screening. Landscaping and screening shall be as indicated in *Section 7.05 – Landscaping Standards*. The Planning & Zoning Commission shall have the power to determine the need for an additional amount of planting/landscaping, materials, walls, fences or any combination of these as deemed necessary.

vii) Lighting. When lighting facilities are used, such lighting shall be in accordance with *Section 7.12 – Outdoor Lighting*.

Table 7.2: Number of Loading Spaces

Buiding Area	Number of Loading Spaces Required
Less than 5,000 square feet	No spaces required
5,000 square feet but less than 20,000 square feet	One (1) space required
20,000 square feet or more	Two (2) spaces required plus one (1) additional space for each 20,000 square feet over the initial 20,000 square feet

26) MINIMUM NUMBER OF PARKING SPACES. *Table 7.3: Minimum Parking Space Requirements* shall be used to determine the minimum number of parking spaces required for the specified use.

a) Maximum Spaces. The maximum number of permitted parking spaces is the minimum required number of spaces plus ten percent (10%).

i) For proposed parking lots of more than one-hundred (100) parking spaces that exceed the maximum number of permitted spaces (see *Section 7.02(26)(a)* above), the Planning & Zoning Commission may increase the minimum amount of required interior landscaping by five percent (5%), and may require that the additional paved area be constructed with pervious pavement.

b) Requirements for Uses Not Specified. Where a use is not specifically mentioned in *Table 7.3: Minimum Parking Space Requirements*, the requirements for a use which is so mentioned and to which said use is similar shall apply.

c) Right-of-Way. No parking, loading or servicing of vehicles shall be done on the right-of-way of any publicly dedicated thoroughfare. This section is not intended to exclude vehicles from on-street parking in areas zoned CBD.

d) Net Floor Area Measurement. For the purpose of determining parking space requirements in this section, the term "net floor area" means the area used for service to the public and excludes area used principally for non-public purposes such as storage, incidental repair, processing, show window, mechanical rooms, elevator shafts, stairwells, rest rooms and dressing rooms. Any derived number with a fractional value of more than fifty percent (50%) shall be rounded to the next highest whole number.

27) Parking for Persons with Disabilities

a) Required in All Parking Lots Parking spaces for persons with disabilities shall be provided in all parking lots in accordance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities.

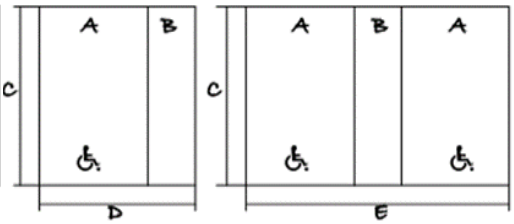
b) Standards Vehicular access aisle widths shall be the same as for perpendicular parking spaces. A handicap access aisle shall be provided adjacent to each handicap parking space and may be shared between adjacent handicapped parking spaces. If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each such parking area in conformance with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured. Dimensions for disabled parking are provided in *Figure 7.4*.

c) Number of Required Parking Spaces The number of parking spaces to be provided for persons with disabilities shall comply with *Table 7.3*.

d) Marking All handicapped accessible spaces shall be clearly marked as such.

Figure 7.4: Handicapped Parking Space Design

Handicap Width (ft)	Access Length (ft)	Van Access Aisle Width (ft)	Aisle Width (ft)
8	18	5	8



A Width of stall: 11 ft.
B Width of Access Aisle: 5 ft. (Always on right of single space)
C Length of space: 20 ft. of stripe 18 ft.
D Overall width single space: 16 ft.
E Overall width of double space: 27 ft.

Table 7.3: Parking for the Disabled

Parking Capacity	Required Minimum Spaces for Persons with Disabilities
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

Figure 7.4: General Parking Lot and Landscaping R

Table 7.3: Minimum Parking Space Requirements	
Type of Use	**Minimum Required Parking**
Agricultural	
Animal Breeding (commercially)	one (1) space per employee on largest shift
Farm Equipment Sales & Service	one (1) space per five hundred (500) square feet of enclosed sales area, plus one (1) space per two thousand five hundred (2,500) square feet of open sales area, plus one (1) space per employee on the largest shift
General Farming Uses	two (2) spaces per dwelling unit
Greenhouse or Plant Nursery	one (1) space per three hundred (300) square feet of interior sales, plus one (1) space per employee on the largest shift
Horse Stable (commercial)	one (1) space per four (4) stalls, plus one (1) space per employee on the largest shift
Truck Garden or Produce Stand	four (4) spaces per individual owner-occupied stand
Residential	
Accessory Apartments	one (1) space per dwelling unit
Amenity Area	one (1) space per three hundred (300) square feet of clubhouse or lodge space, plus one (1) space per two hundred fifty (250) square feet of non-competition pool
Assisted living/Senior Housing	eight-tenths (0.8) spaces for every patient/resident room/unit
Bed and Breakfast Establishment or Boarding House (owner must live on-premises)	one (1) space for each guest room, plus two (2) spaces for the owner
Facility for the Developmentally / Mentally Disabled	one (1) space for each employee on the largest shift, plus one (1) space per three (3) clients
Group Home	one (1) space per five (5) residents, plus one (1) space per employee on the largest shift
Manufactured Home Park	two (2) spaces per unit, plus one (1) visitor space for ever two (2) units
Multi-Family	
Studio or 1 Bedroom	one (1) space per unit, plus one (1) visitor space per three (3) units
2 Bedrooms	1.6 spaces per unit, plus one (1) visitor space per three (3) units
3 Bedrooms	1.8 spaces per unit, plus one (1) visitor space per three (3) units
4 Bedrooms	two (2) spaces per unit, plus one (1) visitor space per three (3) units
each bedroom after 4	add 0.5 spaces per additional bedroom
Nursing home or convalescent care facility	one (1) space for every four (4) beds, plus one (1) per employee on the largest shift
Single-, two-family, and manufactured home	
Up to 3 Bedrooms	two (2) spaces per unit
4 or more Bedrooms	three (3) spaces per unit

Table 7.3: Minimum Parking Space Requirements	
Type of Use	**Minimum Required Parking**
Institutional	
Education	
Elementary and Junior High/Middle School	two and one-half (2.5) spaces per classroom
High School	one (1) space for every five (5) students of design capacity, plus two (2) spaces for each classroom OR one (1) space for every four (4) seats in any auditorium or assembly hall, whichever is greater
Nursery School	one (1) space per employee on largest shift, plus one (1) space per five (5) attendees
University, College or Vocational School	one (1) space for every three (3) students of design capacity
Other	
Club or Lodge	one (1) space for every fifty (50) square feet of net floor area
Community Center	one (1) space for every three (3) people at maximum capacity
Funeral Home	one space for every seventy-five (75) square feet of parlor or chapel space; or one (1) space per five (5) seats, whichever is greater. This number shall be exclusive of spaces dedicated to hearses, company vehicles or ambulances
Government and Municipal Building	one (1) space for each three hundred (300) square feet of net floor area
Hospital	one (1) space for each two (2) patient beds (excluding bassinets), plus one (1) space for each person on largest shift
Places of Worship	one (1) space per four (4) fixed seats or eighteen (18) linear feet of bench; if no fixed seating, one (1) space per twenty-eight (28) square feet of main auditorium space
Police/Fire Station	one (1) space for every three hundred (300) square feet of net floor area, plus one (1) space for each vehicle used for fire or police protection
Post Office	one (1) space for each employee, plus one (1) space for every two hundred (200) square feet of usable floor area
Public Library, Art Gallery, or Museum	one (1) space for every five hundred (500) square feet of net floor area
Recycling Center (public)	one (1) space per two thousand five hundred (2,500) square feet of processing /storage space
Recycling Center (sorting/distribution)	one (1) space per five thousand (5,000) square feet of processing / storage space, plus one (1) space per three hundred (300) square feet of administrative/office area
Utility Service Facility/Office	one (1) space per three hundred (300) square feet of administrative/office area, plus one (1) space per company vehicle
Veterinarian Clinic/Animal Hospital (temporary boarding only, for ill or injured animals)	one (1) space for each examination room plus two (2) space for each fifty (50)square feet of reception area

Table 7.3: Minimum Parking Space Requirements	
Type of Use	**Minimum Required Parking**
Parks & Recreation	
Active Recreation Area (athletic fields, tennis courts, basketball, soccer, baseball, softball, football, playgrounds, etc.)	one (1) space per acre, plus twenty (20) spaces per field, plus five (5) spaces per court
Amphitheater	one (1) space per three (3) seats, plus one (1) space per twenty-five (25) square feet of open seating area, plus one (1) space per employee on the largest shift
Driving Range	one and one-half (1.5) spaces per tee
Golf Course	two (2) spaces for each hole plus one (1) space for each one hundred (100) square feet of net floor area of the clubhouse
Passive/Low Intensity Recreation (unimproved backpacking trails, unimproved hiking trails, picnic areas, primitive camping areas, canoeing and rafting areas, etc.)	two (2) spaces per mile of trail; or one (1) space per three (3) acres
Swimming Pool (excluding private pools on residential lots)	one space for each one hundred (100) square feet of pool and pool deck area
Commercial	
Adult	
Sexually Oriented Business (unlicensed massage parlors, adult book stores, adult entertainment services, etc.)	one (1) space for every three (3) seats; OR one (1) space per two hundred (200) square feet of net floor area, whichever is greater
Motor Vehicle Services	
Motor Vehicle Filling Station	one (1) space for each pump
with service bays	add one (1) space for each bay or work area
with convenience store	one (1) space for each three hundred (300) square feet of enclosed net floor area
Motor Vehicle Sales (automobile, recreational vehicles, motorcycle, truck, trailer, etc.) Customer & Employee Parking	one (1) space for each five hundred (500) square feet of net floor area of sales, shop or garage, plus one (1) space per two thousand five hundred (2,500) square feet of open sales area
Motor Vehicle Service and Repair	three (3) spaces for each bay or work area
Entertainment	
Auditoriums and places of assembly with or without fixed seats	one (1) space per one hundred fifty (150) square feet of seating/display area
Drive-In Movie Theater	one (1) space per vehicle at maximum capacity plus three (3) spaces for employees
Indoor Recreation (billiards, video arcades, ice/roller skating rink)	one (1) space for ever four (4) seats; or one (1) space for every four (4) people at maximum capacity
Miniature Golf	one (1) space for every hole
Movie Theater	one (1) space for every four (4) seats, plus one (1) space for each employee
Recreation, Commercial (water parks, sports arenas, batting cages, amusement parks, motor vehicle or animal racing facilities, etc.)	one (1) space for each three (3) seats; or one (1) space for each participant at maximum utilization, whichever is greater

Table 7.3: Minimum Parking Space Requirements	
Type of Use	**Minimum Required Parking**
Service Businesses	
Animal Boarding Facility (includes kennel)	one (1) space for every four hundred (400) square feet of net floor area, excluding animal exercise areas
Business, Commercial Service	one space for each three hundred (300) square feet of net floor area
Contractors Service	one (1) space for each five hundred (500) square feet of net floor area
Dance/Aerobics/Gymnastics/Martial Arts Studios	one (1) space for every two hundred fifty (250) square feet of floor area, plus adequate area for safe and convenient loading and unloading of students
Day Care Center (child/adult)	one (1) space for every four (4) attendees; minimum six (6) spaces
Health Service (health club, fitness facility, health spa, etc.)	one (1) space for every three hundred (300) square feet of net floor area
Hotel/Motel	one (1) space for each sleeping room plus one (1) space for each four hundred (400) square feet of public meeting area and/or restaurant space
Personal Service (barber shops, beauty parlors, nail salon, etc.)	two and one half (2.5) spaces per customer services chair
Self Service Storage Facility	one (1) space for each twenty (20) rental storage units; no less than three (3) spaces
Shoe Repair	one (1) space for every four hundred (400) square feet of net floor area
Professional/Office	
Clinics	one (1) space for every four hundred (400) square feet of net floor area
Financial Institutions	one (1) space for every three hundred (300) square feet net floor area, plus stacking space for five (5) vehicles at each vehicular service window
Bank Machine / AT M Walk-Up Facility	two (2) spaces per AT M
Professional Office (general, law, insurance, travel, design, etc.)	one (1) space for each three hundred (300) square feet of net floor area
Restaurant/Food Preparation	
Bakery, Retail	one (1) space for every five hundred (500) square feet of floor area; minimum five (5) spaces
Coffee Shop	one (1) space per two (2) seats; minimum six (6) spaces
Restaurant	one (1) space per three (3) seats, plus one (1) space for each employee on largest shift
with vehicular service window	one (1) space per two (2) seats, plus seven (7) stacking spaces per drive-through lane, where applicable
if no indoor seating	minimum ten (10) spaces
Bar / Tavern	one (1) space for every three (3) seats; OR one space for each one hundred square feet of net floor area, whichever is greater(100)

Table 7.3: Minimum Parking Space Requirements	
Type of Use	**Minimum Required Parking**
Retail Businesses	
Business, Retail	one space for each three hundred (300) square feet of net floor area; minimum six (6) spaces
Supermarket / Convenience Store	up to 5,000 square feet: one (1) space for every two hundred fifty (250) square feet of net floor area greater than 50,000 square feet: one (1) space for every three hundred (300) square feet of net floor area
Hardware Store / Appliance Sales	one (1) space for every four hundred (400) square feet of net floor area
Apparel / Shoe Store	one (1) space for every three hundred (300) square feet of net floor area
Furniture Store	one and one half (1.5) spaces for ever one thousand (1000) square feet of net floor area
Business, Wholesale	one (1) space for each five hundred (500) square feet of net floor area
Shopping Center / Big Box	
≤ 100,000 square feet gross leasable	one (1) space per three hundred (300) square feet for the first ten thousand (10,000) square feet and one (1) space per each four hundred (400) square feet thereafter
between 100,001-500,000 sq ft gross leasable area	one (1) space per three hundred fifty (350) square feet for the first ten thousand (10,000) square feet and one (1) space per each four hundred (400) square feet thereafter
> 500,000 sq ft gross leasable area	one (1) space four hundred (400) square feet
Industrial	
Manufacturing	one (1) space per employee on largest shift, plus one (1) visitor space per ten (10) employees
Research and Testing	
Salvage Yard	
Solid Waste Transfer Station	
Warehousing, Distribution, or Flex Tenant	

Sec. 7.03 – ENTRANCE/DRIVE STANDARDS

1) INTENT. The purpose of these entrance and drive standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrance drives, driveways, and interior drives.
2) GENERAL ENTRANCE/DRIVE STANDARDS APPLICABLE TO ALL ZONING DISTRICTS.
   a) General Requirements. All driveways and interior drives shall conform to the following design requirements:
      i) Entrance Drives and Driveway Widths. Entrance drives shall conform to the following minimum pavement widths up to and at the point which they intersect the public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance or drive at the public right-of-way which it accesses. The distance shall not include any acceleration or deceleration lanes or turning radii. The width shall be:

(1) Fourteen (14) feet per lane (exclusive of any medians) if from a non-residential or multifamily residential use onto any type of street, and
(2) Twenty-four (24) feet total if from a residential major subdivision onto any type of street.
(3) Twelve (12) feet for an individual residential driveway onto a local street and fourteen (14) feet for one and two-family residential driveways onto arterial or collector streets.

ii) Design and Construction of the Parking Lot Entrance Drive. For every new or converted multi-family, commercial, industrial and quasi-public use, the following standards shall apply:
(1) Length of entrance drive to be kept free of parking maneuvers (backing up, three-point turns, initial parking) shall meet the requirements of *Table 7.4: Parking Lot Drive Length*.
(2) Each ingress or egress aisle/driveway shall have a minimum width as identified in *Table 7.1: Parking Dimensions*, dependent on the angle of parking. Each aisle/driveway shall be so designed so as to provide for adequate turning and maneuvering. Each ingress or egress aisle/driveway shall be improved with hard, dust free surface materials (excluding gravel) from the street apron to the entrance of the parking area.
(3) There shall be no more than two (2) access ways providing for ingress or egress on any one street unless for good cause shown and approved by the City Engineer.
(4) Ingress and egress driveways shall not be used to meet the requirements of *Table 7.3: Minimum Parking Space Requirements* as stated in this section and thereby block the reasonable flow of vehicles to parking spaces. Parking arrangements within ingress and egress driveway areas shall be approved by the Planning & Zoning Commission.

iii) Travel Direction. The direction of travel for vehicles using entrances shall be as follows:
(1) All entrances providing access to a public right-of-way from all lots used for nonresidential or multifamily development shall be designed so that vehicles are traveling in a forward direction when entering and leaving.
(2) In no case may any entrance for any use, except residential uses, be designed to require a vehicle to back onto any arterial or collector street.

iv) Shared Entrances and Drives. Shared entrances and drives are encouraged for all uses in all zoning districts, specifically for any multifamily residential or nonresidential uses accessing a Major Collector or Arterial street.
(1) Access Easements. All shared entrances and drives shall be constructed only in appropriate access easements. Easements must be recorded before usage commences.
(2) Required Documentation. A permanent documentation of any shared entrance and drive agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow

Table 7.4: Parking Lot Entrance Drive Length

Parking Spaces	Distance in Feet
1-39	20
40-99	40
100-300	60
300 or more	60, plus 20 additional for each 500 additional parking spaces

removal, ownership, and liability. The agreement, which can be amended and assigned shall be reviewed and approved by the City Engineer and duly recorded with the County Recorder. Any changes to the agreements must be accomplished with the consent of the Community Development Director. A copy of the agreement shall be retained for the files of the Planning & Zoning Commission. The agreement shall be recorded prior to the issuance of the occupancy permit.

v) Internal Drives. Internal drives may be public or private streets that are part of the hierarchy of travelways in multifamily and commercial subdivisions, providing access to and connecting the main entrance drive, parking lots and outparcels.

(1) Commercial Area Internal Linkages. All uses located in a commercial zoning district shall provide interior drives that allow access between existing and proposed commercial uses on adjacent properties.

(2) The internal road minimum width shall be twenty (20) feet for multifamily and nonresidential uses and districts.

(3) The interior drives may be required to be curbed, provide pedestrian access and landscaping.

(4) Cross-Access Required. The drives must be designed as a single two-way drive or a pair of one-way drives that provide access between the parking lots and interior drives of all adjoining commercial uses.

(5) Separation. Interior drives providing cross-access between adjacent parcels shall be separated from the right-of-way of any such street by a minimum distance specified by the City Engineer (based on the vehicle stacking requirements of the entrance(s) to the property from the public street).

vi) Curbs. All entrances and interior drives for property used for purposes other than agriculture, single-family residential, or two-family residential shall generally be completely curbed. Curbing shall not be required if, in the opinion of the City Engineer, the drainage system for the property shall be best served if curbs were not present.

vii) Driveway Separations. Driveway locations shall conform to the ~~following minimum~~ requirements for separation in *Table 7.5: Minimum Distance from Drives to Nearest Intersection*.

Table 7.5: Minimum Distance from Drives to Nearest Intersection
Note: Distance is measured from centerline to centerline

Street Type	Residential Driveway	Non-Residential Driveway
Arterial	300'*	600'
Collector	200'*	200'
Local	100'	100'
Subdivision	75', with maximum of one per lot	N/A

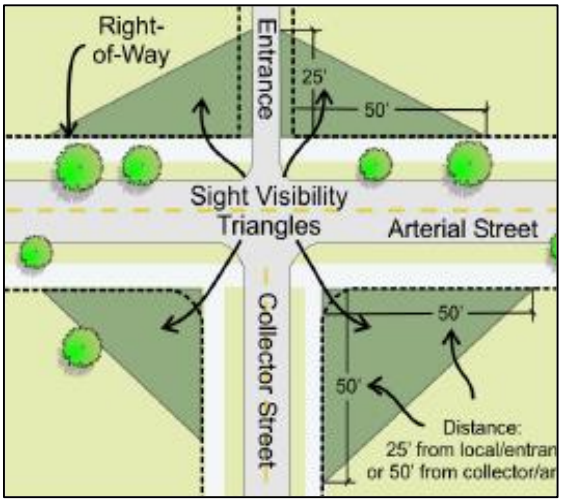
* It is the intent of this ordinance to avoid residential driveways directly on arterial streets. When such driveways are necessary, it is preferable to have a minimum number of access points. Therefore, in some cases, it may be preferable to located two driveways immediately adjacent, rather than to use the recommended separation.

3) MODIFICATION. The Planning & Zoning Commission shall have the authority to modify any of the requirements of this section in accordance with *Subsection 2.02(1)(q).*

Sec. 7.04 – SIGHT VISIBILITY

1) Sight Visibility Triangle
   a) All properties, with the exception of those located in the Central Business District (CBD), shall maintain an area (the "sight visibility triangle") at every intersection of an adjoining street with other streets and entrance drives. The sight visibility triangle shall be free of structures, vegetation, signs (other than street signs), fences, and other opaque or partially opaque objects between a height of two (2) and eight (8) feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present).
   b) The Sight Visibility Triangle shall be determined by a diagonal line connecting two points measured twenty-five (25) feet from the intersection of residential or local street / entrance drive lines, and fifty (50) feet from the intersection of arterial or collector street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. These standards shall not apply to official warning signs or signals necessary to the public safety.
2) Median and Intersection Visibility. No fence, wall, sign, hedge, tree or shrub planting, or other similar item which obstructs sight lines and elevations between two (2) and eight (8) feet above the street shall be placed within any median area within one-hundred (100) feet of an intersection. No walls, rocks, or boulders larger than two (2) feet in any dimension shall be placed in the median.
3) Stop Sign Visibility. No trees shall be planted in any portion of a public street right-of-way within one-hundred fifty (150) feet of a stop sign. Required street tree plantings shall be planted outside of the right-of-way.

Figure 7.2 – Sight Visibility Triangle Diagram



Sec. 7.05 – LANDSCAPING STANDARDS

1) PURPOSE. The purpose of this section is to provide minimum standards for landscaping that visually enhances development, defines circulation routes, reduces heat and glare in parking areas, and provides screening between incompatible land uses.
2) APPLICABILITY. This section shall apply to new property development and any expansion of existing legally conforming sites or structures that exceeds thirty-five percent (35%) in conformance with *Section 1.04 – Applicability and Compliance*.
3) GENERAL REQUIREMENT FOR SUBMITTAL. Any property to which this section applies shall submit a landscape plan as part of the Development Plan or Plat review process. Landscape plans shall be prepared and sealed by a professional landscape architect registered in the State of Georgia, unless waived by the Director. The landscape plan shall contain the following information:
   a) Plans shall be prepared on 24"x36" sheets at a scale no less than 1" =50' to indicate all types of proposed landscaping improvements and shall include the following minimum information:

i) North arrow and scale.
ii) The name of applicant/owner.
iii) The name, address and phone number of the person or firm responsible for the preparation of the plan.
iv) The dates the plans are submitted and/or revised.
v) All existing and proposed buildings and other structures, paved areas, planted areas, underground utilities, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
vi) All existing plant material to be removed or retained and all new landscaping materials to be installed.
vii) All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
viii) All property lines and easements.
ix) Any other information which is deemed appropriate by the Director.
x) Details shall be shown for the planting of the types of trees, shrubs and ground cover within the buffer yard or landscaped area.

4) APPROVAL.
   a) No site or Development Plan required under this Zoning Ordinance shall receive secondary approval unless a buffer yard and landscape plan has been submitted and approved.
   b) No final approval of the Land Disturbance Permit shall be granted unless the following criteria are fully satisfied with regard to the approved buffer yard and landscape plan:
      i) Such plan has been fully implemented on the site; or
      ii) Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement in accordance with *Subsection 7.05(5)(h) – Assurance of Installation/Completion*.

5) GENERAL LANDSCAPING STANDARDS. Buffer yard and landscape materials shall consist of the following items as indicated below. The proposed landscape materials should complement the form of the existing vegetation, as well as the development's general design and architecture. The cultural conditions (shade, sun, moisture, and location of planted material) should be considered in selecting plant materials.
   a) Maintenance of Landscaping and Buffer yards. All landscape materials shall be installed and maintained according to accepted nursery industry procedures.
      i) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and buffer yards, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.
      ii) All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first.
      iii) Violation of these installation and maintenance provisions shall be grounds for the Community Development department to: fine the owner of the property in violation of the conditions of the Improvement Location Permit; require replacement of the landscape material; or institute legal proceedings to enforce the provisions of this section.

iv) Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this chapter may not be topped or otherwise treated so as to reduce overall height. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to insure the public safety or to preserve the relative health of the material involved.

b) Buffer yard and Landscaping Establishment. Once the landscape plan has been approved by the Planning & Zoning Commission or its designee and established by the owner, it may not be used, disturbed or altered in any way that would decrease its effectiveness for any purpose.

c) Earthen Mounds. Earth mounds shall be physical barriers that block or screen the view, similar to a hedge, fence or wall. Mounds shall be constructed using approved fill and with a maximum slope of 3:1 (run:rise) and planted with proper and adequate plant materials to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

d) Plant Material. Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements. Plant materials used in conformance with the provisions of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

e) Ground Cover. Any part or portion of a nonfarm parcel that is not used for structures, loading or parking spaces, sidewalks, etc., shall be landscaped or left in a natural state that complies with the applicable ordinances of the City of Villa Rica. If landscaped, it shall be planted with an all-season ground cover and with trees and shrubs in accordance with the requirements of this Ordinance and in keeping with the natural surroundings.

f) Preservation of Existing Vegetation. Any existing vegetation that is retained, and that meets the species and location requirements of this section, may be counted towards fulfilling the minimum landscaping requirements, subject to the approval of the Community Development Director. No construction activity of any kind shall take place within the area defined by the drip-line of any vegetation that is to be retained and counted as fulfilling these requirements.

i) Protected Trees. Consistent with the expressed purposes of this subsection, all persons shall make reasonable efforts to preserve and retain any existing, healthy, self-supporting trees, referred to as “protected trees.” The minimum size of trees to be protected: deciduous trees - six (6) inch caliper; evergreen trees - eight (8) inch caliper; and ornamental trees - two (2) inch caliper. No person shall take out, destroy, cause to be destroyed, move or remove any protected tree in preparation for development activity without first obtaining a Land Disturbance Permit from the Community Development department.

(1) To further encourage the preservation of existing trees, each protected tree that is preserved and is greater than eight (8) inches in caliper may be counted toward the required landscape materials at a rate of two (2) required shade or evergreen trees or four (4) required ornamental trees. Preserved trees may not count toward the caliper inches required for mitigation of any trees removed.

(2) Exemptions. The requirements of this subsection shall be followed except:

(a) During a period of emergency, such as a tornado, ice storm, flood or any other such extreme act of nature;

(b) If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree;
(c) For necessary tree removal by a public agency or utility company within plotted or dedicated utility easements;
(d) In an area upon which a permanent structure is located or will be located within a lot building area for all zoning districts;
(e) With respect to trees on developed single-family lots;
(f) With respect to trees of less than twelve (12) caliper inches on all lots less than 20,000 sq. ft.;
(g) With respect to dead, substantially injured, diseased or damaged trees;
(h) Government agencies, tree farms, nurseries and agricultural uses shall be exempt from this subsection provided tree removal is consistent with normal and regular business activity.

(3) Requirements for Development Plans. All applications for a Land Disturbance Permit or Development Plan Review that will require removal of protected trees shall include a protected tree plan or indicate on the demolition, grading and landscape plans the following:
(a) A scale map or a plot plan showing the proposed development and noting the location of all protected trees. Tree stands may be outlined giving species and category of trees.
(b) Notations regarding which protected trees are to be removed, replaced, or are requested to be counted toward landscaping requirements.
(c) Methods of protection.

g) Measurement Standards. All new trees required to be planted by this Ordinance shall be measured as follows:
i) All broadleaf / deciduous trees shall be two and one-half (2½) inches in diameter (DBH-Diameter at Breast Height) at the time of planting, measured at six (6) inches above the root ball.
ii) All evergreen conifers shall be four (4) feet in height at the time of planting, measured from the top of the root ball.
iii) All shrubs shall be twenty-four (24) inches in height at the time of planting, measured from ground level.

h) Assurance of Installation/Completion. Plant material used for buffer yards, medians, entrances, ponds, or street or subdivision perimeter landscaping shall be designated as "Common Area" or as a landscape easement on the landscape plan(s), and shall be installed prior to the recording of the plat of the subdivision. A final Certificate of Occupancy shall not be issued until all landscaping shown on the landscape plan has been installed. A temporary Certificate of Occupancy may be issued for the property for a period of up to six (6) months as weather conditions permit landscape installation, provided that the developer shall submit a financial guarantee in the amount of one-hundred twenty-five percent (125%) of the installed cost of landscaping when planting has to be delayed.

i) Bonding. The applicant shall also have the option of posting a bond equal to one-hundred fifty percent (150%) of the material and installation costs identified on the plan if the installation of buffer yard and landscaping materials are to be completed at the end of a project. This bond will permit the City to contract the installation of the approved landscape plan, with the applicant's landscape contractor, at the required "prevailing wage rate" should the applicant fail to install the landscape plan within one (1) complete growing season. The "Prevailing wage rate" is the rate at which the City must pay a contractor to provide services for the City. If the applicant desires bonding, the applicant shall revise the cost annually to account for increases in costs of labor and materials.

j) Utility Easement Conflicts. Required plant material shall be located in areas exclusive of drainage and utility easements and overhead utilities. Plant material shall not be placed in the road/street right-of-way without permission from the City Engineer.

6) PARKING AREA LANDSCAPING

a) Perimeter Landscaping for Off-Street Parking Areas. All parking lots, including parking spaces (excluding interior drives and loading/unloading areas), shall be separated from all public or private street rights-of-way by a landscape screen that is a minimum of twenty (20) feet in width. Parking areas adjacent to other developed parcels shall require a planting area that is a minimum ten (10) feet in width. Trees shall be provided for interior drives per *Subsection 7.05(8) – Street Tree Planting Requirements*. Screening may consist of any of the following options or a combination:

i) Planting. A minimum of one (1) tree shall be provided for every thirty (30) linear feet of landscaped area. The trees may be a combination of deciduous and evergreen. The tree requirement may be reduced or eliminated if street trees are provided per *Subsection 7.05(8)* and are within thirty (30) feet of the edge of the parking area. In addition, a minimum of one (1) shrub shall be provided at a minimum of every three (3) feet in order to form a continuous screen a minimum of thirty-six (36) inches high within two (2) years of planting. The spacing may be wider than three feet depending on shrub selection and with approval by the Director. A minimum of fifty percent (50%) of the required shrubs shall be evergreen; or

ii) Landscape Berm. A landscaped berm that is a minimum of three (3) feet in height shall be provided along the length of the landscaped area. Trees shall be provided and shrubs where the berm tapers to less than thirty-six (36) inches to maintain a continuous screening height of thirty-six (36) inches.

b) Perimeter Landscaping for Off-Street Parking Lots adjacent to Residential Uses or Zoning Districts. Parking lots shall be screened adjacent to the residential use or zoning district to a minimum height of four (4) feet in accordance with the appropriate buffer yard as determined by *Table 7.6: Applicable Buffer Yard Types* and *Table 7.7: Buffer Yard Types Description*.

c) Interior Landscaping for Off-Street Parking Areas. Parking areas (including loading, unloading and storage areas) containing more than twenty-five (25) vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be contained in peninsulas or islands.

i) Landscaping area. Five percent (5%) of vehicular use area shall be landscaped. However:

(1) Minimum area. The minimum landscape area permitted shall be one-hundred eighty (180) square feet with trees planted a minimum of four (4) feet from the curb or the edge of the pavement;
(2) Distribution. The required landscape areas are to be adequately dispersed throughout the off-street parking areas; and
(3) Ground Cover. Shrubs, ground cover, and other live plant material shall be used to fill the rest of the interior landscaped area.

ii) Maximum Spaces. The maximum number of permitted parking spaces is the minimum required number of spaces plus ten percent (10%).
(1) For proposed parking lots of more than one-hundred (100) parking spaces that exceed the maximum number of permitted spaces (see *Subsection 7.02(26)(a)* above), the Planning & Zoning Commission may increase the minimum amount of required interior landscaping by five percent (5%), and may require that the additional paved area be constructed with pervious pavement.

iii) A minimum of one (1) broadleaf/deciduous tree providing shade at maturity shall be provided for every one-hundred eighty (180) square feet of landscaped area. To obtain minimum desired coverage, the maximum spacing between required canopy trees shall be one-hundred (100) feet.
(1) As trees mature, trees shall have a clear trunk to at least five (5) feet above the ground, and the remaining plant material shall be maintained not to exceed three and one-half (3½) feet in height.

iv) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two (2) feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

7) Residential Landscaping. Landscaping as stated below shall be required for all single- and multifamily subdivision development, and developments under the horizontal property regime prior to the issuance of a Certificate of Occupancy. Extensions of up to one-hundred twenty (120) days may be granted to take advantage of optimal planting conditions.
a) Major Subdivision Perimeter Landscaping. Landscaping plant material shall be provided on the perimeter of major subdivision development when adjacent to a public right-of-way as follows:
i) A twenty (20) foot wide landscape area adjacent to the road or right-of-way shall be provided. The landscaping shall be designated as “common area” or placed in a landscape easement. All attempts should be made to avoid conflicts with drainage and utility easements that would prevent the installation of landscape materials in accordance with the Ordinance.
ii) Trees shall be provided at a minimum rate of five (5) trees per one-hundred (100) linear feet of perimeter planting. Trees shall be staggered throughout the planting area and no two (2) trees shall be closer than twenty (20) feet. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees. Up to twenty-five percent (25%) of the trees may be of the ornamental type for color and accent.

iii) Shrubs shall be provided at a minimum rate of ten (10) per one-hundred (100) linear feet of perimeter planting. Medium to large shrubs are encouraged in the twenty (20) foot wide landscape area.

iv) Calculation. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one-hundred (100) feet.

v) Planting Pattern. It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen, planted in clusters or irregular patterns, and shall be combined with perimeter fences, walls, or mounds as detailed below.

b) Subdivision Perimeter Fences / Walls / Mounds. One of the following landscaping options shall be required in addition to the plant material specified above in *Subsection 7.05(7)*.

i) Decorative perimeter fences/walls shall be combined with plant material and shall be constructed of masonry, stone, wood, or decorative metal. Fences/walls constructed of synthetic materials that simulate natural materials will also be considered. Fences/walls shall be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height. Transparent (open) or opaque fences/walls may be used. Fencing/walls may only be provided by the developer and only located in the area designated as "common area" or "landscape easement." Landscaping may be placed on the right-of-way side of the fence/wall, outside of the public right-of-way.

ii) Mounds. Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "Common Area" or "landscape easement." Mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a three to one (3:1) ratio. Continuous mounds (levee look) are not permitted.

c) Common Area. Where a Common Area is designated on the plat or Development Plan of a residential project, a Property or Homeowner's Association shall be formed and shall be required to provide necessary maintenance to said common areas as per *Subsection 7.13(3)(h).*

d) Individual Lot Landscaping. The minimum landscape package for front and side yards shall be consistent with *Table 7.5: Individual Residential Lot Landscaping* and the following:

i) The minimum number of shrubs required is a total for the side and front yard combined, not for each yard individually.

ii) Lots that have existing trees in the front yard that meet the required minimum shall not be required to plant additional trees. In order for the existing trees to qualify as an existing tree it must be a minimum size of two (2) inch caliper measured six (6) inches above the existing ground elevation at the base of the tree and be part of the finish landscape package upon completion of the residence and the final lot grading.

iii) In addition to the above requirements, landscape packages for corner lots shall include a street side-yard (which shall be defined as the yard fronting the street on the side of the house that does not face the street) plan of one (1) evergreen tree and twelve (12) shrubs.

iv) All trees shall be planted such that upon maturation the branches and limbs shall not interfere with the adjacent property use. Any tree becoming such a nuisance shall be trimmed or cut back to eliminate the nuisance by the property owner.

v) Plant material shall be placed out of the Sight Visibility Triangle at intersections as per *Section 7.04 – Sight Visibility*. There should be a clear visibility zone between thirty-six (36) inches and nine (9) feet maintained by the property owner.

vi) Trees shall not be planted in the right-of-way.

Table 7.6: Individual Residential Lot Landscape			
Zoning District	**Number of Trees**	**Minimum Number of Shrubs**	**Front Yard Sod**
AG	3	12	no
R1	3	12	no
R2	2	10	yes
SFA	2	10	yes

For PUDs, single-family residential developments shall comply with the requirements of the zoning district most closely reflective of the density of development contained in this subsection.

8) STREET TREE PLANTING REQUIREMENT. The following are street tree planting requirements for all districts:

a) Requirements. Trees along public streets shall be planted in such a manner, type, quality and location as approved by the Planning & Zoning Commission and the same requirement shall apply to all streets with or without undeveloped frontage.

i) One (1) street tree shall be placed every forty (40) to sixty (60) feet outside of the right-of-way per the City Engineer, but within five (5) feet of the edge of the right of way in order to contribute to the streetscape.

ii) The tree location is to be at least twenty (20) feet from fire hydrants or utility poles.

iii) A suitable tree is to be used when planting under or within ten (10) lateral feet of overhead utility wires which will not affect the transmission or service of overhead utility services, subsurface drains, driveways, sidewalks, and underground utilities. Refer to *Table 7.12: Trees for Planting on Streets and Highways that Minimize Conflict with Overhead Utilities* for suitable trees.

iv) The developers shall be required to maintain the trees for one (1) year after the trees are planted and shall replace any tree which dies within such one (1)-year guarantee period. Upon completion of a street planting, the landscape contractor shall contact the Director or his/her designee for a preliminary inspection. The guarantee period shall begin after the approval by the Planning Director. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be promptly replaced at the expense of the developer.

v) Replacement Trees. A person who removes, damages or causes to be removed a public tree from tree lawn or other public place shall be required to replace the tree at his or her own expense. The replacement tree shall be a species from *Table 7.11: Trees for Planting on Streets, Highways, and Parking Lots* or *Table 7.12: Trees for Planting on Streets and Highways that Minimize Conflict with Overhead Utilities*.

9) RETENTION POND LANDSCAPING. Shrubs and emergent vegetation are encouraged to be planted on pond perimeters. These plants may be exempt from minimum required plant sizes set forth in *Subsection 7.05(5).* The use of this plant material is more desirable than nonnative manicured turf in order to provide color, filter runoff, limit waterfowl, and improve water quality.
   a) Choose plant material that is native to Georgia.
   b) Pond edge seed mixes are available from local suppliers. Pond edge landscaping may also be established from seed.
   c) Maintenance shall be consistent as it may take up to three (3) years to mature.
   d) Plant denser ground covers around outfall and drainage outlets to control erosion and stabilize the ground.

10) WASTE CONTAINERS/ RECYCLING CONTAINERS / SERVICE STRUCTURES SCREENING REQUIREMENTS. WITH the exception of single-family residential districts, no owner, tenant or occupant of any lot in any district may store, place, or keep, or permit to be stored, placed or kept on that lot, any combination of dumpsters, compactors, grease dumpsters or any other waste or garbage containers (hereinafter referred to as "containers"), that exceed a total of one-hundred twenty (120) gallons in capacity, outside an enclosed building, except for collection purposes as is otherwise permitted in this Ordinance, unless the following conditions are met.
   a) The containers shall be located on a concrete pad that is enclosed by a three-sided structure constructed of masonry construction or wood sufficient to provide complete visual screening of the containers to a height of twelve (12) inches above the top of the containers. The unit shall be constructed with materials similar to the principal structure. The structures shall not be located closer than twenty (20) feet from any dwelling on an adjacent residential lot. The structure shall not project into or be located on a front or side yard. It may be located in a rear yard but shall be not less than five (5) feet from any rear or side lot lines. On corner lots the enclosure can sit no closer to the street than the building itself.
   b) Any service structure that can be seen from the first floor of a residence or from any street shall be screened. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures. "Service Structures" shall include, but not be limited to: loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above ground, ground-mounted utility equipment and any electrical or other equipment or elements providing service to a building or a site.
      i) Location of screening. There shall be a continuous planting, hedge, fence or wall of earth, having one-hundred percent (100%) opacity, which would enclose any service structure on all sides, unless such structures must be frequently moved or accessed, in which case screening on all but one side is required. The average height of the screening material shall be six (6) feet or one (1) foot greater than the height of the enclosed structure, whichever is greater, but shall not, in any case, be required to exceed ten (10) feet in height.
         (1) Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area landscaping material, such walls or screening material may fulfill the screening requirement set out in *Subsection 7.05(6)*. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. Whenever a service structure

is screened by a wall or fence, such wall or fence shall be constructed of the same materials as the building which it services.

ii) Curbs to protect screening material. Whenever screening material is placed around any dumpster or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

c) If the opening of the unit is in sight of the public right-of-way, it shall be covered by a door constructed of a solid material which shall remain closed when not in use, and it shall be maintained in good condition.

11) MECHANICAL EQUIPMENT BUFFERING STANDARDS. Mechanical equipment materials and buffering standards applicable to the multifamily residential and nonresidential zoning districts:

a) Ground Level. All outdoor storage areas for completed products manufactured on-site, production materials, building-mounted utilities, outdoor refrigeration units and mechanical equipment located on the ground shall be screened consistent with the following requirements. In no instance shall this be interpreted as applying to merchandise for sale that is temporarily or seasonally placed outdoors.

i) Fencing. A minimum six (6) feet tall, one-hundred percent (100%) opaque fence of wood, brick, or stone construction shall completely screen the area from the view of public streets and adjacent properties. Opaque six (6) feet tall gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.

ii) Landscape Screening. Evergreen planting shall be provided around the exterior perimeter of the required fencing.

(1) Evergreen shrubs shall be a minimum of two (2) feet tall at the time of planting, and planted at a maximum of three (3) feet on center. Wider spacing may be permitted depending on the species and upon approval of the Director.

b) Roof-mounted. All roof-top equipment, such as HVAC units, shall be screened from the view of all public streets by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.

12) BUFFER YARD REQUIREMENTS. The following requirements shall pertain to buffering a new use from an existing adjacent use or district as described below. The purpose of these buffering and screening standards is to lessen the potential conflicts between the possible uses in one zoning district and those uses in adjacent districts through the use of setbacks and landscaping. The potential degree of conflict between the uses determines the extent of the buffer required.

a) Applicability.

i) Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development;

ii) Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain

such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas; and

iii) The Planning & Zoning Commission may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, and recreation areas or by topography or other natural conditions.

b) Buffer Yard Standards. The buffer yard standards only apply along the property lines where the two dissimilar uses or zoning classifications meet as specified in *Table 7.6: Applicable Buffer Yard Types*. The required buffer yards shall be installed despite the presence of streets, alleys, and other features. Existing mature vegetation may be credited towards required buffering. When a dissimilar land use locates next to an established residential land use within the same zoning classification, buffering and screening standards per *Table 7.7: Buffer Yard Types Description* for Buffer Yard Type 2 shall apply.

i) Responsibility. The developer or owner of the property being developed or otherwise changed in use is responsible for installing the buffer yard at the time of that development or change. The adjacent property owner shall not have to participate in installing the buffer yard.

ii) Buffer Yard Location. All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.

iii) Planting Location. Required buffer yard trees may be placed either at regular intervals or in irregular patterns representing a natural landscape. However, no two (2) buffer yard trees (excluding evergreen trees) shall be placed closer than twenty (20) feet to one another. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.

iv) Tree Size. All broadleaf / deciduous trees must have at least a two and one-half (2½) inch caliper measured at six (6) inches above the top of the rootball, and all evergreen conifers must be a minimum of four (4) feet in height measured from the top of the rootball when planted.

v) Ground Cover. All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground-covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for ground-covering vegetation unless otherwise approved by the Director.

vi) Application. No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this Ordinance unless approved by the Director.

vii) Maintenance. All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.

(1) All plant material which is unhealthy or dead, in the opinion of the Community Development Director, shall be replaced by the end of the next spring or fall planting season.

(2) Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth-inhibiting measures may only be used to ensure the public safety and/or health of the vegetation.

c) Buffer Yard Widths. The buffer yard requirement shall not be included as part of the minimum setback requirements unless approved by the Director. Plant material shall be selected from *Tables 7.11 - 7.18* unless approved by the Director.

13) MODIFICATION. The Planning & Zoning Commission shall have the authority to modify any of the requirements of this section in accordance with *Subsection 2.02(1)(q)*.

Table 7.7: Applicable Buffer Yard Types

		New Residential Development						New Commercial Development					New Industrial Development	
		AG	R1	R2	SFA	MF1	MF2	CBD	CMU	C1	C2	OMI	I1	I2
Existing Residential	AG	-	1	1	2	3	3	3	3	3	4	3	4	4
	R1		-	1	2	3	3	3	3	3	4	3	4	4
	R2			-	1	2	3	3	3	3	4	3	4	4
	SFA				-	1	2	3	3	3	3	3	4	4
	MF1					-	1	2	2	2	3	2	3	4
	MF2						-	2	2	2	3	2	3	4
Existing Commercial	CBD							-	1	1	1	1	3	4
	CMU								-	1	1	1	3	4
	C1									-	1	1	2	4
	C2										-	1	2	4
	OMI											-	2	4
Existing Industrial	I1												-	3
	I2													-

Table 7.8: Buffer Yard Types Description			
Type 1	Buffer width - Ten (10) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 3.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 2.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least fifty percent (50%) of the unit value shall be derived from deciduous shade trees (overstory).	**Type 3**	Buffer width - Thirty (30) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 5.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 4.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least ten percent (10%) of the unit value shall be derived from Deciduous Shade Trees (overstory) or deciduous ornamental trees (understory). A minimum fifty percent (50%) of the trees and shrubs shall be evergreen species. Earthen mounds shall be incorporated into the buffer yard design.
Type 2	Buffer width - Twenty (20) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 4.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 3.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least twenty-five percent (25%) of the unit value shall be derived from deciduous shade trees (overstory). A minimum fifty percent (50%) of the trees and shrubs shall be evergreen species. Earthen mounds are encouraged to gain additional height.	**Type 4**	Buffer width - Seventy-five (75) feet. The buffer yard shall contain an opaque fence/wall a minimum of eight (8) feet in height. An undulating earthen mound may be substituted but the average maintained height with plant material shall be eight (8) feet. Any combination of materials selected from the Landscape Materials Categories listed in Table 7.8: Unit Value of Landscaping Material which equals or exceeds a unit value of 5.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 4.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped). Seventy-five percent (75%) of the unit value shall be derived from evergreen trees. Fifty percent (50%) of required landscaping shall be on the adjacent property side of the fence.

Table 7.9: Unit Value of Landscape Material	
Landscape Material Categories and Minimum Size at Time of Planting	**Unit Value**
Diciduous Tree (Overstory) (2 1/2" caliper)	0.75
Evergreen Tree (9' tall)	0.75
Deciduous Ornamental Tree (Understory) (1 1/2" caliper)	0.50
Evergreen Tree (4' tall)	0.50
Evergreen Shrub - Narrow Spread (4" tall)	0.25
Hedge Plant (24" - 30" tall)	0.05
Earthen Mound (3' tall)	0.50
Earthen Mound (6' tall)	1.00
Earthen Mound (9' tall)	1.50

Sec. 7.06 – TREE CONSERVATION

1) TREE DENSITY REQUIREMENTS

a) Use of tree units. The landscaping requirements of this Article regarding the preservation or planting of trees is expressed in terms of "tree units" rather than the number of trees or tree canopy. This approach provides the applicant with wide latitude of choice as to the number and sizes of trees to be planted, and their distribution following aesthetic landscaping practices, while achieving a common standard on all properties.

b) Establishment of tree unit values. The diameter of a tree's trunk establishes the "tree unit" value of an existing tree, as shown on *Table 7.9: Unit Value of Landscape Material*, or for a newly planted tree as shown on *Table 7.10: Tree Units for Existing Trees*.

i) The values assigned to trees of the same size are different for existing and new trees, as indicated in the table. One "unit" is not the same as one "tree."

ii) Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 inches in diameter = 5 inches).

Table 7.10: Tree Units for Existing Trees

Tree Diameter	Tree Units	Tree Diameter	Tree Units
2	0.0	21	4.8
3	0.0	22	5.0
4	0.6	23	5.2
5	0.8	24	5.4
6	1.0	25	5.6
7	1.2	26	5.8
8	1.3	27	6.0
9	1.5	28	6.2
10	1.7	29	6.4
11	1.9	30	6.6
12	2.1	31	7.2
13	2.3	32	7.8
14	3.0	33	8.4
15	3.3	34	9.0
18	4.2	37 or greater	12.0 + 1.0 each inch
Note: Minimum DBH to receive credit for existing tree is 4 inches.			

Table 7.11: Tree Units for New (Replacement) Trees

Tree Diameter	Tree Units	Tree Diameter	Tree Units
Seedlings	0.0	9	1.3
1	0.0	10	1.5
2	0.3	11	1.7
3	0.4	12	1.9
4	0.5	13	2.2
5	0.6	14	2.5
6	0.7	15	2.8
7	0.9	16	3.1
8	1.1	17+	3.5 + 0.5 for each inch caliper greater

c) Tree unit values for specimen trees or tree stands.

i) Specimen trees and specimen tree stands; defined.

Specimen Tree means any tree which qualifies for special consideration for preservation due to size, type and condition, as follows:

(1) Any tree in fair or better condition which equals or exceeds the following Diameter at Breast Height (DBH) sizes:
   (a) 28-inch DBH—Overstory hardwoods such as oaks, hickories, yellow poplars, sweetgums, etc.
   (b) 12inch DBH—Understory small trees such as dogwoods, redbuds, sourwoods, etc.
   (c) 30-inch DBH - Pine trees (all species
(2) A tree in fair or better condition must meet the following minimum standards:
   (a) A life expectancy of greater than 15 years.
   (b) A structurally sound trunk, not hollow and having no extensive decay, and less than 20 percent radial trunk dieback.
   (c) No more than one major and several minor dead limbs (hardwoods only).
   (d) No major insect or pathological problem.
(3) A lesser sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical significance, subject to approval of the Community Development Director or their designee.
(4) A lesser size tree can be considered a specimen tree if it is specifically used by a builder, developer, or design professional as a focal point in a landscape project, subject to approval of the Community Development Director or their designee.

Specimen Tree Stand means a contiguous grouping of trees which has been determined to be of high value in the opinion of the Community Development Director or their designee. Determination is based upon the following criteria:

1) A relatively mature, even-aged stand.
2) A stand with purity of species composition or of a rare or unusual nature.
3) A stand of historical significance.
4) A stand with exceptional aesthetic quality.

ii) The tree unit values shown in Table 7.9 may be increased by 100% for an existing tree that meets the definition of a "specimen tree" or for a "specimen tree stand" as defined herein, provided that extraordinary measures as needed are taken to protect the tree and assure its survival. Such measures may include but are not limited to the provision of tree wells, retaining walls, aeration, or supplementary irrigation, as applicable to the site of the tree and as approved by the Director.

2) TREE DENSITY STANDARDS

a) Tree Retention. On each property for which a Tree Preservation and/or Replacement Plan is required, existing trees shall be retained and new trees shall be planted such that the property shall attain or exceed a Tree Density Standard as follows:

i) Residential – Sixteen (16) Tree Density Units per acre,
ii) Office/Commercial/Mixed-use – Sixteen (16) Tree Density Units per acre,
iii) Industrial – Sixteen (16) Tree Density Units per acre.

b) Distribution. Trees, both existing and new, shall be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees, including street trees, may be retained or planted for credit within a public street right-of-way.

c) Trees in Stream Buffer. Trees located in a stream buffer may be counted toward fulfilling the Tree Density Standard provided the acreage within the stream buffer is included in the calculations used to fulfill the Tree Density Standard.

d) Easement Exclusion. Properties possessing natural gas, petroleum or electric power transmission easements, or major sanitary sewer main (greater than 8 inches in diameter) or water main (greater than 16 inches in diameter) distribution easements, may exclude the land area contained in the easement from the total acreage of the property in fulfilling the Tree Density Standard provided that no improvements (e.g. parking lots, tennis courts, driveways, greenways, storm water detention facilities, etc.) are proposed within the easement. If any improvements are proposed within the easement, then the land area so used within the easement for the improvements, plus an additional 10-feet of land area surrounding the improvements, shall be included in the total acreage of the property to fulfill the Tree Density Standard.

e) Lake and Pond Exclusion**.** Properties with a lake or pond may exclude the land area contained in the lake or pond from the total acreage of the property in fulfilling the Tree Density Standard.

3) TREE DENSITY STANDARD CALCULATION

The Tree Density Standard shall be calculated by summing the credits and dividing the sum by the total acreage of the project included within the limits of the permit application.

4) QUALIFIED TREE AND BUSH SPECIES TABLES

a) The City Council shall maintain a list of tree species approved for conservation and planting within the city as well as those not recommended. The list shall be known as the city's Community Tree Species list, included as *Tables 7.11 through 7.18* of this chapter. The tree species list includes the mature size category of each species, notations on which species may be planted beneath utility lines, and other species characteristics.

b) The list is maintained by the City Council and may change without notice to incorporate results of research and experience with individual species and is available from the Community Development Department.

5) PERMEABLE SURFACES UNDER TREE DRIPLINES

The minimum permeable surface area requirements under tree driplines are as follows.

a) For conserved trees in residential zones no more than 20 percent of the dripline can be encroached upon by impermeable surfaces provided the remaining area is mulched.

b) For planted trees in all zones the amount of permeable surface area required shall be based upon the mature tree size category on the Community Tree Species List, found in *Tables 7.11 to 7.18*, as follows:

i) Large trees: 640 square feet;

ii) Medium trees: 360 square feet;

iii) Small trees: 160 square feet.

c) For planted trees the dripline shall be mulched.

6) TREE PROTECTION
   a) Conserved trees. All conserved trees shall be actively protected during the development process and passively protected throughout the life of the development. The entire tree, including the crown, trunk, and roots, and the critical root zone, shall be protected.
   b) Minimum tree protection measures. Active tree protection shall consist of, at a minimum, establishing a tree protection zone around each tree or grouping of trees by the installation of fencing at the outer edge of the dripline or Critical root zone, whichever is greater. Minimum tree protection measures for boundary trees, existing on adjacent properties, whose critical root zones extend onto the project site is mandatory.
      i) No more than twenty-five (25) percent of a boundary tree's mature crown or one-third (1/3rd) of a young tree's canopy shall be removed in one season.
      ii) Pruning of conserved trees should only be done by an ISA (International Society of Arboriculture) certified arborist.
      iii) Tree protection fencing and tree protection area signs shall be installed after the issuance of a disturbance Permit and prior to any land disturbance activity or building activity.
         (1) Tree protection fencing shall be four feet high, made of orange high-visibility polypropylene, and erected with sturdy wooden or metal posts around the tree protection zone. A heritage tree, or a significant species tree, as determined by the Director, may require increased protection. Methods and extent of increased protection will be as directed by the Director.
         (2) Signs shall be fabricated out of a sturdy material, shall be waterproof, and contain the following legible text in English and Spanish: "TREE PROTECTION AREA, ENTRY PROHIBITED." The signs shall be a minimum of 8.5 × 11 inches, shall be placed on a sturdy post a minimum of thirty (30) inches off the ground, and shall be spaced a maximum of 50 feet apart.
         (3) Tree protection fencing and signage shall remain in good condition throughout the development and construction processes, and shall only be removed after the final plat approval or a certificate of occupancy has been issued.
      iv) Encroachment into the tree protection area shall result in the loss of Tree Density Unit credit for preserved trees.
      v) The critical root zone within the tree protection area shall be mulched with a minimum of three inches and not more than five inches of organic mulch such as pine straw, wood chips, tree leaves, or compost, for a minimum of three years, or prior to issuance of the final certificate of occupancy for the project, whichever occurs last.
      vi) The Community Development Director or their designee may require the installation of additional tree protection measures to insure survivability of conserved trees.
   c) Prohibited activities. Within the tree protection areas, without proper authorization or permit the following activities shall be prohibited:
      i) Vehicle traffic or parking;
      ii) Materials or equipment storage;
      iii) Soil disturbance;
      iv) Soil excavation;
      v) Removal of topsoil;
      vi) Trenching;

vii) Soil fill;
viii) Change in soil pH;
ix) Change in soil drainage;
x) Equipment washouts or disposal (including concrete);
xi) Fires;
xii) Chemical or trash disposal;
xiii) Other activities harmful to the trees as determined by the Community Development Director or their designee;
xiv) Encroachment into tree save area; and
xv) Destruction or removal of trees.

d) Planted trees. All planted trees shall be actively protected during the development process and passively protected throughout the life of the development. The entire tree, including the crown, trunk, and roots, and the critical root zone, shall be protected.

e) Existing trees in construction zones. All trees that are outside the formal tree protection zone(s) as outlined in the Tree Protection and Replacement Plan and are equal to or greater than twelve (12) inches DBH, and are in areas where construction will occur inside the crown of the tree shall be required to have an enhanced protection program. In order to maximize the ability of the selected trees to survive construction the proposed program will include the following steps.
   i) The tree will be surveyed and located with the species and DBH noted and approximate crown diameter shown.
   ii) Prior to the beginning of construction activities, the trees shall be inspected by a City Approved Arborist to determine their overall condition and ability to withstand construction activity around them.
   iii) Should the City Approved Arborist determine that with a proper protection plan the tree would survive the construction activity the Arborist shall prepare a care plan for the tree. The plan may involve elements such as crown pruning, fertilization, irrigation, root pruning or other activities.
   iv) The Contractor will be required to implement the Arborist's protection plan and to maintain the necessary activities to protect the tree until such time as the site construction is completed and accepted for maintenance by the property owner. The City Approved Arborist shall submit bi-weekly reports to the Contractor and the Department of Community Development during the construction process.
   v) The owner of the property shall receive a 20-percent bonus credit for canopy coverage for all trees that are under the enhanced protection program.
   vi) No land disturbing activity or construction activity, including, but not limited to, grading, digging, soil disturbance or other activity within the critical root zone of any boundary tree, is permitted that will deprive the boundary tree of continued viability as determined by a certified arborist.
   vii) The following parameters shall be followed when determining boundary tree viability interference:
      (1) CRZ/TPZ nineteen (19%) percent or less impact and protected by tree protection, no arboricultural prescription required.

(2) CRZ/TPZ twenty (20%) percent — thirty-three (33%) percent impact but protected by tree protection (no structural root plate impact) provide arboricultural prescription with a plan for review by the city.
(3) CRZ/TPZ twenty (20%) percent — thirty-three (33%) percent impact and structural root plate has impact/not protected.

viii) The builder/developer/construction site property owner must submit a boundary tree agreement signed by the tree owner/co-owner and notarized giving permission for the tree that has construction impact to be treated or removed (see Community Development Department for the city boundary tree agreement). The minimum time length of the boundary tree agreement shall be three (3) years. The receipt for the paid arboricultural prescription and signed agreement will need to be submitted with the plans for review.
(1) The builder/developer/construction site owner must make at least three attempts to contact the owner of the boundary tree to enact a boundary tree agreement. The first two attempts may be in person or via telephone. The third attempt must be in the form of a written letter sent certified, return receipt requested to the property owner's address of record in the Carroll or Douglas County Tax Database. If there is no response to any of the attempts, the builder/developer/construction site owner shall provide evidence to the city of the attempts at contact in addition to the arboriculture prescription for the affected tree.
(2) If no boundary tree agreement is reached, the affected tree shall not be removed but shall be protected during development based on this chapter and in accordance with the arboriculture prescription.
(3) A boundary tree bond or escrow account may be required based on the arboricultural prescription depending on the impact to a boundary tree covered under a boundary tree agreement.
(4) A boundary tree bond or escrow account shall be required where a boundary tree agreement cannot be reached.
(5) A boundary tree bond or escrow shall be one-hundred and twenty-five (125%) percent of the cost of removal and replacement of the tree(s) affected and will be held for three years by the city. The property owner of the affected tree(s) may apply to the city for the escrow funds to remove and replace the tree(s) during the three-year escrow period. If the boundary tree(s) is/are deemed healthy at the end of the three-year period by an Arborist, the developer may apply to the City for a refund of the original amount of escrow.
(6) The site/landscape plans cannot be approved without signed boundary tree agreement(s) or proof of attempts to contact the boundary tree owner in an attempt to reach a boundary tree agreement in addition to an arboriculture prescription where needed.

7) SEASONAL PLANTING.

Final plat approval or a certificate of occupancy may be issued prior to the establishment of trees planned to meet the tree canopy cover requirements, if the Community Development Director or their designee determines that the season is inappropriate for planting. In such cases the trees shall be planted by the last day of February following the date of issuance of the certificate of occupancy or final plat approval. If they have not been planted by the last day of February following the issuance of the certificate of

occupancy or final plat approval, the permit holder shall be considered to be in violation of the provisions of this article.

8) TREE BANK

The intent of the requirements of this Section is to ensure that a minimum number of trees are replaced and/ or preserved on newly developed or redeveloped sites. The Tree Bank is an alternative option and may be used only in the event the site tree density or recompense tree requirement cannot be met on-site due to hardship. Hardship must be documented by the developer and presented to the Director before the Tree Bank may be used. The Tree Bank provides two options, which are described in full below.

a) Option One, Planting Trees Off-site.
   i) Install an equal amount of required Tree Density Units in the form of an approved number of trees on an alternate site. In this case the following criteria shall be observed:
   ii) The technical Advisory Committee has identified alternate "Option One" sites. The Villa Rica Community Development Department has contacted the owners of these sites and these owners have expressed an interest in receiving trees from the Tree Bank. Persons wishing to use Option One should consult with the Zoning Administrator to see if their required tree density units can be located on one of these alternate sites. The developer may present the Zoning Administrator with alternate sites. Planting on individual residential lots is prohibited.
   iii) The developer shall submit a Tree Preservation and/or Tree Replacement Plan showing a location for the planted trees on the proposed site. The developer shall also provide calculations on the plan for tree density or recompense trees from the developed site. The site plan shall state the size, genus, species, and quantity of trees to be planted. Each tree must be two (2) caliper inches at a minimum. For trees in which double recompense is required each tree must be three (3) caliper inches at a minimum. Recompense calculations must be shown on plan.
   iv) If the proposed site is not one of the alternate sites, discussed above, an authorization from the title holder of the site indicating that the owner agrees to the planting of trees by the developer upon the site shall also be submitted along with the Tree Preservation and/or Tree Replacement Plan.
   v) Trees are to be maintained and guaranteed for one full year after planting by the developer. Any trees that die during the one-year time period must be replaced by the developer. Standards for transplanting shall be in keeping with those established by the International Society of Arboriculture, as included in the "Tree and Shrub Transplanting Manual," latest edition.

b) Option Two, Monetary Compensation for Trees.
   i) A developer may choose to provide the City with monetary compensation for trees. If this alternative for the development is chosen, then the following criteria shall be observed:
   ii) Provide tree density calculations on the Tree Preservation and/or Tree Replacement Plan. Show the total amount of Tree Density Units that cannot be met on-site.
   iii) Multiply the Tree Density Units that cannot be met on-site by the Monetary Compensation Value. The product of those two numbers shall be provided on the Tree Preservation and/or Tree Replacement Plan. Contact City approved certified arborist or landscape architect for the current Monetary Compensation Value.
   iv) Provide a certified check made payable to the City of Villa Rica in the amount of the product as listed in item ii. above and as provided on the Tree Preservation and/or Tree Replacement

Plan. Submit the certified check to a Community Development Director or designee along with a copy of the approved Tree Preservation and/or Tree Replacement Plan.

v) The monies collected for the Tree Bank Option Two may be used by the City for the planting of trees at parks, greenways, fire stations, libraries, and other similar community facilities. Alternate planting locations may be approved by the Director.

c) Standards for Administering these Alternative Compliance Methods.

i) The Director must review and approve all requests for alternative compliance. In no instance shall the alternative compliance options be used to comply with any other ordinance requirement than the tree density or specimen tree requirement. The site development permit shall be issued after the Director has approved the request for either compliance option and received the necessary documentation and funds.

d) Exclusions.

i) Trees used to meet requirements for parking lots, landscape strips, street frontage buffers, or buffer replanting must be planted on site and are excluded from the Tree Bank procedures. Trees that are required to meet minimum Tree Density Units and/or recompense requirements can be contributed toward the Tree Bank in accordance with Option One or Option Two above.

Sec. 7.07 – REDEVELOPMENT SITES

1) For redeveloped sites the Department of Planning and Development strongly recommends the developer, authorized registered professionals, design professionals and staff schedule a pre-submittal meeting with the department to discuss the potential of the site and any issues that may be present on the site.
2) Redeveloped sites shall comply with the buffer and specimen tree requirements as set forth in this ordinance and provide compliance with parking lot, landscape strip and Tree Density Unit requirements.
3) Where the scope of a project results in disturbance, removal, and replacement of twenty-five percent (≤25%) percent or greater of the site area, a Tree Preservation and/or Tree Replacement Plan is required. The plan shall include the existing and proposed landscape conditions that verify compliance with this ordinance.
   a. At a minimum the plan must show the following existing and proposed elements with intent to comply:
      i. Buffers.
      ii. Landscape strips.
      iii. Parking lot trees.
      iv. Tree Density Units.
      v. Tree Save Areas.
   b. Director shall review the proposed Tree Preservation and/or Tree Replacement Plan.
4) Disturbance on a redevelopment site shall include a building replacement where the footprint of the building counts toward the site disturbance.

Sec. 7.08 – TREE CONSERVATION, BUFFERS, AND LANDSCAPING COMPLIANCE

1) Tree Removal.

a) An application for a tree removal permit when land disturbing activity is involved shall comply with the following requirements.
   i) Site inspections
      (1) Authority.
         (a) The Community Development Director or their designee has the authority to perform site inspections and enforce the provisions of this chapter.
      (2) Visits to site for discussions regarding regulations.
         (a) Prior to the issuance of a tree removal permit or right-of-way encroachment permit, a visit shall be made to the proposed site by the Community Development Director or their designee and the applicant for the purpose of discussing the provisions of this chapter.
         (b) After a permit is issued and tree protection measures have been installed, and prior to any land disturbance, another site inspection shall be made by the Community Development Director or their designee.
         (c) Another site inspection shall occur prior to the issuance of final plat approval or a certificate of occupancy. All provisions of this chapter shall be met before final plat approval or a certificate of occupancy can be issued.
         (d) Other site inspections may take place without notice at any time prior to or after the issuance of a certificate of occupancy or final plat approval to ensure continuing compliance with the provisions of this chapter.
      (3) Access by authorized representatives.
         (a) No person, corporation or association shall refuse entry or access to any authorized representative or agent of the Community Development Director or their designee who requests entry for the purposes of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

2) Tree maintenance
   a) The owner shall be responsible for maintaining the health of all conserved and new trees. The owner shall replace any new tree that dies within three years, or prior to issuance of the final certificate of occupancy for the project, whichever occurs last.

3) Penalties
   a) Failure to obtain permit
      i) If any person commences any land disturbing activity, tree destruction, tree cutting, tree removal or building activity requiring a tree removal permit without first obtaining said permit, the person shall be deemed to be in violation of the provisions of this chapter.
   b) Violations
      i) The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, may be chargeable with separate offenses for each such violation. Any person violating any of the provisions of this chapter other than as hereinabove provided shall, upon conviction, be punished as prescribed in subsection (e) of this section. Each day during which such violation occurs or continues shall constitute and be punishable as a separate offense.
   c) Stop work orders

i) A stop work order may be issued by the Community Development Director or their designee for violation of any provision of this chapter. All stop work orders shall be effective immediately upon issuance and shall remain in effect until the necessary corrective action or mitigation has occurred and permission has been granted by the city to resume work. No certificate of occupancy or final plat approval shall be issued while a stop work order is in effect or until an assessed fine has been paid and permission has been granted by the city in writing for a certificate of occupancy or final plat approval.

d) Responsibility

i) The Community Development Director, or their designee is responsible for determining whether a violation has occurred. Violations may include, but are not limited to: failure to obtain a tree removal permit, deviation from the approved plan; failure to properly install tree protection structures; failure to maintain tree protection structures in effective condition; evidence of harmful activities occurring within the tree protection zone; improper planting; failure to conserve or establish the required tree canopy cover; unauthorized delay in tree planting; damage to a conserved or established tree's crown, trunk, roots, or critical root zone; and damage to a city tree's crown, trunk, roots, or critical root zone.

e) Monetary penalties

i) Any person who violates any provision of this chapter, any permit condition, or who negligently or intentionally fails or refuses to comply with any order, notice of code violation or formal charge of violation which the Community Development Director or their designee issues as provided in this chapter shall be liable for a penalty of up to one-thousand ($1,000.00) dollars per day for each violation of the provisions of this chapter. Each day that such failure or refusal continues shall constitute a separate violation.

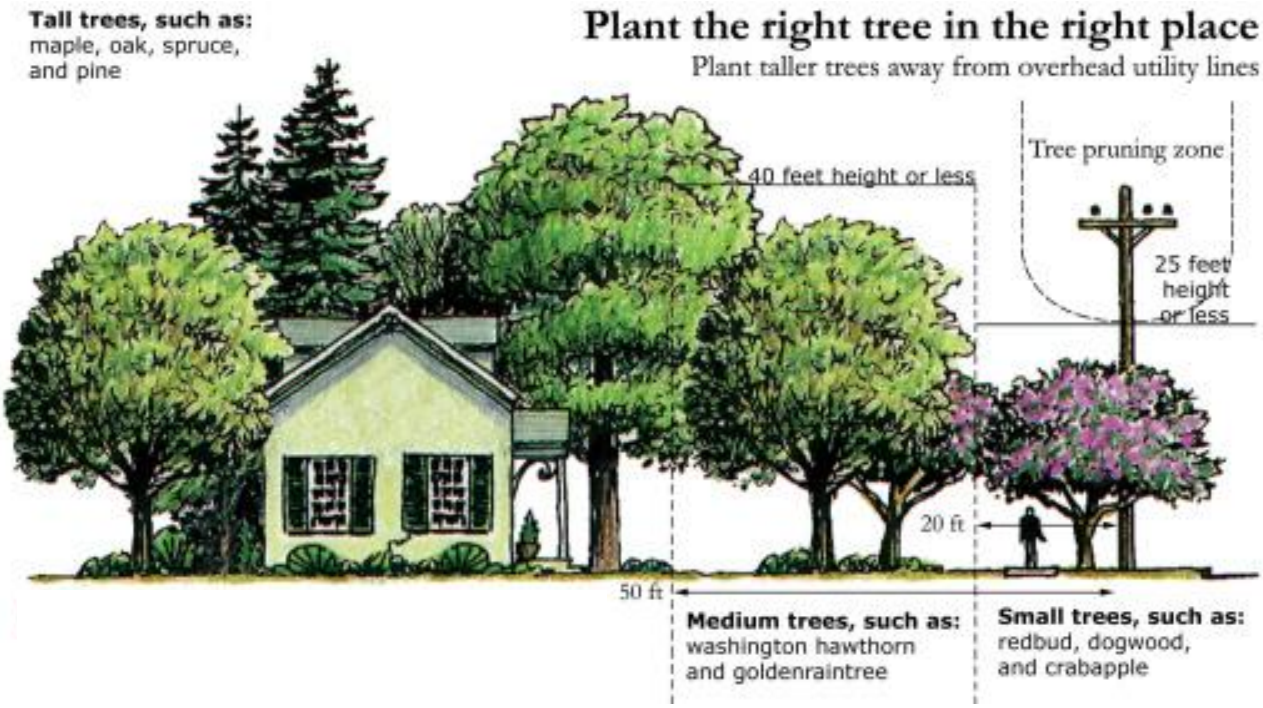


Table 7.12: Trees for Planting on Streets, Highways, and Parking Lots (generally with high canopies, shade producing, hardy)				
Botanic Name	**Common Name**	**Type**	**Mature Height**	**Tree Category**
Acer campestre	Hedge Maple	D	30'-40'	Ornamental
Acer Freemanii	Freeman Maple	D	50'-60'	Shade
Acer rubrum	Red Maple	D	40'-60'	Shade
Acer saccharum	Sugar Maple	D	50'-70'	Shade
Carpinus betulas 'Fastigiata'	Upright European Hornbeam	D	30'-40'	Shade
Carpinus caroliniana	American Hornbeam	D	25'-30'	Ornamental
Crataegus phaenopyrum	Washington Hawthorn	D	25'-30'	Ornamental
Gingko biloba (male only)	Gingko	D	40'-60'	Ornamental
Gleditsia triacanthos inermis	Thornless Honeylocust	D	30'-60'	Shade
Gleditsia triacanthos 'Imperial	Imperial Honeylocust	D	30'-60'	Shade
Koelreuteria paniculata	Golden Rain Tree	D	30'-40'	Shade
Liquidamber styraciflua	American Sweet Gum	D	40'-60'	Ornamental
Liriodendron tulipifera	Tulip Tree	D	70'-80'	Shade
Platanus x acerifolia 'Bloodgood'	Bloodgood London Planetree	D	70-85'	Shade
Pyrus calleryana 'Aristocrat'	Aristocrat Pear	D	35'-45'	Shade
Quercus alba	White Oak D 60'-80' Shade	D	60'-80'	Shade
Quercus bicolor	Swamp White Oak	D	40'-50'	Shade
Quercus coccinea	Scarlet Oak	D	60'-80'	Shade
Quercus palustris	Pin Oak	D	50'-80'	Shade
Quercus phellos	Willow Oak	D	50'-70'	Shade
Quercus robur	English Oak	D	50'-70'	Shade
Quercus rubra	Red Oak	D	40'-60'	Shade
Sorbus alnifolia	Korean Mountain Ash	D	20'-30'	Ornamental
Sorbus 'Aria'	White Beam Mountain Ash	D	25'-40'	Ornamental
Taxodium distichum	Bald Cypress	D	50'-100'	Shade
Tillia americana Basswood	Basswood Linden	D	40'-60'	Shade
Tillia cordata 'Green Spine'	Little-Leaf Linden	D	40'-50'	Shade
Tillia tomentosa	Silver Linden	D	40'-50'	Shade
Zelkova serrata 'Village Green'	Village Green Zelkova	D	40'-60'	Shade
D = Deciduous E = Evergreen Note: Several varieties of each species may be available and may substituted upon approval by the Director.				

Table 7.13: Trees for Planting on Streets and Highways that Minimize Conflict with Overhead Utilities				
Botanic Name	**Common Name**	**Type**	**Mature Height**	**Tree Category**
Acer campestre	Hedge Maple	D	30'-40'	Ornamental
Carpinus caroliniana	American Hornbeam	D	25'-30'	Ornamental
Cercis canadensis	Eastern Redbud	D	20'-25'	Ornamental
Crataegus crus-galli	Cockspur Hawthorn	D	15'-25'	Ornamental
Crataegus phaenopyrum	Washington Hawthorn	D	20'-25'	Ornamental
Malus hybrids	Flowering Crabapple	D	15'-30'	Ornamental
Prunus 'Newport'	Newport Plum	D	15'-20'	Ornamental
Prunus maackii	Amur Chokecherry	D	25'-30'	Ornamental
Prunus virginiana	Chokecherry	D	20'-25'	Ornamental
Sorbus alnifolia	Korean Mountain Ash	D	20'-30'	Ornamental
Sorbus "Aria"	White Beam Mountain Ash	D	25'-40'	Ornamental
D = Deciduous E = Evergreen				

Table 7.14: Ornamental Trees for Use in Site Interior or Buffer				
Botanic Name	**Common Name**	**Type**	**Mature Height**	**Tree Category**
Acer ginalla	Amur Maple	D	15'-20'	Ornamental
Acer griseum	Paperbark Maple	D	20'-30'	Ornamental
Acer palmatum	Japanese Maple	D	15'-20'	Ornamental
Amelanchier canadansis	Juneberry	D	30'-35'	Ornamental
Amelanchier grandifloria	Apple Serviceberry	D	25'-30'	Ornamental
Amelanchier laevis	Allegheny Serviceberry	D	25'-30'	Ornamental
Betula nigra	River Birch	D	40'-60'	Ornamental
Betula papyrifera	Paper Birch	D	40'-60'	Ornamental
Cercidyphyllum japonicum	Katsura Tree	D	25'-40'	Ornamental
Cercis Canadensis	Eastern Redbud	D	20'-30'	Ornamental
Cornus kousa	Japanese Dogwood	D	20'-25'	Ornamental
Cotinus coggyria	Smoke Tree	D	15'-20'	Ornamental
Magnolia loebneri	Magnolia	D	12'-15'	Ornamental
Magnolia soulangiana	Saucer Magnolia	D	15'-20'	Ornamental
Magnolia stellata	Star Magnolia	D	10'-15'	Ornamental
Prunus sargentii 'Columnaris'	Columnar Sargent Cherry	D	25'-30'	Ornamental
Prunus serrulata	Oriental Cherry	D	15'-25'	Ornamental
Prunus virginiana	Canada Red Select Cherry	D	20'-25'	Ornamental
Salix matsudana 'Tortuosa'	Corkscrew Willow	D	25'-30'	Ornamental
D = Deciduous E = Evergreen				

Table 7.15: Evergreen Trees for Use in Site Interior or Buffer				
Botanic Name	**Common Name**	**Type**	**Mature Height**	**Tree Category**
Abies Concolor	White Fir	E	30'-50'	Evergreen
Cupressocyparis Leylandii	Leyland Cypress	E	60'-70'	Evergreen
Picea abies	Norway Spruce	E	50'-60'	Evergreen
Picea glauca densata	Black Hills Spruce	E	50'-60'	Evergreen
Picea omorika	Serbian Spruce	E	50'-60	Evergreen
Picea pungens	Colorado Spruce	E	60'-75'	Evergreen
Picea pungens 'Glauca'	Colorada Blue Spruce	E	60'-75'	Evergreen
Pinus nigra	Austrian Pine	E	30'-60'	Evergreen
Pinus ponderosa	Ponderosa Pine	E	40'-50'	Evergreen
Pinus strobus	Eastern White Pine	E	50'-100'	Evergreen
Tsuga canadensis	Canada Hemlock	E	60'-75'	Evergreen
D = Deciduous E = Evergreen				

Table 7.16: Vines for Walls and Fences		
Botanic Name	**Common Name**	**Type**
Aristolochia durior	Dutchmans's Pipe	D
Campsis radicans	Trumpetvine	D
Celastrus scandens	American Bittersweet	D
Clematis jackmanii	Clematis Hybrids	D
Clematis laguninos	Clematis Hybrids	D
Lonicera brownii	Dropmore Scarlet Honeysuckle	D
Lonicera hechrottie	Everblooming Honeysuckle	D
Parthenocissus quinquefolia	Virginia Creeper	D
Parthenocissus triscuspidata	Boston Ivy	D
D = Deciduous E = Evergreen		

Table 7.17: Small Shrubs Approved for Screens, Hedges, and Specimen Planting			
Botanic Name	**Common Name**	**Type**	**Mature Height**
Aronia melanocarpa	Black Chokeberry	D	4'-6'
Berberis thunbergii	Japanese Barberry	D	3'-5'
Buxus microphylla 'Koreana'	Korean Boxwood	E	2'-3'
Chaenomeles species	Flowering Quince	D	2'-6'
Cotoneaster divaricata	Spreading Cotoneaster	D	5'-6'
Euonymus fortunei	Euononymous	E	4'-6'
Hydrangea macrophylla	Nikko blue Hydrangea	D	3'-4'
Ilex crenata	Japanese Holly	E	3'-5'
Mahonia aquifolium	Oregon Grape	E	3'-6'
Physocarpus opulifolius intermedius	Dwarf Ninebark	D	4'-5'
Prunus glandulosa	Dwarf Flowering Almond	D	4'-6'
Rhus aromatica	Fragment Sumac	D	4'-6'
Symphoricarpos alba	White Snowberry	D	5'-6'
Weigela florida	Flowering Weigela	D	4'-5'
Weigela vaniceki	Cardinal Shrub	D	4'-5'
D = Deciduous E = Evergreen			

Table 7.18: Large Shrubs Approved for Screens, Hedges, and Specimen Planting			
Botanic Name	**Common Name**	**Type**	**Mature Height**
Caragana arborescens	Siberian Peashrub	D	12'-15'
Cornus alba, 'Elegantissima'	Variegated Dogwood	D	6'-10'
Cornus alternifolia	Pagoda Dogwood	D	15'-20'
Cornus sericea baileyi	Redtwig Dogwood	D	8'-10'
Cotinus coggygria	Smoke Tree	D	8'-10'
Cotoneaster acutifolious	Peking Cotoneaster	D	4'-8'
Euonymus alatus 'compactus'	Burning Bush	D	7'-10'
Forsythia intermedia Hybrids	Hybrid Forsythia	D	7'-10'
Forsythia suspensa	Weeping Forsythia	D	8'-10'
Hamamelis virginiana	Common Witch Hazel	D	10'-15'
Hibiscus syriacus	Rose of Sharon	D	4'-12'
Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	D	4'-15'
Hydrangea paniculata 'Grandiflora'	Peegee Hydrangea	D	6'-10'
Ilex meserveae	Blue Holly	E	6'-8'
Ilex opaca	American Holly	E	8'-15'
Juniperus chinensis	Chinese Juniper	E	6'-15'
Juniperus scopulorum	Rocky Mountain Juniper	E	6'-15'
Ligustrum amurense	Amur Privet	D	4'-8'
Ligustrum 'Vicaryi'	Golden Vicary Privet	D	4'-12'
Myrica pennsylvanica	Northern Bayberry	D	5'-10'
Philadelphus coronarius	Sweet Mockorange	D	8'-10'
Philadelphus virginialis	Minnesota Snowflake	D	6'-8'
Picea glauca 'Conica'	Dwarf Alberta Spruce	E	6'-10'
Prunus cistena	Cistena Plum	D	6'-8'
Prunus triloba	Flowering Almond	D	8'-10'
Rhamnus frangula	Alder Buckthorn	D	12'-15'
Rhus glabra	Smooth Sumac	D	8'-10'
Rhus typhina	Staghorn Sumac	D	8'-12'
Salix caprea	French Pussy Willow	D	15'-20'
Sambucus canadensis	American Elderberry	D	6'-8'
Shepherdia argentea	Silver Buffaloberry	D	5'-8'
Sorbaria sorbifolia	Flase Spiraea	D	6'-8'
Syringa chinensis	Chinese Lilac	D	6'-8'
Syringa hyacinthiflora Hybrids	Hybrid Canadian Lilac	D	8'-12'
Syringa vulgaris	Common Lilac	D	8'-12'
Syringa vulgaris Hybrids	Hybrids Hybrid French Lilac	D	8'-12'
Taxus cuspidata 'Capitata'	Upright Japanese Yew	E	10'-25'
Taxus 'Hicksi'	Hick's Yew	E	10'-12'
Thuja occidentalis Hybrids	Hybrids American Arbovitae	E	4'-15'
Viburnum dentatum	Arrowwood Viburnum	D	0'-15'
Viburnum lantana	Wayfaring Tree	D	8'-15'
Viburnum lantago	Nannyberry	D	8'-15'
Viburnum opulus	European Cranberry Bush	D	10'-12'
Viburnum placatum tomentosum	Doublefile Viburnum	D	8'-10'
Viburnum prunifolium	Black Haw Viburnum	D	10'-12'
Viburnum rhytidophyllum	Leatherleaf Viburnum	D	6'-15'
Viburnum trilobum	American Cranberry Bush	D	8'-12'
D = Deciduous E = Evergreen			

Table 7.19: Low Spreading Shrubs Approved for Borders, Parking Islands, and Groundcover			
Botanic Name	**Common Name**	**Type**	**Mature Height**
Berberis mentorensiS	Mentor Barberry	E	3'-4'
Berberis thunbergii Hybrids	Japanese Barberry	D	2'-4'
Berberis verruculosa	Warty Barberry	E	2'-3'
Buxus sempervirens	Boxwood	E	2'-3'
Cotoneaster apiculata	Cranberry Cotoneaster	D	2'-3'
Cotoneaster horizontalis	Rockspray Cotoneaster	D	1'-3'
Daphne burkwoodii	Burkwood Daphne	D	3'-4'
Duetzia gracilis	Slender Duetzia	D	2'-3'
Euonymus fortunei 'Sarcoxie'	Sarcoxie Euonymus	E	3'-4'
Forsythia viridissima 'Bronxensis'	Dwarf Forsythia	D	1'-2'
Hypericon patulum	St. John's Wort	D	2'-3'
Juniperus (spreading varieties)	Juniper	E	1'-3'
Mahonia aquifolium 'Compacta'	Dwarf Oregon Grape	E	2'
Microbiota decussata	Siberian Cypress	E	1'
Philadelphus virginialis	Miniature Snowflake	D	2'-3'
Picea abies 'Nidiformis'	Birdnest Spruce	E	2'
Picea abies 'Pumila'	Dwarf Norway Spruce	E	2'-3'
Picea pungens 'Globosa'	Blue Globe Spruce	E	3'-4'
Pinus mugo	Mugho Pine	D	3'-4'
Potentilla fruticosa Hybrids	Bush Cinqufoil	D	2'-3'
Rhus aromatica 'Low Grow'	Low Grow Fragrant Sumac	D	1'-2'
Ribes alpinum	Alpine Currant	D	3'-5'
Spirea bumalda	Spirea	D	2'-3'
Spirea japonica	Japanese Spirea	D	2'-3'
Spirea nipponica	Nippon Spirea	D	2'-3'
Symphoricarpos orbiculatus	Coral Berry	D	3'-4'
Syringa patula 'Miss Kim'	Dwarf Korean Lilac	D	3'-5'
Taxus cupidata 'Nana'	Dwarf Japanese Yew	E	2'-3'
Taxus media	Spreading Yew	E	2'-4'
Thuja occidentalis 'Hetzii Midget'	Hetz Midget Arborvitae	E	2'-3'
Viburnum opulus 'Nana'	European Cranberry Bush	D	1'-2'
D = Deciduous E = Evergreen			

Table 7.20: Non-Qualifying Trees		
Common Name	**Botanical Name**	**Negative Feature(s)**
Boxelder	Acer negundo	Aggressive, Shallow roots, Weak wood
Norway Maple	Acer platanoides	Invasive
Silver Maple	Acer saccharinum	Aggressive, Shallow roots, Weak wood
Tree of Heaven	Ailanthus altissima	Seeds, Suckers, Weak wood, Invasive
Mimosa	Albizia julibrissin	Invasive
European White Birch	Betula pendula	Insect prone, Invasive
Hackberry	Celtis occidentalis	Disease prone
Camphor Tree	Cinnamomum camphora	Invasive
Russian Olive	Elaeagnus angustifolia	Poor form, Disease prone, Invasive
Ash	Fraxinus	Disease prone
Ginkgo (Female)	Ginkgo biloba	Female Fruits
White Lead Tree	Leucaena leucocephala	Invasive
Chinaberry Tree	Melia azedarach	Invasive
Mulberry	Morus species	Fruits, Shallow roots, Invasive
Princess Tree	Paulownia tomentosa	Invasive
Senegal Date Palm	Phoenix reclinata	Invasive
White Poplar	Populus alba	Suckers, Shallow roots, Weak wood, Invasive
Cottonwood	Populus deltoides	Weak wood, Shallow roots, Seeds
Lombardy Poplar	Populus nigra 'Italica'	Insects, Disease, Short-lived
(Wild) Black Cherry	Prunus serotina	Disease prone
Bradford Pear	Pyrus calleryana 'Bradford'	Weak branching, Low branches
Brazilian Pepper Tree	Schinus terebinthifolius	Invasive
Tallow Tree	Triadica sebifera	Invasive
American Elm*	Ulmus americana*	Insects, Disease
Siberian Elm	Ulmus pumila	Weak wood, Seeds
* Note that suitable disease resistant cultivars and hybrids exist as substitutes for this species		

Sec. 7.09 – FENCES, WALLS, AND HEDGES

1) INTENT. The purpose of these standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy; and to protect the public welfare by preventing visual obstructions along public ways.
2) EXEMPTIONS.
   a) Agriculture. If engaged in agricultural operations or activities, properties located in any district where agriculture is permitted shall be exempt from the provisions of this section.
   b) Athletic Facilities. Fences for ball diamonds, tennis courts, driving ranges and other athletic facilities shall be exempt from the provisions of this section.
3) GENERAL REQUIREMENTS. Fences, walls, and hedges shall be permitted in all zoning districts subject to conformance with the following requirements:
   a) Drainage. No fence, wall, or hedge shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for stormwater runoff. Any fence, wall, or hedge located in an easement may be removed by the easement holder when accessing the easement.
   b) Setbacks. All fences, walls, and hedges may be permitted up to a property line except as noted in this Ordinance. No fence, wall, or hedge shall be placed in any right-of-way or violate the sight distance requirements found in *Section 7.04 – Sight Visibility*. Fences, walls, and hedges within the easement of a drain, pond, and/or lake shall require the approval of the City Engineer.
   c) Buffer Yards. No fence, wall, or hedge may be placed in any required buffer yard that does not specifically provide for the inclusion of a fence.
   d) Materials.
      i) Fences shall not contain an electric charge except when located on properties with an agricultural use.
      ii) When enfronting a public right-of-way or public easement, the finished face of any fence shall be so erected as to face the public way.
      iii) Fences and walls shall be constructed of wood, decorative metal, textured masonry or synthetic materials styled to simulate natural materials. Barbed wire and razor wire are permitted only on properties with an agricultural use, or in the Industrial, Low-Density (I1) and the Industrial, Medium-Density (I2) districts.
      iv) Chain-link fences shall be permitted in all districts. Chain-link fences in residential districts shall be vinyl-coated, except as prohibited by a Home Owners Association regulation or restrictions.
   e) Height.
      i) Exception. The height of fences screening telecommunications facilities is regulated by Section *7.11 – Wireless Communication Facilities*.
      ii) Height Measurement. The height of a fence, wall or hedge shall be determined by measuring from the adjacent grade to the highest point of the fence, wall or hedge, excluding posts. Fence posts may exceed the maximum height of the fence by up to one (1) foot.

iii) Unless otherwise regulated by this chapter, fences and walls shall not exceed eight (8) feet in height in nonresidential districts and six (6) feet in height in residential districts in the rear and side yards. Fences, walls and hedges shall not exceed four (4) feet in height in the front yard.

Table 7.21: Maximum Permitted Fence Heights

Permitted Use	Front Yard	Side Yard	Rear Yard
Single-Family Use	3'0" solid fence 4'0" combined or predominantly open fence	6'0"	6'0"
Multifamily Use	3'0" solid fence 4'0" combined or predominantly open fence	6'0"	6'0"
Commercial & Office Use	3'0" solid fence 4'0" combined or predominantly open fence	6'0"	6'0"
Industrial Use	8"0"	8'0"	8'0"
Parking Lots, Vacant Lots, Churches, Schools, Swimming Pools, Stormwater Management Facilities, and Parks	3'0" solid fence 4'0" combined or predominantly open fence	6'0"	6'0"

f) Opacity. A fence, wall or hedge in the front yard shall permit direct vision from one side to the other through at least fifty percent (50%) of the structure.

g) Notwithstanding the provisions of subsection (3)(e), above, a fence may be erected or altered up to a height of eight (8) feet where:

i) The ground floor elevation within twenty (20) feet or less of the principal dwelling on either one of the two (2) adjoining lots is at least four (4) feet higher than the elevation at the adjoining lot line; or

ii) The fence is erected along a side or rear lot line which adjoins a collector street or arterial street (in which case landscape planting shall be provided in accordance with *Subsection 7.05(7)* of this chapter) as part of a multiple lot residential subdivision; or

iii) The fence is a sound barrier or fence required by GDOT or a security fence required by the Department of Homeland Security for a public or institutional use; or

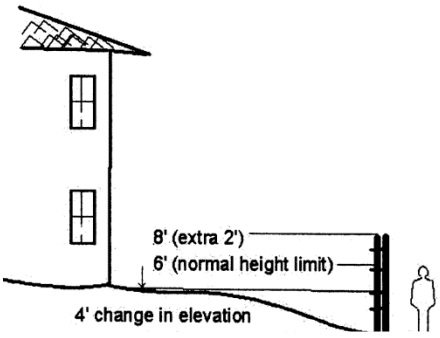


Figure 7.3: Additional height where home on adjacent lot is 4' higher (subsection 7.09(3)(g)i).

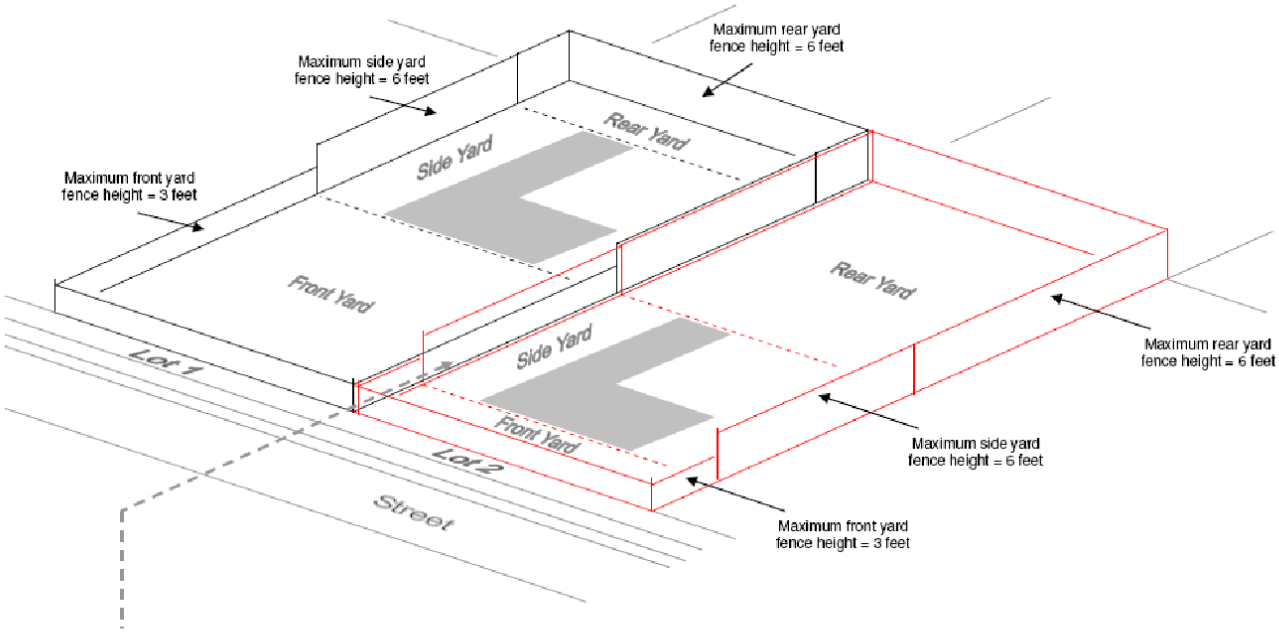
iv) The additional fence height is permitted by the City Council pursuant to a rezoning or specific use authorization; or

v) The fence is located on a side or rear lot line which abuts a C2 or I2 use or more intensive use that does not require a buffer yard.

vi) Notwithstanding the provisions of *Subsection (3)(e)*, above, a fence may be erected or altered up to the height of the adjacent building where the fence is located entirely on the interior of a lot behind all required building setback lines, attached to the main structure, and used for security purposes or for part of the intended use of the primary structure, such as fencing for outdoor display, for example an outdoor garden area, or lumber yard attached to a home improvement store.

vii) The following illustration shall be used to determine applicable front, side and rear fence standards:

Figure 7.4: Fences and Yard Determinations



Notice:
The side yard fence of lot 2 runs along the front yard fence of lot 1. In this area the fence on lot 2 is allowed a 6 feet maximum height, even though the fence on lot 1 is only allowed a 3 feet maximum height.

Sec. 7.10 – HEIGHT STANDARDS

1) GENERAL HEIGHT STANDARDS APPLICABLE TO ALL ZONING DISTRICTS:

a) Height Requirements. The maximum height permitted shall be as described below and in accordance with *Table 4.4: Residential Lot Standards* and *Table 4.5: Non-Residential Lot Standards*, subject to the exceptions listed in this section.

i) Measuring Height. In all instances, the height of a structure shall be the vertical height from the average finished grade to the highest point of the roof, parapet, or uppermost part of the building or structure.

b) Exceptions. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below.

i) General Exceptions.

(1) Steeples on religious places of worship;

(2) Spires, belfries, and cupolas;

(3) Industrial-related storage tanks, mechanical equipment, and smokestacks; and
(4) Water towers.

ii) Agricultural Structures. All structures in a zoning district where agriculture is allowed that are used in agricultural product storage and/or processing may exceed the permitted height standards for that district and be erected to any height that is necessary for their operation.

iii) Wireless Communication Facilities. The height of wireless communication facilities shall be regulated by *Section 7.11 – Wireless Communication Facilities*.

iv) Amateur Radio Towers. Amateur radio towers may exceed the permitted height regulations by up to ten (10) feet.

v) Noncommercial Wind Energy Conversion Systems. Wind energy conversion systems are exempt up to 120 feet in height. For propeller turbines, the height shall be measured from the rotor blade at its highest point to the top surface of the wind energy conversion system foundation. For vertical axis turbines, the height shall be measured from the highest point of the unit to the top surface of the wind energy conversion system foundation

vi) Necessary Appurtenances. The following structural elements may exceed the permitted height standards for the zoning district in which they are located by up to ten (10) feet:
(1) Necessary mechanical appurtenances;
(2) Water tanks;
(3) Chimneys;
(4) Fire towers;
(5) Stair towers;
(6) Elevator bulkheads; and
(7) Wind energy conversion systems, rooftop.

c) Air Space Requirements. Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air transportation. All applicable Federal Aviation Administration (FAA) and State of Georgia restrictions and regulations, including *Federal Aviation Regulation Part 77* and *Objects Affecting Navigable Airspace (FAR Part 77)* shall apply to all structures.

Sec. 7.11 – WIRELESS COMMUNICATION FACILITIES

1) PURPOSE. In recognition of the quasi-public nature of cellular and/or wireless communication systems, it is the purpose of these regulations to:
   a) Accommodate the need for cellular or wireless communication towers while regulating their location and number in the City;
   b) Minimize adverse visual effects of communication towers and support structures through proper siting, design and screening;
   c) Avoid potential damage to adjacent properties from communication towers and support structure failure; and
   d) Encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures needed in the future.
2) USE REGULATIONS. The following use regulations shall apply to cellular or wireless communication antennas and towers.

a) A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular purposes or not), smoke stack, water tower or other tall structure, shall be permitted as of right in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings that are no less than fifty (50) feet in height.

b) A cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.

c) A cellular or wireless communications antenna is permitted as a special exception in the AG and I2 zoning districts only if it is:

   i) mounted on its own tower (as opposed to it being mounted on an existing structure); or

   ii) more than fifteen (15) feet higher than the structure on which it is mounted.

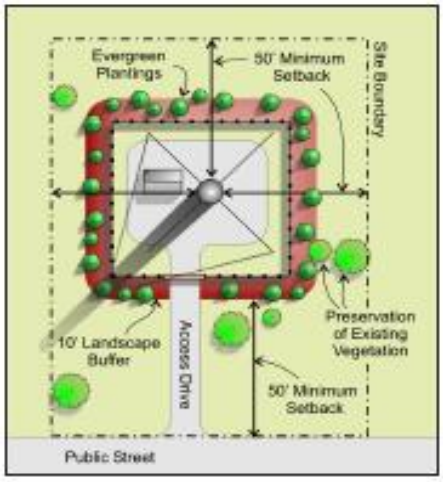
d) All other non-essential uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

3) STANDARDS OF APPROVAL FOR CELULAR OR WIRELESS COMMUNICATIONS ANTENAS AND TOWERS PERMITTED BY SPECIAL EXCEPTION. The following standards shall apply to cellular or wireless communications antennas and towers permitted as special exception uses.

a) The cellular or wireless communications company shall be required to demonstrate as part of the special exception application process, using the latest technological evidence, that the antenna or tower must be placed at the proposed location and at the proposed height in order to satisfy its necessary function in the company's grid system. As part of this requirement, a Radio Frequency (RF) map of sufficient scale shall be submitted to the Community Development Director demonstrating a need for the tower at the location and height proposed.

b) If the cellular or wireless communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, asked for permission to install the cellular or wireless communications antenna on those structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles.

Figure 7.5 – Wireless Telecom Layout



c) The City Council may deny the special exception if the applicant has not made a good faith effort to mount the antenna on existing structures.

d) An application for special exception for a wireless communication facility which shall be reviewed by the TAC, and shall include, among other required information, a plan at a scale of one inch to fifty feet (1" = 50'), indicating at a minimum the following:
   i) The total area of the site;
   ii) The existing zoning of the property in question and of all adjacent properties;
   iii) All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned;
   iv) Existing topography with a maximum of five (5) foot contours intervals;
   v) The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals;
   vi) The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings;
   vii) The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility;
   viii) All existing and proposed sidewalks and open areas on the site;
   ix) The location of all proposed fences, screening and walls;
   x) The location of all existing and proposed streets;
   xi) All existing and proposed utilities including types and grades;
   xii) All existing and proposed landscaping in accordance with *Subsection 7.11(4)(e)*;
   xiii) The schedule of any phasing of the project;
   xiv) A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts; and
   xv) Any other information as may be required by the Planning & Zoning Commission to determine the conformance with this Zoning Ordinance.

4) STANDARDS OF APPROVAL OF ALL CELULAR OR WIRELESS COMMUNICATIONS ANTENAS AND TOWERS
   a) Antenna/Tower Height. The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily and provide an acceptable number of towers.
   b) Setbacks from the Base of the Tower. If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the greater of the following:
      i) Forty (40) percent of the tower height;
      ii) The minimum setback in the underlying zoning district; or
      iii) Fifty (50) feet.
   c) Cellular or Wireless Communications Tower Safety. The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. Furthermore, all cellular or wireless

communications towers shall be fitted with anticlimbing devices as approved by the manufacturers.

d) Fencing. A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access by non-authorized personnel.

e) Landscaping.

i) Landscaping shall be required to screen as much of the freestanding cellular or wireless communications tower, support structures, and surrounding fence as possible and any other ground-level features and, in general, to soften the appearance of the cellular communications site.

ii) The Director may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.

f) Limiting the Number of Cellular or Wireless Communications Towers. In order to reduce the number of antenna support structures needed in the City in the future, the proposed cellular or wireless communications tower shall be required to accommodate other users, including other cellular communications companies, and local police, fire and ambulance departments. The applicant shall provide proof that co-location is not feasible.

g) Licensing. The cellular or wireless communications company must demonstrate to the City that it is licensed by the Federal Communications Commission (FCC).

h) Required Parking. If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in this Ordinance.

i) Appearance. Cellular or wireless communications towers under two-hundred (200) feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular communication tower or antenna shall contain any signage containing a commercial message.

5) MAINTENANCE. Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

Sec. 7.12 – OUTDOOR LIGHTING

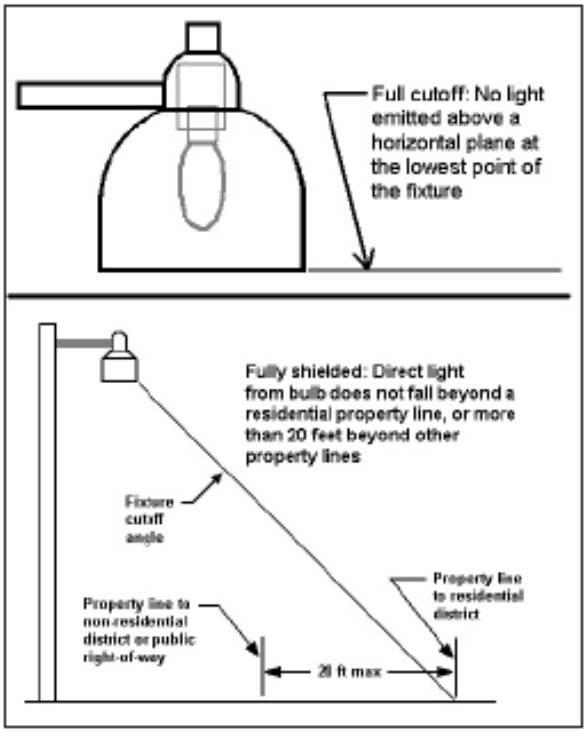
1) INTENT. Exterior lighting shall be subject to the following lighting standards and should be consistent and compatible with the design, color and scale of the associated development. Light levels shall most importantly be uniform to promote the health, safety, and welfare of users.
2) GENERAL PROVISIONS. All areas containing outdoor lighting, including but not limited to floodlighting, security, street, or parking lot lighting shall comply with the requirements of this section.
   a) Light Trespass. All areas containing outdoor lighting shall limit light spillage onto adjacent property, when measured at any point along a property line to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors.

Table 7.22: Light Trespass

Adjoining District	Light Spillage Measured in Foot-Candels (maximun light level at the property line)
AG, R1, R2, SFA, MF1, MF2, CBD, CMU, PUD*	0.20
C1, C2, OMI, I1, I2, PUD*, Public RoW	0.50

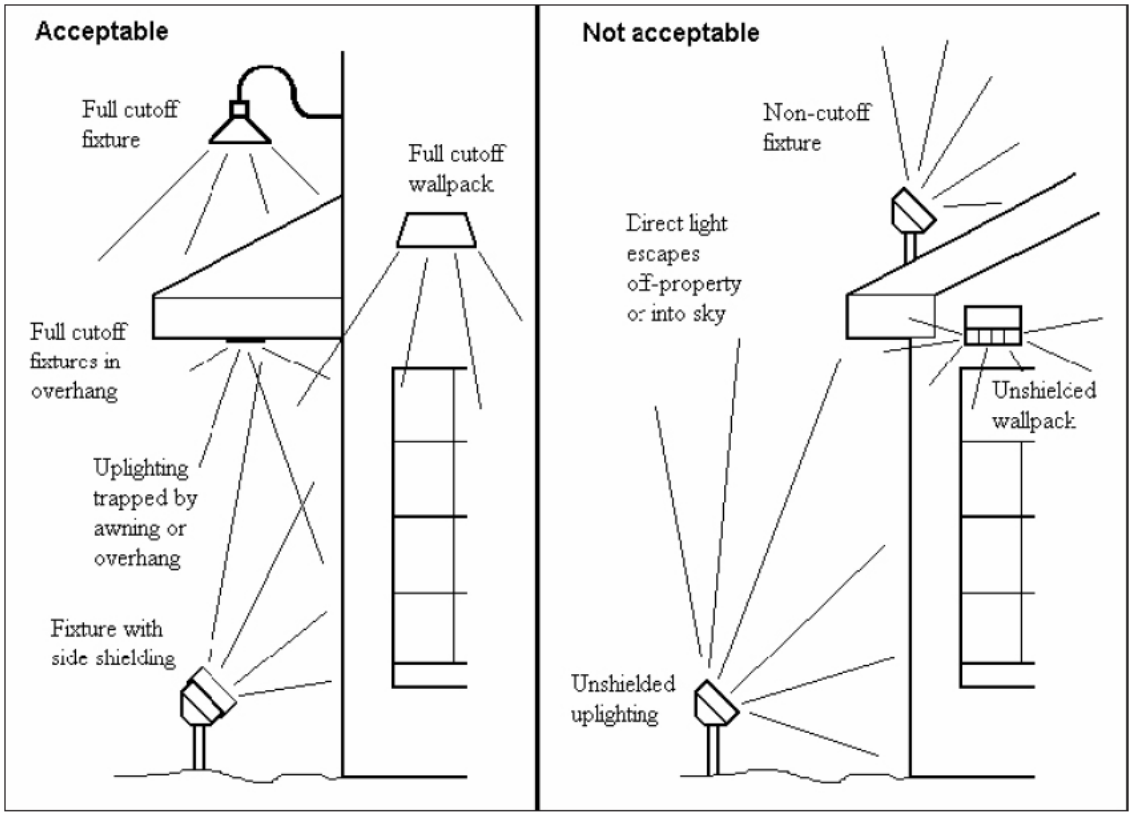
   b) Light Shielding. Unless light fixtures of a particular period or architectural style are used, all new, repaired, or replaced lighting, whether public or private, shall be full cutoff or fully shielded.
   c) Mounting Height Measurement. For the purposes of this section, the mounting height of all light fixtures shall be defined as the vertical distance between the adjacent grade of the surface being illuminated and the top of the lighting fixture (luminaire).
   d) Use of Timers/Dimmers. Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
   e) Electrical Service. The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on buildings or utility poles.
   f) Holiday Lighting. Holiday lighting shall be exempt from the provisions of this section.
   g) Lamp Color. Lamps (the source of the actual light) shall be halogen, metal halide or other type which ensures true-color at night.

Figure 7.6: Proper Light Shielding



3) LIGHTING PLAN. Wherever a lighting plan is called for by this Ordinance, such plan shall include the following:
   a) Lighting plan showing buildings, landscaping, parking areas, and the locations of all proposed exterior lighting fixtures, with designation of full cutoff and/or fully shielded fixtures;
   b) A description of the outdoor light fixtures which may include but is not limited to manufacturer's catalog cuts, photometric report with candela distribution, drawings, and shielding information;
   c) Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance.
4) ILLUMINATION OF BUILDINGS AND OTHER VERTICAL STRUCTURES. When buildings or other structures are illuminated, the design for the illumination must be in accordance with the following:
   a) Lighting fixtures shall be located and/or aimed such that light is directed only onto the building surface. All fixtures used to illuminate buildings shall be fully shielded;
   b) For statues, monuments, fountains, or other objects for which it may not be possible to reliably and consistently illuminate with downward lighting, up-lighting may be used only in the form of spotlights which confine the illumination to the object of interest; and
   c) If up-lighting is used to illuminate flags, only spotlights shall be used; floodlights directed above the horizontal shall not be used to illuminate a flag.
5) Building-mounted neon lighting is allowed only when recessed, or contained in a cap or architectural reveal.

Figure 7.7 – Proper Feature Lighting Examples



6) PARKING AREAS
   a) Luminaires / lighting fixtures serving parking areas shall be full cutoff fixtures.
   b) The maximum average maintained illumination level for a parking lot shall be no more than 1.6 horizontal foot-candles at grade level.
   c) Light fixtures located on the perimeter of parking lots and within twenty (20) feet of a property line shall utilize *IESNA Type IV* forward throw optical distribution and/ or "house-side" shielding to minimize light spillage with respect to that property line.
   d) Lights shall not exceed twenty-five (25) feet in height from the adjacent grade to the top of the fixture.
   e) Building-mounted lighting shall not be permitted to illuminate parking areas.
7) LIGHTING OF EXTERIOR DISPLAY OR OPEN SALES AREAS (excluding motor vehicle dealerships)
   a) Light fixtures serving areas designated as exterior display or open sales areas shall be full cutoff and/or fully shielded fixtures.
   b) Areas designated as exterior display or open sales areas shall be illuminated so that the average maintained horizontal illumination at grade level does not exceed 4.0 foot-candles.
   c) Light fixtures located on the perimeter of display or sales areas and within twenty (20) feet of a property line shall utilize *IESNA Type IV* forward throw optical distribution and/or "house-side" shielding to minimize light spillage with respect to that property line.
8) LIGHTING OF MOTOR VEHICLE DEALERSHIPS
   a) Full cutoff light fixtures shall be required for car dealerships.
   b) Car dealerships can define thirty percent (30%) of their site as display area and illuminate that area up to thirty-five (35) foot-candles (maximum) while limiting light trespass and using fully shielded fixtures.
   c) The remaining seventy percent (70%) of the car dealership site shall be subject to the same lighting standards for light levels and light trespass as other commercial sites.
9) LIGHTING OF WALKWAYS, BIKEWAYS, PARKS AND PLAYGROUNDS. Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:
   a) The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 average horizontal foot-candles;
   b) The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 average vertical foot-candles; and
   c) Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one-thousand (1,000) lumens.
   d) Light pole height shall not exceed fifteen (15) feet. Bollard lighting, not exceeding four (4) feet in height is encouraged.
10) LIGHTING OF CANOPIES, BAYS, AND LOADING AND UNLOADING SPACES
   a) The average maintained horizontal illumination shall not exceed twenty-five (25) foot-candles.
   b) Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting.
   c) Light fixtures mounted on or under overstory ceilings, in bays, and in loading and unloading spaces shall be recessed, full cutoff and fully shielded, unless indirect lighting is being used whereby light is directed upward and then reflected down from the ceiling of the structure. In

this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.

d) Lights shall not be mounted on the top or sides of an overstory.

e) Lighting for drive-through bays must be fully shielded as if located outside.

11) OUTDOOR ATHLETIC/PERFORMANCE FACILITIES

a) Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area. A design plan for such a facility shall detail the lighting requirements of the performing or playing area and how unwanted glare, illumination of surrounding streets and properties, and nighttime atmospheric light pollution will be minimized.

b) Limits on light trespass appearing in *Subsection 7.12(2)(a)* of this section apply to such outdoor facilities. If floodlighting is used in place of full cutoff fixtures, the center beam shall be aimed below the horizontal plane at an angle not less than one-half (0.5) the angular beam spread of the fixture. Glare shall be controlled by fixture design, location, shielding, or natural/positioned obstructions on the parcel where the facilities are located. Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance.

c) Except for professional or amateur events covered by intrastate televised broadcast, thirty (30) foot-candle horizontal illumination of the playing field or performing area shall not be exceeded. Parking facilities, walkways, and other lighting applications associated with venues for the outdoor activities covered herein shall conform to the requirements specified in the sections of this Ordinance applicable to those lighting applications. Light levels adjacent to residential districts or uses shall not exceed 0.20 foot-candle at the property line.

d) Outdoor Activity Light poles shall not exceed one-hundred (100) feet in height. The use of spotlights and/or floodlights to illuminate the play/performance area shall be permitted. However, each facility shall be designed and constructed with a dual lighting system which permits the main lighting for the event (spotlighting, floodlighting, etc.) to be turned off, with an alternate low level lighting system used for clean-up, night maintenance and other activities. Outdoor Activity lights shall shut off by 11:00 p.m. or no more than thirty (30) minutes after the activity is completed.

12) STREET LIGHTING.

a) Unless street light fixtures of a particular period or architectural style are used, all new, repaired or replaced street lighting, whether public or private, shall utilize full cutoff and/or fully shielded fixtures.

b) If street light fixtures of a particular period or architectural style are used then all such fixtures shall meet the Illuminating Engineering Society of North America (IESNA) criteria for said fixtures described above, and the maximum lumens generated by each fixture shall not exceed five-thousand (5,000). In no case shall the resulting illumination exceed levels currently recommended by the *IESNA* in publication *RP-8, American National Standard Practice for Roadway Lighting*.

c) Fixtures that emit more than three-thousand (3,000) lumens shall be shielded if adjacent to residential districts or uses.

13) NEON LIGHTING.
    a) Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements, however such lighting shall be included in the light trespass requirements of *Subsection 7.12(1)(a).*
    b) For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs in the *Villa Rica Sign Ordinance*.
    c) Neon lighting shall not be considered as security lighting.
14) SIGN ILLUMINATION
    a) Whenever an external artificial light source is used to illuminate a sign, such source shall be fully shielded. A receptacle or device housing a permitted light source shall be top mounted and directed below the horizontal, except for ground-mounted signs no higher than six (6) feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.
    b) The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed thirty (30) foot-candles, unless permitted ground-mounted or bottom-mounted lighting fixtures are used in which case the average level of illumination on the vertical surface of the sign shall not exceed twenty (20) foot-candles. No exposed bulb or lamp shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.
    c) Internally illuminated signs constructed with an opaque or colored background and lighter contrasting text or symbols are preferred; such construction shall be required for internally illuminated signs within six-hundred (600) feet of a Residential District. This section shall not apply to residential development identification signs, vending machines, telephone booths, time and temperature signs, or signs that do not exceed two (2) square feet in area. For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs, provided that there shall be no color restrictions on neon signs.
15) OTHER OUTDOOR LIGHTING
    a) Outdoor lighting not otherwise specified in this Ordinance emitting more than one-thousand two-hundred (1,200) lumens (except motion detector activated lighting) shall be full cutoff and fully shielded. Bulbs in outdoor light fixtures emitting from six-hundred (600) to one-thousand two-hundred (1,200) lumens may be installed in fixtures that are not full cutoff and may be visible from the property line, provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.
    b) A spotlight or floodlight of less than one-thousand eight-hundred (1,800) lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less than forty-five (45) degrees below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five minutes after the cessation of motion within its field of view. Such security lighting shall not be activated by normal business or resident activity.

c) Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration.

d) The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions, and are therefore considered to be signs, are prohibited per *Section 9.14 Prohibited Signs of the Villa Rica Sign Ordinance*.

16) EXCEPTIONS

a) The temporary use of low-wattage or low-voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.

b) Emergency lighting and traffic control lighting shall be exempt from the requirements of this section.

17) LIGHTS NOT CONFORMING TO THIS SECTION

a) Authority to Continue. Any lawfully installed lighting fixture at the effective date of this Ordinance which does not conform to the provisions of this section may continue provided the lighting remains in conformance with the provisions of this Subsection.

b) Ordinary Maintenance and Repair. Nothing in this section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

i) Loss of Lawful Status

(1) Legal nonconforming status shall terminate under the following conditions:

(a) if a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or

(b) if a lighting fixture is structurally altered such that its nonconforming aspects increase; or

(c) if a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty percent (50%) of its replacement value.

(2) Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this section, or the lighting fixture(s) shall be removed.

ii) Removal Pursuant to Public Order. Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.

18) SECURITY LIGHTING. Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise conform with the following requirements:

a) Non-residential Lighting Fixtures. All security lighting in non-residential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. Security lighting fixtures may be mounted on

poles located no further than ten (10) feet from the perimeter of the area intended to be illuminated.

b) Residential Lighting Fixtures. Security lighting fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

19) TOWN CENTER

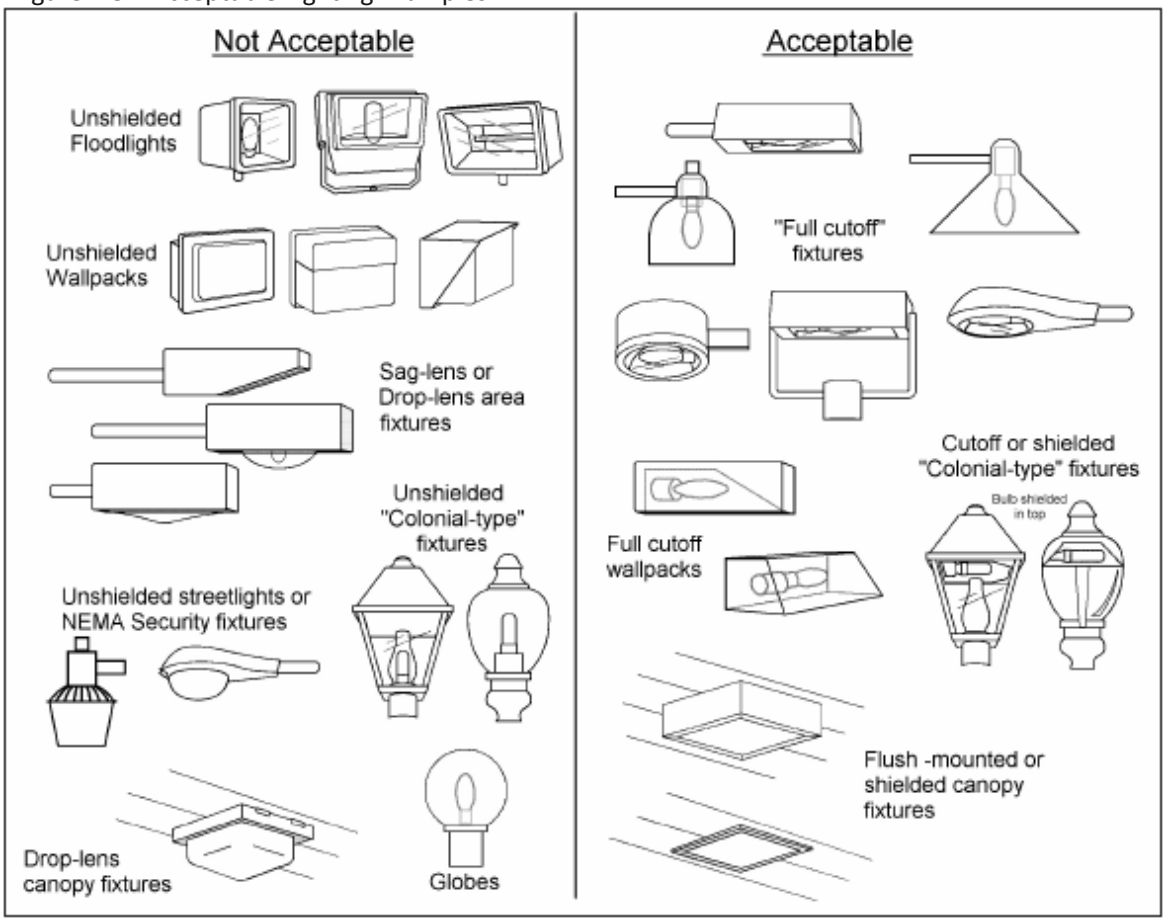
a) Storefronts shall be internally illuminated with spot or other incandescent lighting to display the business or its products.

b) Exterior lighting may be affixed to the building.

c) Pedestrian passages to parking areas on the sides and in the rear must be lit to a minimum of two (2) foot-candles.

20) MODIFICATION. The Planning & Zoning Commission shall have the authority to modify any of the requirements of this section in accordance with *Subsection 2.02(1)(q)*.

Figure 7.8 – Acceptable Lighting Examples



Sec. 7.13 – OPEN SPACE REQUIREMENT

1) INTENT. The following requirements shall govern the type and amount of open space for any tract of land which is the subject of an application for subdivision, land development or both using the provisions of this article. The purpose of open space is to regulate the intensity of development, preserve natural features and vistas, enhance the aesthetics of the built environment, and supply functional recreational areas.
2) OWNERSHIP. The land must be held in single and separate ownership by the applicant or, in the case of multiple ownership, the tract must be developed according to a single plan with responsibility for its implementation and completion vested in a common authority.
3) GENERAL PROVISIONS
   a) Open Space shall be large, contiguous areas to the greatest extent possible.
   b) Connectivity between the open space and adjacent development, greenways, parks and the like shall be provided by a minimum twenty (20) foot wide accessway.
   c) Where significant natural assets exist in a proposed development, the Planning & Zoning Commission may require preservation. Areas devoted to natural or improved flood control channels and those sections subject to problems of flowage, floodway or drainage easements should be left in their unimproved, natural state.
   d) Open space shall be designated as Common Area or placed in an easement.
   e) The City Council shall require that a legal plan or contract for the perpetuation, maintenance and function of all the common area or other common property be established and furnished to the Council to be approved by the City Attorney prior to final approval. The legal plan or contract shall assure that all such common areas shall be provided for in a satisfactory manner without expense to the City. The documents shall be recorded in the County Recorder's office by the applicant prior to occupancy of any building on the project.
   f) The City shall pursue enforcement of standards and impose penalties in accordance with *Chapter XII: Violations and Enforcement* upon failure to maintain designated open space and any improvements within the open space.
   g) Further subdivision of the open space or its use for other than conservation, agricultural, or passive recreation shall be prohibited. Structures and buildings accessory to the conservation, agricultural or passive recreation may be erected on the open space, subject to the standards in *Table 4.4: Residential Lot Standards*, *Table 4.5: Non-Residential Lot Standards* (whichever table is applicable), and *Section 8.02 – Accessory Use and Structure Standards*, and subject to review of the site by the Planning & Zoning Commission. Any restrictions on the established open space shall be recorded in a conservation easement to which the City is a signatory party.
   h) Where applicable, a homeowners' or maintenance association shall be established for the purpose of permanently maintaining all open space and potential non-commercial recreational facilities. Such homeowner's or maintenance association agreements, guaranteeing continuing maintenance, and giving lien to the City in the event of lack of such maintenance, shall be submitted to the City Council for approval prior to the issuance of any permits.

4) NON-QUALIFYING OPEN SPACE. Elements that do not qualify to be counted toward open space include:
   a) Required private yards.
   b) Street rights-of-way, open parking area and driveways for dwellings.
   c) Land covered by buildings.
   d) Required detention and retention ponds that are not visually or physically.
   e) The floodway of any stream, regulated drain, river or other water body accessible.
   f) Any area with slopes exceeding a twenty-five percent (25%) grade.
   g) Any wetlands on the development site, unless preserved as a conservation area.
5) MINIMUM REQUIRED OPEN SPACE

Table 7.23: Minimum Required Open Space

Zoning District	Percentage of Open Space	Notes
R1, R2	8%	-
SFA, MF1	12%	-
MF2	15%	-
CMU, C1, C2, OMI	5%	-
I1, I2	2%	Sites less than 3 acres are exempt
AG, CBD	-	Exempt

6) QUALIFYING OPEN SPACE
   a) Conservation areas and wetlands preserved as conservation areas.
   b) Floodplains
   c) Woodlands
   d) Riparian corridors
   e) Retention and detention facilities with the following characteristics:
      i) Perimeter Access. An easement of at least fifteen (15) feet from the top of bank with a minimum five (5) feet wide path of a material that meets the requirements of the ADA.
      ii) Access. An area of open space at least twenty (20) feet wide shall extend from a street right-of-way to the fifteen (15) foot perimeter access area of the detention area.
      iii) Planting. Native plant material is encouraged around the perimeter of retention ponds.
   f) Development amenity areas containing semi-public areas such as:
      i) plazas with seating and special features such as public art or fountains;
      ii) pocket parks with seating and landscaping;
      iii) decorative water features; and lakes.

Sec. 7.14 – MULTIFAMILY AMENITIES REQUIRED

1) Minimum Number of Amenities Required. Multi-family developments shall incorporate recreational amenities from the list in *Subsection 7.14(2)* below in the following amounts:
   a) Multifamily development with fewer than twenty-five (25) units shall be exempt from this requirement.
   b) Multi-family developments with twenty-five (25) to one-hundred (100) dwelling units shall provide at least one amenity;
   c) Multi-family developments with one-hundred-one (101) to one-hundred and seventy-five (175) dwelling units shall provide at least two amenities; and
   d) Multi-family developments with more than one-hundred and seventy-six (176) dwelling units shall provide at least three (3) amenities.
2) Allowable Amenities.
   a) Swimming pool;
   b) Golf course or Putting green;
   c) Resident clubhouse;
   d) Pet park, minimum of two-thousand (2,000) square feet;
   e) Community center (meeting room, assembly hall, etc.);
   f) Community garden with raised beds;
   g) Rooftop terrace;
   h) Library/study
   i) Computer resource center/internet café
   j) Learning center/childcare
   k) Koi pond/water gardens
   l) Nature trails Fitness center and/or recreation building;
   m) Pocket parks Basketball, volleyball, or other sport court;
   n) Other amenity approved by city. Two tot lots with a minimum size of five-hundred (500) square feet per lot;
   o) Two picnic areas, with a minimum size of five-hundred (500) square feet per area, and including a minimum of two picnic tables and one (1) grill/pit per area;
3) Amenity Standards.
   a) Each development shall satisfy its amenity area requirements by installing the types of facilities that are most likely suited to and used by the age bracket of persons likely to reside in that development;
   b) Except for developments which are expected to contain adults almost exclusively, a children's play area should be provided as a mandatory amenity in the project.
   c) Except for developments which are expected to contain adults almost exclusively, a sports court with a minimum size of thirty-six hundred (3,600) square feet should be provided as second mandatory space in projects with more than forty (40) units. The minimum dimensions for the court active play area should be 72'X42' feet (i.e. the dimensions for a youth basketball league half court). Substitution of the required court for a swimming pool would acceptable.

Sec. 7.15 – DENSITY BONUSES

The following density bonuses may be used to achieve a maximum fifty percent (50%) density bonus for a maximum total of twenty (20) dwelling units per net acre of land.

1) Structured Parking Bonus. The City may allow a two percent (2%) increase in permitted density for each five percent (5%) of units provided with structured parking.
2) Recreation/Open Space Bonus. The City may approve a one (1%) percent increase in permitted density for each one (1%) percent of useable recreation space set aside provided above the minimum amount required per *Sec. 7.13 – Open Space Requirement*.
   a) Recreation areas shall be landscaped and provided with sufficient natural or manmade screening or buffer areas to minimize any negative impacts upon adjacent residential uses;
   b) Each recreation area shall be centrally located and easily accessible by walkways;
   c) Each recreation area shall be constructed on land that is reasonably flat, dry, and capable of serving the purpose that it was intended for.
3) Amenity Bonus. The City may approve a five (5%) percent density bonus for every amenity provided in excess of the required amenities in *Subsection 7.14(2).*
4) Building Design Bonuses.
   a) The city may approve up to a ten percent (10%) increase in permitted density for multi-family development in which each multi-family building has brick and/or stone as its primary exterior building material, when an amount equal to sixty (60%) percent of the total net exterior wall area of each building elevation (excluding gables, windows, doors, and related trim), shall be brick, stone, fiber cement siding, or hard-coat stucco. For more contemporary-designed structures, the use of alternative high-quality finishes may be employed at the discretion of the Community Development Director.

A **density bonus** is an incentive-based tool that permits a developer to increase the maximum allowable development on a site in exchange for either funds or in-kind support for specified public policy goals.

CHAPTER VIII – SUPLEMENTARY CONDITIONS FOR SPECIFIC USES

Sec. 8.01 – GENERAL CONDITIONS

All uses shall be developed, used and operated in conformance with the standards of this Code. The following additional standards shall apply to the specific land uses listed in this article. Certain uses require a Conditional Use Permit or a Special Exception in conformance with *Section 11.09 – Special Exception Procedure* – of this Code. All uses shall comply with applicable building, life safety, fire and health codes adopted by the City in addition to applicable regulations of Carroll or Douglas Counties, and state and/or federal governments. The applicant shall provide evidence of compliance with the applicable requirement. The applicant shall obtain a business license and a home occupation permit, if applicable, prior to establishment of the use.

Sec. 8.02 – ACCESSORY USE AND STRUCTURE STANDARDS

1) GENERAL PROVISIONS. the following standards shall apply within all zoning districts:
   a) Order of Establishment. No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the issuance of a permit for a principal use or structure. all accessory uses and structures shall be permitted only in association with the principal use or structure.
   b) Incidental to Principal. Accessory uses and structures shall be incidental and subordinate to, and commonly associated with the operation of, the principal use of the lot. this shall be shown through the height, area, bulk, extent and purpose to the principal use served and shall not exceed the required heights, setbacks, or area standards established by this section.
   c) Setback. Accessory structures shall be located no closer to the front lot line than the front building façade line of the principal use.
      i) Exceptions. accessory structures in Single-Family Agricultural (AG) zoning districts may be located in any location on the lot or parcel subject to compliance with all other applicable provisions of this ordinance.
   d) Separation. any detached accessory structure shall be located:
      i) a minimum of five (5) feet from any accessory or principal structure in residential zoning districts.
      ii) a minimum of ten (10) feet from any accessory or principal structure in non-residential districts.
   e) Height. Accessory structure height shall be in accordance with the *Table 4.4: Residential Lot Standards* and *Table 4.5: Non-Residential Lot Standards* unless specifically allowed as otherwise by this section or by the height exemptions of *Section 7.10 – Height Standards*.
   f) Placement. Accessory structures shall not encroach upon any required landscaping buffer yards or easements. No accessory structures shall be placed in any operable septic fields or septic field easements.

g) Design Compatibility. Accessory uses and structures shall be compatible in design and material to the principal use on the lot on which it is situated.

h) Exemptions. Billboard structures shall be exempt from this code section, and are regulated under *Sec. 9.38* of the *Villa Rica Sign Ordinance*.

2) PERMITTED ACCESSORY USES AND STRUCTURES. The Community Development Director shall determine whether or not accessory uses are permitted based on consistency of each use with the intent of the district in which it is located. accessory uses and structures may include but are not limited to the following:

a) Appurtenant Features. Such appurtenant features as walks, driveways, curbs, drainage installations, mailboxes, lamp posts, bird baths, and structures of like nature.

b) Fixed Structures. Outdoor fireplaces, doghouses, children's play equipment when the lot requirements are adhered to.

c) Walls. Fences, walls, structural screens, retaining walls when they do not hinder vision clearance triangles or intersection visibility.

d) Plant Material. Trees, shrubs, flowers, or other plant material in any required front, side or rear yard provided that sight visibility triangles are not hindered.

e) Animals. Domestic pets and horses provided the keeping of the animals is not for profit and not construed as a kennel.

f) Sports Equipment. Portable sports goals provided they are not in the right-of-way.

g) Accessory Dwelling Units. It is the intent of this section to permit, in the correct context, secondary dwellings as an alternative single family living arrangement. It is the intent that the occupancy is associated with the primary dwelling, and that the dwelling be held to the standards below. The restrictions herein are designed so that it remains clear that the property is a single lot and use, that the accessory dwelling appear subordinate in size and/or location, and that any potential nuisance is mitigated.

i) an accessory dwelling unit is permitted as a Special Exception in certain districts.

ii) one accessory dwelling unit may be permitted either within an accessory structure or as an independent accessory structure.

iii) the owner(s) of the single-family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises.

iv) occupation of accessory dwelling units may be limited by the City Council.

v) the accessory dwelling unit shall not exceed seventy-five (75%) of the primary dwelling footprint and shall not exceed the greater of six-hundred (600) square feet and five (5%) percent of lot coverage.

vi) an accessory dwelling unit shall be constructed no farther than one-hundred (100) linear feet from the primary/principal dwelling.

vii) an accessory dwelling unit shall be constructed so as to maintain the appearance of the property as a residence and the approving body should consider *Section 9.01 –Residential Design Standards.*

viii) a minimum of two (2) off-street parking spaces, including the driveway, shall be provided

ix) a screening plan shall be a part of the approval process.

h) Family-Care Homes

i) Day-Care Home Standards. Child daycare homes shall meet the definition established by *O.C.G.A. 591-1-1* and shall be consistent with all applicable regulations of the State of Georgia. However, home daycare in residential districts requires a special exception, and activities associated with the operation shall not adversely impact the quality of life of adjacent property owners.

ii) Family Foster Homes. Foster family homes where children unrelated to the residents by blood or adoption are cared for.

iii) Elder Day Care homes. Elderly day cares homes shall be permitted provided that the maximum number of elderly persons receiving care, protection and supervision in any such home shall not exceed six (6) at any given time.

i) Home Occupation/Home-Based Business. Home-based businesses shall comply with all applicable provisions of the home-Based Business Standards of *Section 8.11 – Home-Based Business*.

j) Off-Street Motor Vehicle Parking and Loading Areas

i) Private residential garages and carports for the storage of motor vehicles are permitted, provided that such structures are accessory to private, residential uses, are used for the storage of motor vehicles, and are clearly accessory and not for commercial purposes.

ii) Storage or parking of recreational vehicles (including travel trailer, boat trailer and the like) in the open is permitted, subject to the standards in *Subsection 7.02(18)*.

k) Multi-Family Dwelling Accessory Uses and Structures. Where multi-family dwellings are permitted, customary incidental uses and accessory structures including but not limited to management offices, sales offices, storage facilities, day-care centers, self-service laundries, fitness centers, community centers, and recreation centers, shall also be permitted, subject to the following standards:

i) Area. The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed ten percent (10%) of the park and development site.

ii) Subordinate Role. The accessory uses and structures shall be subordinate to the recreational character of the development.

iii) Design Focus. The accessory uses and structures shall be located, designed and intended to serve only the needs of the development.

iv) Visibility. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the multi-family or manufactured home park facility.

v) Parking. Parking for accessory uses and structures shall be consistent with the Parking Standards of *Section 7.02 – Off-Street Parking and Loading*.

vi) Display. There shall be no exterior display of vending machines and the like outside of facilities associated with multifamily or manufactured home park development.

l) Swimming Pools

i) Private Swimming Pools. No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one-hundred (100) square feet, shall be permitted in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

(1) *International Swimming Pool and Spa Code 2012 (ISPSC 2012)*; and

(2) Application for a Land Disturbance Permit.

ii) Public Pools. Community or club swimming pools, where permitted, shall comply with the following conditions and requirements:

(1) The pool and accessory structures, thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line; and

(2) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by persons from the street or adjacent properties. The fence or wall must be constructed in accordance with the *International Swimming Pool and Spa Code 2012 (ISPSC 2012)*, and be of a substantial material with openings (space between pickets) not greater than four (4) inches. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

m) Waste/Recycling Containers. All dumpsters and other waste/recycling containers shall be screened consistent with *Section 7.05 – Landscaping Standards*.

n) Outdoor Storage, Sales, and Display. Outdoor storage of merchandise in commercial and industrial districts is permitted only as regulated in *Section 8.13 – Outdoor Sales, Display, and Storage Standards*. Accessory structures in commercial and industrial districts should not alter the character of the district.

o) Park & Recreation Facility Accessory Uses & Structures. Where park and recreation facilities are permitted, customary accessory uses & structures including but not limited to rest rooms, groceries, refreshment stands, restaurants, laundries, and sporting goods sales are also permitted, subject to the following standards:

i) Area. The maximum cumulative area occupied by accessory uses and structures, including any parking intended for accessory structure use that is separate from park and recreation area primary parking, shall not exceed ten (10%) percent of the park and recreation site.

ii) Subordinate Role. The accessory uses and structures shall be subordinate to the recreational character of the development.

iii) Design Focus. The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility.

iv) Visibility. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation park facility.

v) Parking. Parking for accessory uses and structures shall be consistent with the standards of *Section 7.02 – Off-Street Parking and Loading*.

p) Energy Conversion Equipment. Solar energy conversion systems.

q) Communication Facilities. Satellite dishes or satellite or television antennas or amateur radio equipment in accordance with *Section 7.11 – Wireless Communication Facilities*.

r) Building Features. Buildings and structures such as awnings, canopies, porte-cocheres, and similar provided that:
   i) the bottom of the structure shall be no less than eight and one-half (8½) feet above the grade over a pedestrian way, or no less than twelve (12) feet above the grade over a driveway or interior access drive (e.g. drive through window); and
   ii) the maximum projection of an awning and / or canopy shall:
      (1) not extend more than eight (8) feet from or behind the facade of its supporting building, and
      (2) not extend any closer to an imaginary perpendicular vertical plane located at the edge of pavement, curb or outside edge of a sidewalk than three (3) feet.

s) Residential Accessory Structures. For residential accessory structures including, but not limited to, small greenhouses, mini-barns, and gazebos, less than two-hundred (200) square feet are exempt from obtaining a Land Disturbance Permit but are not exempt from the maximum lot coverage standard or the minimum setback requirements of the applicable zoning district.

t) Garage or yard Sales. A garage or yard sale is defined as a public or private sale or auction conducted by the owner or occupier of a premises, and conducted with a residence, garage, other accessory buildings or outside thereof, of six (6) or more items of personal property owned or in the possession of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale,
   i) Conducted a maximum of three (3) times in any one (1) calendar year or on any premises located in any residential zone, not be conducted for more than three consecutive days, and
   ii) All personal property exhibited for sale outside any structure during a garage or yard sale or auction shall be removed from the outside and placed within a structure immediately following the last day of the sale. All signs erected for a garage or yard sale or auction shall likewise be removed within twenty-four (24) hours following the last day of the sale.

u) Agricultural Structures. All structures, whether principal or accessory, used exclusively for agricultural purposes shall be required to obtain electrical permits and shall be required to file a plot plan as described in *Subsection 11.12(3)* for the construction of new structures.

v) Roadside Stands.
   i) Location.
      (1) Stands shall be allowed in the Single-Family Agricultural (AG) Zoning District. However, the stand operator may petition the Planning & Zoning Commission to allow such activity to occur on commercial properties zoned CBD, CMU, C1, and C2 provided the proposed location will not,
         (a) result in increased traffic inappropriate to the area; or
         (b) produce noise that disturbs the adjacent neighbors; or
         (c) depreciate the value of neighboring properties.
   ii) Commercial Activities.
      (1) The area of where the products are displayed or sold shall not exceed eighty-hundred (800) square feet.
      (2) The stand shall not occupy a designated parking space or isle, nor reduce the number of parking spaces required by the primary use on the lot of which it is located.

(3) At least fifty (50%) percent of the produce sold must be produced on land that is owned or leased by the operator of the stand.
(4) Sales areas for accessory products shall be limited to twenty-five (25%) percent of the gross sales area.
(5) Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.
(6) Items sold shall be limited to farm produce, ornamental plants, flowers, hanging baskets, hand-crafted items, T-shirts displaying exclusively the name of the farm stand or other identifying information concerning the owner or operator of the farm stand, vegetable plants, herbs, honey, maple syrup, jams, jellies, bottled water, locally-produced juices and cider, locally-produced milk and other dairy products, relishes, pottery, locally-produced baked goods, locally-produced eggs, and similar items. Items which shall not be sold include, without limitation, tobacco products, alcoholic beverages, clothing, except as expressly allowed, bottled or canned beverages, except as expressly allowed, pet and animal feed, and repackaged relabeled goods.

iii) Operations.
(1) The stand shall be at least fifty (50) feet from an intersection and shall be at least twenty-five (25) feet from the edge of the legal right-of way line of any adjoining street.
(2) The stand shall be portable, shall be maintained in good condition, and shall be removed during seasons when products are not being offered for sale; except that, a stand may remain in place throughout the year if it would be located a minimum of one-hundred (100) feet from the existing street right-of-way line.
(3) Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of *Section 7.02 – Off-Street Parking and Loading* of this Ordinance. Parking shall be provided for a minimum of five vehicles.
(4) Such activities shall be conducted only between the hours of 7:00 a.m. and sunset;
(5) Roadside stands shall be adequately served by public streets and highways. In no instance shall site access materially impede traffic flow on adjacent streets and highways, create a traffic hazard, or alter area traffic patterns.

iv) Signage.
(1) Signage related to the operation of a "roadside stand". Such signage shall relate to the sale of items produced on the premises. Such signage shall not be illuminated and shall be removed at the end of seasonal sales.
(a) Maximum number: One (1).
(b) Permitted placement: Building, ground or pole.
(c) Maximum area: Twenty (20) square feet.
(d) Minimum setback from street right-of- way: Ten (10) feet.
(e) Maximum pole or ground sign height: Six (6) feet from ground to top of sign.

v) Exemptions. Roadside stands that operate less than fourteen (14) cumulative days per calendar year may be approved by the Community Development Director, subject to the regulations of *Subsection 8.02. (v)(iii-iv)* above.

w) Nursing Homes
i) Minimum floor space for sleeping rooms shall be provided:
(1) Each room for one (1) person - 100 square feet;

(2) Each room for two (2) or more persons - 88 square feet per person;

ii) All residential activities shall be conducted above ground floor, with the exception of storage, maintenance, or non-residential operational activities.

iii) Any new building designed as a nursing care home and any existing building proposed for conversion for such use shall be a completely detached structure, no part of which is used for any other purpose. Except, that an existing attached building may be converted to such use provided the said building is unattached and accessible for fire-fighting purposes and evacuation at all levels on three (3) sides and provided said building is separated from the adjacent structure on the fourth side by an approved fire wall extending from ground to thirty (30) inches above the roof.

iv) Compact evergreen planting, a masonry wall, fence, and/or planting of shrubbery, trees or vines shall be provided as the Council may determine is reasonable and proper to afford adequate screening;

v) City Council may require written approval from the State Department of Health, the County Health Department, the Fire Department or any other applicable agency, prior to its decision;

(1) that before taking final action on an application for such use, the Council shall refer a detailed site plan and all pertinent data concerning the application to the Planning & Zoning Commission for written report and recommendations. The report shall be forwarded within twenty-one (21) days to the Council, and the Council shall take no action upon the application for a special exception until receipt and consideration of said report; and

(2) that in the opinion of the Council, the proposed use will not interfere unreasonably with the present character of future development of the neighboring residential community.

3) ACCESSORY USES THAT ARE NOT PERMITTED. The following accessory uses are not permitted in any zoning district within Vila Rica City Limits.

a) Outdoor storage or property that is unusable, discarded or in a state of disrepair such as, but not limited to: junk, lumber, building materials, parking of inoperative vehicles, junk, abandoned or unlicensed motor vehicles, motor vehicle parts or similar items, shall not be permitted in any District unless specifically permitted by the specific zoning district regulations. For permissible outdoor storage, refer to *Section 8.13 – Outdoor Sales, Display, and Storage Standards*.

b) All wild and exotic animals that are inherently dangerous to humans shall be prohibited. All other wild and exotic animals shall be restricted to those requiring state or federal permits and Special Exception approval by the City Council.

c) Motor vehicles used for storage.

d) Collection or donation bins, boxes, or structures where the owner/operator of the structure is located off site.

Sec. 8.03 – TEMPORARY USE AND STRUCTURE STANDARDS

1) INTENT. The purpose of these temporary use & structure standards is to establish minimum standards for the temporary use of property and the placement of temporary structures in order to

a) accommodate the temporary needs or properties and land uses,

b) ensure that temporary uses do not become permanent without proper scrutiny, and

c) protect the public welfare from the unique hazards that can be created by temporary uses and structures.

2) GENERAL TEMPORARY USE AND STRUCTURE STANDARDS APPLICABLE TO ALL ZONING DISTRICTS

a) Temporary Structure Standards. All temporary structures shall conform to the following requirements:

i) Applicable Development Standards. Temporary structures must meet all development standards for a permanent accessory structure unless otherwise specified in this section.

ii) Temporary Structure Time Limits. Any temporary structure used for a permitted primary use may be permitted for up to two (2) years, unless otherwise specified by this ordinance.

iii) All temporary uses shall occur outside of the right-of-way.

b) Temporary Use and Structure Standards. Temporary uses and structures are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:

i) Permit Requirements. All temporary uses and structures shall require a permit unless otherwise specified in this section. No temporary use or structure, or the related signs, lighting, parking, etc., shall be constructed or placed upon a site prior to all necessary permits being obtained.

ii) Time Limits. Temporary uses and/or structures that seek extensions of the initial time limits established in this section shall be subject to administrative approval.

(1) One (1) year extensions may be granted by the Director who may impose reasonable conditions as part of the approval.

iii) Removal. All temporary uses and/or structures must be removed and the site reverted to its original condition within the duration of the permit or any extension thereof.

c) Construction Trailers. Construction trailers are permitted as temporary structures during times of construction activity.

d) Construction Dumpsters. Dumpsters for construction-related debris shall be permitted as temporary structures during times of construction activity. Dumpsters shall not be located in any required setback, buffer yard, easement, or right-of-way.

e) Standards

i) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

ii) No public address systems or other noise-producing devices shall be permitted in a residential district.

iii) Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

iv) No banners, pennants, or unnecessary signs shall be permitted unless as otherwise specified. Refer to the *Villa Rica Sign Ordinance*.

v) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

3) RESIDENTIAL TEMPORARY USE AND STRUCTURE STANDARDS APPLICABLE TO THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS. The following temporary uses and structures are permitted as described below; no permit shall be required unless otherwise specified.

a) Garage/Yard Sales. Yard sales, garage sales, flea market sales and other similar permitted sales conducted in residential districts, shall be permitted no more than three (3) times in a calendar year and for no more than three (3) consecutive days. Garage/yard sales shall be distinguished from flea markets in that garage/yard sales are clearly incidental to residential uses, while flea markets are commercial businesses and primary uses. In no instance shall this provision be interpreted as permitting the operation of a flea market.

i) All items of personal property sold at a garage and/or yard sale shall be owned by the owner or occupier of the premises or by a participant at the sale. Personal property for sale must not be property that has been acquired by the owner expressly for the purpose of resale.

ii) All personal property exhibited for sale outside any structure during a garage and/or yard sale shall be removed from the outside and placed within a building immediately following the last day of such sale. All signs erected for such garage and/or yard sale shall likewise be immediately removed at the conclusion of the sale.

b) Children's Roadside Stands. Children's roadside stands shall be permitted, but shall not be located in any public right-of-way.

4) SPECIAL EVENT. Definition. A Special event is an activity, not incidental to the primary use, conducted outside over the course of an established 180-day period. An activity conducted for more than the established 180-day period in a 12-month span shall be considered permanent.

a) An event with components only in the 'By right Permission' line of *Table 8.01* is permitted to hold the event.

b) An event with at least one (1) component in the 'administrative review' line of *Table 8.01* must follow the process outlined in *Section 11.17 – Special Event Review Process*.

c) An event with at least one (1) component in the 'City Council review' line of *Table 8.01* must follow the process outlined in *Section 11.17 – Special Event Review Process*.

d) The Community Development Director can require any proposal to submit to either review process as they deem it necessary.

e) Exempt Events. Events that occur at City owned facilities and/or take place on the City right-of-way (public events, marathons, and other similar activities) shall be exempt from this ordinance and shall obtain permission from the City Council.

f) A decision made under this section by the City Council may be appealed to the Georgia Superior Court.

Table 8.1: Special Event Process and Components						
		Components				
		Zoning District	Hours of Operation	Number of Vendors	Consecutive Days	Total Days in 180-Day Period
Process	**By Right Permission**	Permitted	Sun-Thurs 7A-8P Fri & Sat 7A-10P	<6	1 or 2	<10
	Administrative Review	Permitted	Sun-Thurs 7A-9P Fri & Sat 7A-11P	6-24	More than 2	10-120
	City Council Review	Special Exception or Not Permitted	Hours Beyond Administrative Review	24<	-	121-180

Sec. 8.04 – SEXUALLY-ORIENTED BUSINESSES

1) Purpose. It is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually-oriented businesses within the city. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.
2) GENERAL PROVISIONS
   a) All sexually-oriented businesses shall be permitted only as a Special Exception and shall require a Sexually-Oriented Business Permit to be obtained prior to establishment, location, or operation, and renewed annually.
   b) Refer to *Section 11.15 – Sexually Oriented Business Permit* for Permit procedures.
3) LOCATION OF SEXUALLY-ORIENTED BUSINESSES
   a) A sexually oriented business shall not be located, established, operated within, or enlarged so as to be within, one-thousand (1,000) feet of:
      i) A church;
      ii) A public or private elementary or secondary school;
      iii) A boundary of any residential district;
      iv) A public park adjacent to any residential district;
      v) The property line of a lot devoted to residential use; or

vi) Any other sexually-oriented business.

b) For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of any non-sexually-oriented business use listed in *Subsection 8.04(3)(a)* above. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

c) The establishment of more than one sexually-oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually –oriented business in any building, structure, or portion thereof containing another sexually oriented business, shall not be permitted.

Sec. 8.05 – AMUSEMENT PARKS

No amusement park facilities shall be located within one-thousand (1,000) feet of a residential district.

Sec. 8.06 – AUTO/MOTOR VEHICLE RACETRACK

Facilities used for the racing of automobiles or other motor vehicles shall not be located within one-thousand (1,000) feet of a residential district

Section 8.07 – BED AND BREAKFAST ESTABLISHMENTS

In all districts in which bed and breakfast homes are permitted, the following standards shall apply:

1) The dwelling unit in which the Bed and Breakfast is operated shall be the principal residence of the operator(s) and said operator(s) shall live in the structure when the Bed and Breakfast is in operation.
2) The same rental occupants shall not reside at the Bed and Breakfast for more than seven (7) consecutive days.
3) The exterior appearance of the Bed and Breakfast is not altered from its residential character except for safety purposes.
4) Identification signage shall be no greater than six (6) square feet and shall not be internally lighted.
5) Cooking facilities are not permitted in individual guest rooms.
6) Parking provisions shall be in conformance with *Sec. 7.02 – Off Street Parking and Loading* of this Code.
7) In non-residential zoning districts, common dining areas for bed and breakfast inns may be leased for social events for a meeting/reception area only if off-street parking is provided for meeting and reception facilities in accordance with *Sec. 7.02 – Off Street Parking and Loading*.
8) In residential zoning districts, common dining areas shall not be leased for social events, except on an AG parcel of five (5) or more acres.
9) Bed and Breakfasts establishments shall:
   a) Only serve food to overnight guests unless the establishment holds a valid Conditional Use Permit allowing restaurant operations;
   b) Advertise as a bed and breakfast home, but not as a hotel, motel or restaurant;
   c) Have a smoke detector in working order in each sleeping room;

d) Maintain a fire extinguisher in working order on each floor; and
e) Have the water tested annually by the local board of health if water is not received from a public water supply.

Sec. 8.08 – CEMETERIES

1) Location
   a) No cemetery, whether public, private, or in conjunction with a religious institution, shall be located within a floodplain area as delineated by FEMA FIRM maps for the City of Villa Rica.
2) Minimum Size
   a) Minimum lot size for a cemetery shall be five acres.

Sec. 8.09 – CHILD CARE

1) General
   a) Family Day Care Homes and Day Care Centers shall comply with all applicable state laws and with the following requirements:
      i) Applicant shall provide sufficient evidence that the proposed use will comply with all State and City regulations.
      ii) The Family Day Care Home or Center shall be licensed by the state and the City.
      iii) Play space shall be provided:
         (1) Minimum outdoor play space: one-hundred (100) square feet per child excluding children in cribs. The area shall be fenced to a minimum of four (4) feet in height and shall not be permitted in the required front yard.
         (2) Minimum indoor space: thirty-five (35) square feet per child. Calculation of the indoor space shall not include the kitchen, hallways and bathrooms, closets, utility rooms and offices.
      iv) Home Day Care shall not be permitted where the operation of the business would have an adverse impact on adjacent properties, due to an increase in traffic, noise, trash or debris, or other nuisance originating from the business.
      v) Home Day Care in residential zoning districts shall be required to have a Special Exception approved by the Villa Rica City Council.
2) Family Day Care Home
   a) Family Day Care Homes, as defined in *Chapter XIII*, may be located in the AG, R1, R2, and PUD zoning districts subject to a Conditional Use Permit pursuant to *Section 11.09 – Special Exception Procedure*. Family Day Care Homes shall comply with the following requirements:
      i) No identification from a public street by signage, graphics, display, or other visual means is allowed.
      ii) The Chief Building Inspector may require that the number of children to be cared for on-site be less than that allowed by state or federal regulations if, in his opinion, the building cannot meet or exceed adopted life safety and fire code standards to adequately protect the number of children in care.
      iii) The operator of a Family Day Care Home shall be a full-time resident of the home.

3) Group Day Care Homes and Facilities
   a) Group Homes, as defined in *Chapter XIII: Definitions*, shall comply with the following requirements:
      i) An off-street passenger-loading zone shall be provided for the safe delivery and pick-up of passengers with a holding capacity of at least four (4) vehicles for any day care center or facility.
      ii) A six (6) foot high opaque fence along all property lines abutting any residential use shall be provided.

Sec. 8.10 – DRIVE-THROUGH ESTABLISHMENTS

1) Purpose
   a) The purpose of these regulations is to provide standards for drive-in establishments to promote compatibility of this use with adjacent land uses and to ensure safe circulation of traffic on and off site. Drive-in establishments/uses include restaurants, banks and other financial facilities, automatic teller machines, cleaners, pharmacies and similar uses.
2) Applicability
   a) All drive-in establishments/uses shall conform with the requirements of this Section.
3) Site Plan Requirements
   a) Drive-in establishments/uses shall be shown on site development plans where they are proposed as an accessory use to a principal use. Applicants for drive-in establishments/uses proposed as a principal use shall submit complete site development plans.
4) Location
   a) Drive-in establishments/uses as accessory uses shall not be located within the front yard of the principal building.
5) Stacking Space Schedule
   a) The minimum number of stacking spaces required shall be as shown in *Table 8.2: Stacking Space Schedule* below. The number of stacking spaces required may be reduced or expanded in conformance with *ITE Transportation and Land Development (Stover and Koepke, 1988)* which is incorporated with reference hereto, upon recommendation of the Community Development Director.
1) Stacking Space Layout and Design
   a) Stacking space design shall conform with the following minimum requirements:
      i) Minimum Size: Eight (8) feet by twenty (20) feet per space.
      ii) Minimum Setback from property line: Twenty (20) feet.
      iii) Minimum Setback from street line: Forty (40) feet.
      iv) Minimum drive-through lane turning radius: Forty-five (45) feet.
2) Entrances
   a) Additional entrances shall not be permitted for drive-in structures unless recommended by the Community Development Director.

3) Order Box Noise Mitigation
   a) The order box loudspeaker shall be positioned so that it is directed toward the vehicle and away from any abutting residential zoning district unless mitigated by a solid sound wall.
   b) Buffering. The drive-in establishments/uses, including the stacking lanes, shall be buffered from abutting land uses with a buffer in conformance with *Section 7.08 – Tree Conservation, Buffers, and Landscape Compliance*.
4) Hours of Operation
   a) Drive-in establishments/uses employing loudspeakers shall not be operated between 10 p.m. and 6 a.m. if abutting a residential district.

Table 8.2: Stacking Space Schedule

Use Type	Maximum Spaces	Measured From
Drive-Through Automatic Teller Machine (ATM)	4/Lane	ATM
Bank Teller Window	4/Window	Teller Window
Car Wash, Automatic	6/Stall	Entrance
Car Wash, Self Service	2/Stall	Entrance
Gasoline Pump Island	2/Pump Island	Pump Island
Laundry/Dry Cleaners	4/Drive Service Window	Service Window
Pharmacy	3/Drive Service Window	Service Window
Restaurant, Drive Through	8/Drive Service Window	Service Window
Other Uses	Determined by Community Development Director based on ITE Transportation and Land Development stacking standards.	

Sec. 8.11 – HOME-BASED BUSINESS

1) Purpose. The purpose of this section is to provide standards for the operation of home-based businesses in order to protect the residential character of the neighborhood, preserve property values, and prevent the hazards to persons and property that result from residential-commercial land use conflicts, plus clearly establishing the secondary or incidental status of the home-based business in relation to the primary use for dwelling purposes.
2) Classifications. Home-based businesses shall be either permitted uses or special exception uses consistent with *Table 4.3: Permitted and Special Exception Land Uses* and shall abide by the provisions of this section. Home-based businesses are classified as either Home Occupation or Home Business, and their requirements are described as follows:
   a) General Requirements.
      i) Business Equipment. There shall be no equipment or process used in the home occupation or business which creates noise, vibration, glare, smoke, fumes, odors, electrical interference which is detectable at the property lines of the parcel on which the dwelling is located, or any other obvious objectionable activity.

ii) Operator. At least one (1) person residing within the dwelling must be the primary operator of the home occupation or business.

iii) Outdoor Storage/Display. The home occupation or business must not involve any exterior storage of any kind, or the display of products, equipment or materials.

iv) Structural Alterations. The home occupation or business must not require any structural or aesthetic alterations to any structures that change its residential character.

(1) The dwelling shall not be altered in its appearance, and the home occupation or business shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by use of colors, materials, construction, or lighting.

(2) The home occupation or business must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.

(3) There shall be no alterations to the interior of the dwelling to accommodate a home occupation or business which would render the structure undesirable for residential use.

v) Entrances. The home occupation shall not require any additional entrances to the structure.

vi) Deliveries. The home occupation or business must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers.

vii) Restrictions. Where applicable, a home based business may be restricted or prohibited by a Home Owners Association, Restricted Covenants, or other deed restrictions which may impact the business. If prohibited by neighborhood development controls, the City may not authorize a home business use where it is not otherwise allowed.

b) Home Occupation. Home occupations are those which meet the following standards; representing requirements which permit minimal business practices within residential zoning districts while maintaining residential character. Home occupations shall be permitted without City approval.

i) Business Type. The home occupation shall not involve retail sales or manufacturing, and shall be limited to small home-office operations.

ii) Business Equipment. The equipment used for the home occupation shall be limited to computers, fax business office equipment.

(1) There shall be no electrical or mechanical equipment utilized in the home occupation which will create any visual or audible interference with radio or television reception.

iii) Employees. The home occupation must not involve the on-site employment of any person other than those residing at the location of the home occupation.

iv) Business Area. The home occupation must utilize no more than twenty-five 25%) percent (of the total floor area of the dwelling. The home occupation shall not be conducted in any accessory structure.

v) Customers/Parking. The home occupation must not involve clients, associates, or persons shopping, meeting, or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.

vi) Signs. No signs of any type, including signs located on vehicles, shall be permitted advertising the home occupation.

c) Home Business. Home businesses are those which meet the following standards; representing requirements which permit reasonable business practices in certain residential zoning districts while maintaining residential character. Home businesses shall be special exception uses as regulated in *Section 11.09 – Special Exception Procedure*, and shall therefore require a Special Exception Permit.
   i) Employees. The home business must not involve the on-site employment of more than one (1) person who does not reside at the location of the home business.
   ii) Business Area. The home business shall be limited to the lesser of fifteen-hundred (1,500) square feet or twenty-five (25%) percent of the livable area for operation of the business, including storage, in the dwelling and/or any accessory structures.
   iii) Customer/Parking. The home business must not require that more than two (2) additional parking spaces be added to the parcel on which the residence is located. All parking spaces shall be consistent with *Section 7.02 – Off-Street Parking and Loading*.
   iv) Signs. One (1) sign for the home business shall be permitted in accordance with the *Villa Rica Sign Ordinance*. The sign shall not exceed six (6) square feet and shall not be illuminated, animated, or flashing. No off-site signs shall be permitted.
   v) Commercial Vehicles. One (1) vehicle which does not exceed sixteen-thousand (16,000) pounds Gross Vehicle Weight is permitted.
   vi) Business activities shall be conducted above ground floor, with the exception of incidental storage or production associated with the Home Business.

3) Prohibited Home-Based Businesses. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to increase beyond the limits specified above for Home Businesses and impair the use, value, and quiet enjoyment of adjacent residential properties. Therefore, the following uses or similar uses shall not be permitted as Home Businesses:
   a) Auto/Vehicle Sales, Service and Repair
   b) Barber/Beauty Shop greater than a one (1) chair operation
   c) Commercial Kennel
   d) Freight, Trucking
   e) Heavy Manufacturing
   f) Landscaping/Nursery, Plant Materials
   g) Restaurants, Eating or Drinking Establishments
   h) Salvage Yards
   i) Veterinary Clinic/Animal Hospital
   j) Well Drilling/Contractor Storage Yard
   k) Medical, Dental, Law, Insurance, or Real Estate Offices
   l) Houses of Worship
   m) Boarding House
   n) Trailer Rentals
   o) Welding Shops (not including private art studios)
   p) Private Clubs
4) Special Exception Application Procedure. The special exception application procedure shall comply with *Section 11.09 – Special Exception Procedure*.

5) Interpretation. The Director of the Community Development Department, or other designated person(s), may determine to what extent any proposed or existing home occupation or home business is consistent with the requirements of this section. The decision made by the Community Development Director may be appealed to the City Council in accordance with *Chapter II: Administration*.

Table 8.3: Home Based Business Standards

	Zoning District			
Performance Standards	**AG (lots larger than 2 acres)**	**AG (lots smaller than 2 acres), R1, R2, CMU**	**SFA, MF1, MF2**	**PUD [1]**
Location of Operation				
located in accessory structure	Yes	No	No	No
located in residence	Yes	Yes	Yes	Yes
Customers				
client visits allowed	Yes	Yes	No	Yes
1 client vehicle at a time	Yes	Yes	No	Yes
2 client vehicles at a time	Yes	No	No	No
up to five clent visits per day	Yes	Yes	No	Yes
up to ten client visits per day	Yes	No	No	No
Shipping Deliveries (excluding US Mail)				
up to 2 per day	Yes	Yes	Yes	Yes
Vehicluar Size Limits				
equipment or delivery vehicles limited to a maximum of 2.5 tons	No	Yes	Yes	Yes
Maximum Area for Home Occupation				
25% of residential floor area	Yes	Yes	Yes	Yes
up to 1,500sf of an acceessory structure	Yes	No	No	No
Animals				
small animal grooming/training, no boarding	Yes	No	No	No
small animal boarding	No	No	No	No
Non-Resident Employee Limits				
all employees must be residents	No	Yes	Yes	Yes
up to 2 non-resident employees allowed	Yes	No	No	No

[1] Standards of *Table 8.3* apply to Planned Development unless otherwise provided in the PUD approval.

Sec. 8.12 – NURSERIES AND GREENHOUSES

No commercial nursery or greenhouse structure shall be located closer than one-hundred (100) feet to any adjoining property used or zoned for residential purposes.

Sec. 8.13 – OUTDOOR SALES, DISPLAY, AND STORAGE STANDARDS

1) GENERAL PROVISIONS. The following shall apply to all districts whether the use is permitted, Special Exception, accessory, or temporary:
   a) Approved and documented permanent outdoor sales, display, and storage areas shall be permitted accessory uses, tied to the primary use.
   b) Outdoor sales, display, and storage shall not be located in any setbacks, easements, right-of-way, or off-street parking or loading areas.
      i) Motor vehicle sales and display may be permitted in off-street parking areas.
   c) Lighting shall comply with *Section 7.12 – Outdoor Lighting*.

   Outdoor sales, display, and storage shall be located behind the front or exterior wall of the main building facing any street and shall comply with all lot requirements of this ordinance and with intersection visibility standards as set forth in *Section 7.04 – Sight Visibility*.

Table 8.4: Open Storage by District and Location

Base District	Permisibility of Open Storage
Central Business District (CBD), Commercial Mixed Use (CMU), and Light Commercial (C1)	All storage must be within an enclosed building except as specified for accessory outdoor display (limited to garden centers, plant nurseries, and lumber supply areas for home centers). Accessory outdoor display is subject to screening standards and to review and approval of a Special Use Permit.
Office, Medical Instutional (OMI), All Residential (R1, R2, RSF, MF1,	All storage, except as speicfied in this section, must be within an enclosed building, carport, or loading
Commercial, Medium Density (C2) and Light Industrial (I1)	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Section.
Industrial, Medium Density (I2)	Permitted anywhere on a lot, subject to the standards of this Section.

2) SALES AND DISPLAY AREAS. Outdoor sales and display areas in compliance with the following requirements may be permitted in association with retail commercial uses.
   a) All outdoor sales and display areas, regardless of size, shall be hard-surfaced, dust-free pavement. The pavement type and thickness shall be reviewed at TAC prior to obtaining Planning & Zoning Commission approval, taking into consideration soil conditions and traffic loading. Pervious pavements and pavers including durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads shall also be considered. Sales and display areas shall be of concrete,

asphaltic pavement, or other permanent paving material and shall be maintained in good condition.

b) The max area for outdoor sales and display shall not exceed ten (10%) percent of the primary structure or primary tenant space.

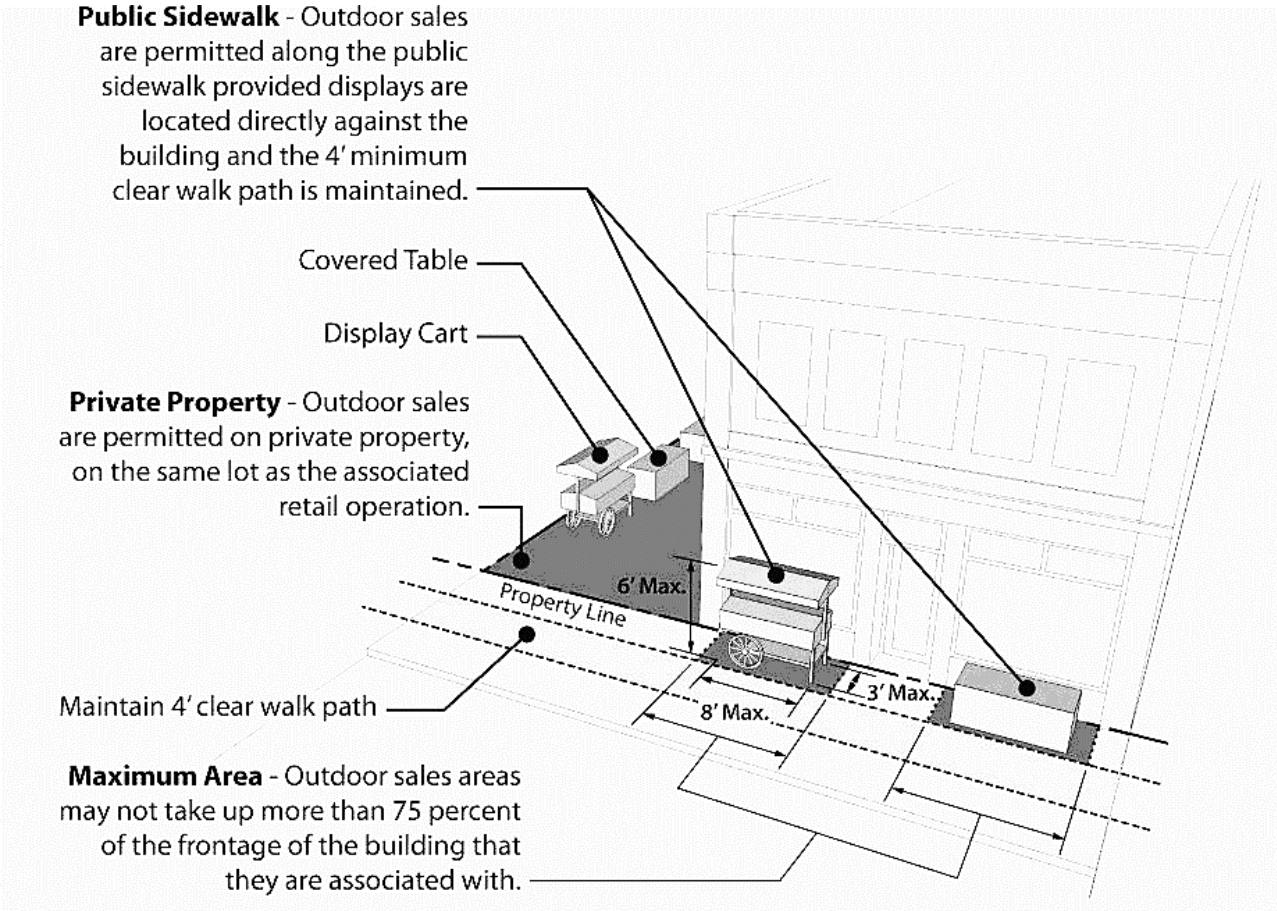
c) Every approved permanent outdoor sales and display area shall be in close proximity to the facade of the primary structure.

d) Screening shall be provided for outdoor sales and display area that are greater than five-hundred (500) square feet in size to reduce visibility of the outdoor sales and displays from the parking lot and primary roadways by installing a minimum twenty-four (24) inch opaque wall constructed from the same building material as the primary structure, and integrated into the design of the primary structure. The wall may be topped with a transparent fence.

e) Outdoor sale and display of merchandise within an area of five-hundred (500) square feet or less shall not block handicapped parking areas, parking lot access aisles, and shall maintain a forty-eight (48) inch clearance on all sidewalks.

f) A Type 1 landscaped buffer yard as described in *Table 7.6: Applicable Buffer Yard Types* and *Table 7.7: Buffer Yard Types Description* may also be used. Plant material may be clustered for better view of displays.

Figure 8.1: Outdoor Sales Areas



3) OUTDOOR STORAGE. Outdoor storage, in compliance with the requirements of this section is a permitted use and shall be considered primary or accessory to the principal use.
   a) General Standards that are applicable to all outdoor storage.
      i) Screening. Outdoor storage of the types described below shall be screened with an opaque fence, split face block wall, continuous evergreen screen, or a combination of the three. The screen must measure a minimum of seven (7) feet in height. The fences or walls shall be compatible with or constructed from the same building material as the primary structure, and integrated into the design of the primary structure.
      ii) Primary. Outdoor storage shall be permitted as a primary part of a permitted use in the I1 and I2 zoning districts.
      iii) Accessory. Outdoor storage is accessory to a permitted principal use in all nonresidential districts when it does not exceed the greater of twenty-five (25%) of the building footprint or six-hundred (600) square feet.
   b) Bulk Storage.
      i) In any district in which bulk storage is permitted, structures, buildings, or aboveground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials, shall be located no closer than fifty (50) feet to the property line.
      ii) Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

4) VEHICLE DISPLAY AND SALES. Motor vehicle dealerships shall be exempt from *Subsection 8.13(2-3)*. the following regulations shall apply:
   a) Perimeter Landscaping
      i) Any combination of materials selected from the landscape Materials Categories listed in *Table 7.8: Unit Value of Landscaping Material* which equals or exceeds a unit value of two-point-five (2.5) for each one-hundred (100) linear feet, along any exterior roadway, provided that at least fifty (50%) percent of the unit value shall be derived from Deciduous Shade trees (overstory) or Deciduous ornamental trees (understory).
      ii) Any combination of materials selected from the landscape Materials Categories listed in *Table 7.8: Unit Value of Landscaping Material* which equals or exceeds a unit value of 6 for each one-hundred (100) linear feet, along any property that is zoned or used as residential, provided that at least fifty (50%) percent of the unit value shall be derived from evergreen trees and Shrubs or earthen Mounds.
   b) Preparation, Repair, and Maintenance. The outdoor display, storage and parking of vehicles for sale shall be allowed, provided that all preparation, repair and maintenance of the vehicles shall be enclosed.
      i) Special Lot Standards:
         (1) Minimum Front Setback: twenty-five (25) feet
         (2) Minimum Side Setback: ten (10) feet
         (3) Minimum Rear Setback: fifteen (15) feet

c) All outdoor sales and display areas, regardless of size, shall be hard-surfaced. Pavement type and thickness shall be approved by the City Engineer prior to Planning & Zoning Commission approval, taking into consideration soil conditions and traffic loading. Pavers may also be used if approved by the Planning & Zoning Commission. Pavers shall include durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads. Sales and display areas shall be of concrete, asphaltic pavement, or other permanent paving material and shall be maintained in good condition.

d) No outdoor storage shall occur within any setback, easement, or right-of-way.

5) MODIFICATION. The Planning & Zoning Commission shall have the authority to modify any of the requirements of this section in accordance with *Subsection 2.02(1)(q)*.

Sec. 8.14 – PERSONAL CARE HOMES

1) Personal Care Home Classifications:
   a) Personal Care Home, Family - The Adult Family Care Home is a residential home designed to provide personal care services to individuals requiring assistance. The provider must live in the home and offers personal services for up to six (6) residents.
   b) Personal Care Home, Group - A group home is a private residence model of medical care for those with complex health needs. Traditionally, the model has been used for children or young people who cannot live with their families, people with chronic disabilities who may be adults or seniors, or people with dementia and related aged illnesses. Group homes can accommodate between seven (7) through sixteen (16) persons.
   c) Personal Care Home, Congregate - Congregate care is a placement setting that consists of 24-hour supervision for children in highly structured settings such as group homes, childcare institutions, residential treatment facilities, or maternity homes. For adults, a congregate living facility may include individual apartments, communal meals, housekeeping services and some assistance with activities of daily living (ADLs). The level of assistance is usually between independent living and assisted living. Congregate care facilities typically serve seventeen (17+) or greater numbers of residents.
2) Community residences, except those for senior citizens, shall be separated by a minimum of eight-hundred (800) feet.
3) All residential activities shall be conducted above ground floor, with exception of storage, maintenance, or non-residential operations.
4) Personal Care Homes shall comply with the *Rules and Regulations for Personal Care Homes, O.C.G.A 111-8-62*.
5) The location of Personal Care Homes is further outlines in *Table 4.3: Permitted and Conditional Land Uses.*

Sec. 8.15 – PLACES OF WORSHIP

1) Location
   a) Places of Worship shall be permitted only on a lot which has frontage on or direct access to an arterial street as identified by functional classification of roadways in *Subsection 4.04(2)f(ii)*.
2) Parking
   a) Off-street parking shall be provided as specified in the *Section 7.02 – Off-Street Parking and Loading* of this Code.
3) Setbacks
   a) All buildings shall be setback thirty feet from the side and rear property lines.
4) Buffers
   a) When a church adjoins a residential use, a buffer shall be provided within a thirty (30) foot setback area. (See *Section 7.08 – Tree Conservations, Buffers, and Landscape Compliance*)
5) Accessory Uses
   a) A Special Exception shall be required prior to establishing school, over-night shelter, indigent food service or full-time child care facilities, subject to the requirements of *Section 11.09 – Special Exception Procedure*.

Sec. 8.16 – SALVAGE OR JUNK YARDS

1) Applicability.
   a) An applicant proposing to establish a salvage or junk yard, as defined in *Chapter XIII: Definitions*, shall be required to obtain a Special Exception, in conformance with *Section 11.09 – Special Exception Procedure* of this Code. A salvage yard may be permitted with a Special Exception in the I2 zoning district.
2) Guarantee Required.
   a) The applicant shall post and maintain a guarantee with the City Clerk. This guarantee, approved in form by the City attorney, will assure the City that the applicant shall complete the plan for restoration for reuse, within one (1) year of discontinuance of the salvage yard. The amount of the guarantee shall be not less than the estimated cost of the restoration, and the amount of the estimate shall be approved by the Community Development Director. If the restoration is not completed within the specified time, the City may use the bond or any portion thereof to complete the restoration. Failure to maintain a guarantee shall be grounds for revocation of the Special Exception authorizing the use.
3) Performance Standards.
   a) Minimum Lot Size
      i) The minimum lot area for a junkyard or salvage operation shall be ten (10) acres.
   b) Setbacks
      i) No salvage materials shall be stored within twenty-five (25) feet of any property line.
   c) Compatibility
      i) The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and shall not interfere with the development and use of adjacent property. The proposed development shall not present an unsightly, obnoxious or offensive appearance to abutting or nearby properties.

d) Fencing and Buffering.
   i) An eight (8) foot tall, opaque fence shall be employed to enclose the storage areas to prevent unauthorized entry and to ensure public safety. The required fence shall be constructed of wood, masonry or other material approved through the conditional use permit process. A buffer shall be provided around the perimeter of the property, outside the required fence.
e) Vehicular Circulation.
   i) Driveways within the site shall be dust free. Driveway access to the public right-of-way shall be permanently paved and shall be a minimum of twenty-five (25) feet in width.
f) Storage Yard Maintenance.
   i) The lot area surface used for storage shall be gravel, at a minimum.
   ii) Unusable items that cannot be reused shall be disposed of on a regular basis and shall not be allowed to collect on the premises.
   iii) All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six feet in height.
   iv) No garbage or other foul smelling waste likely to attract vermin shall be kept on the premises. Gasoline, oil or other hazardous materials that are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations.
g) Nuisance Control.
   i) Weeds shall be cut or removed before they reach six (6) inches in height. All uses shall comply with the performance standards established for the Industrial, Medium-Density (I2) zoning district. No such use shall be established within five-hundred (500) feet of a residential zoning district.
h) Abandonment.
   i) The applicant shall provide a written statement that the area will be cleaned up to the satisfaction of the Community Development Director should the salvage yard be abandoned, moved in whole or in part. A salvage yard which remains idle or unused for a continuous period of one year, whether or not fixtures or equipment are removed, shall constitute abandonment. The casual, intermittent, temporary or illegal operation of a salvage yard shall not be sufficient evidence to establish continuous use. If the owner fails to clean up and restore the salvage yard within one year of cessation of operation or abandonment, the Building Official shall have the premises cleaned up and shall use the bond to pay for the costs of cleanup incurred by the City.

Sec. 8.17 – STORAGE/MINI WAREHOUSE FACILITIES

Storage/mini warehouse facilities shall comply with the following requirements:

1) Fencing and Screening
   a) An eight (8) foot tall, opaque masonry fence or wall, located along the front setback line and the side and rear property lines, shall be provided around the perimeter of any storage facility. An opaque fence or wall shall be provided along the setback line abutting a residential district, in addition to a buffer. The fencing shall meet the following requirements:
      i) Minimum height of the fence or wall shall be six (6) feet.

ii) Signs or other advertising mediums shall not be placed upon, attached to, or painted on exterior fences or walls.

2) Commercial Activity Prohibited
   a) The sale of goods or merchandise from or at a storage unit is prohibited.
   b) Repair of Boats, Vehicles, Motors, or Furniture Prohibited
   c) The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any storage unit because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials.
3) Accessibility
   a) Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles. Access aisles within the site shall be a minimum of twenty (20) feet wide.
4) Building Height
   a) Building height shall not exceed eighteen (18) feet, except that fully enclosed, climate controlled facilities with units that are accessed from inside the building may be thirty-five (35) feet in height.
5) Fire Protection
   a) Fire hydrants shall be provided to meet the requirements of the fire prevention code adopted by the County.

Sec. 8.18 – SWAP MEETS AND FLEA MARKETS

1) Access
   a) Swap meets and flea markets shall be accessible from a collector or arterial street, as identified in *Subsection 4.04(2)f(ii).*
2) Buffer Required
   a) Swap meets and flea markets that are conducted outside shall have a buffer along all property lines abutting residential districts.
3) Conduct of Use
   a) The event shall be conducted entirely on private property, with the approval of the property owner. Any temporary structure used shall be removed upon the cessation of the event.

Sec. 8.19 – TIRE SALES AND SERVICE

1) All tire sales and service centers shall have an accessory building of sufficient size to provide for storage of used tires. Tires shall not be piled in or around main building or create an unsightly appearance in the area.
2) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two-hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in I1 and I2 zoning districts.

Sec. 8.20 – VETERINARY CLINIC/ANIMAL CARE FACILITY

1) Any structure or area occupied by animals on the premise of the veterinary clinic shall be located at least three-hundred (300) feet from any lot in any residential district except that air-conditioned, soundproofed buildings may be located one-hundred (100) feet from such residential lot or lots.
2) For non-sound proofed animal confinements, an external solid fence not less than six (6) feet in height shall be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick or other material approved by the Community Development Director. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.

Sec. 8.21 – MANUFACTURED HOMES

1) Design Standards
   a) Each manufactured home being constructed, installed, located, or relocated within the city shall comply with the following design standards:
      i) Roof
         (1) The pitch of the roof shall have a minimum vertical rise of three feet for each twelve feet (3:12) of horizontal run within tolerances and the roof shall be finished with composition, fiberglass, slate, concrete, asphalt, or wood shingles, or non-reflective, crimped metal sheets.
      ii) Exterior Siding
         (1) The exterior siding shall consist of wood, hardboard, vinyl, brick, masonry, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) and be comparable in composition, appearance, and durability to the exterior siding commonly used in conventional homes.
      iii) Transport Apparatus
         (1) The tongue, axles, transporting lights, and towing apparatus from each manufactured home shall be removed after placement or relocation on a lot or parcel and before occupancy.
      iv) Landing Area
         (1) Landings and steps leading away from all exterior doors shall be designed and constructed in accordance with state law, said state law provisions being incorporated by reference as part of this requirement.
      v) Foundation
         (1) A masonry foundation or curtain wall, unpierced except for required ventilation and access, and constructed of masonry or acceptable alternative materials shall be constructed and installed in all residential zoning districts. The foundation or curtain wall shall enclose the area located under the manufactured home to the ground level, and shall have a minimum thickness of four (4) inches.
2) Age of Manufactured Home
   a) Each conventional and manufactured home being moved, constructed installed, located, or relocated within the city after the effective date of this Code shall not be allowed to locate for permanent or temporary occupancy if such manufactured home is more than seven (7) years old.

The age of the manufactured home shall be measured from the day the application for building permit is submitted to the department for approval.

3) Dwelling Size
   a) Each conventional and manufactured home being installed, located, or relocated within the city shall contain no less than one-thousand two-hundred thirty (1,230) square feet of living space.

Sec. 8.22 – CREMATORIES

1) Location and Screening
   a) A crematory shall not be located within one-thousand (1,000') feet of any residential structure or land zoned for residential purposes. Decorative vinyl fencing or other site-proof fencing or landscaping approved by the City must be located between the crematory and adjacent residential properties.
2) Restrictions
   a) Crematories shall not be permitted as an accessory use to an existing Funeral or Mortuary services.
   b) Crematories shall not emit any odor or particulates.
   c) Crematories shall have emission stacks covered or shrouded with materials safe for such uses and that are compatible in design and architecture with the surrounding structures.

Sec. 8.23 – SMOKE SHOPS, TOBACCO STORES, AND MEDICAL MARAJUANA DISPENSARIES

1) Notwithstanding any other provision of this title to the contrary, smoke shops, tobacco stores, and medical marijuana dispensaries shall be permitted by Special Exception only in the Commercial, Medium-Density (C-2) zoning district.
2) Additional zoning and land use standards for smoke shops, tobacco stores, and medical marijuana dispensaries shall be as follows:
   a) Smoke shops, tobacco stores, and medical marijuana dispensaries shall not be located within three-hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
   b) Smoke shops, tobacco stores, and medical marijuana dispensaries shall not be located within five-hundred (500) feet, measured property line to property line, from another smoke shop and tobacco store.
   c) It is unlawful for a smoke shops, tobacco stores, and medical marijuana dispensaries to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shops, tobacco stores, and medical marijuana dispensaries.
   d) Smoke shops, tobacco stores, and medical marijuana dispensaries shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.

3) Standard conditions of approval for any Conditional Use Permit shall, at minimum, include the following:
   a) No smoking shall be permitted on the premises at any time.
   b) No sales may be solicited or conducted on the premises by minors.
   c) No self-service, product, or paraphernalia displays shall be permitted.
   d) No distribution of free or low-cost products or paraphernalia, as well as coupons for said items, shall be permitted.
4) Smoke shops, tobacco stores, and medical marijuana dispensaries that are legally existing on the effective date of the ordinance codified in this chapter may continue to operate as legal nonconforming uses in accordance with *Chapter III: Nonconformities*, and shall not be required to obtain a Conditional Use Permit. However, any change or expansion of the legal nonconforming use may require compliance with this chapter and a Conditional Use Permit.

Sec. 8.24 – CULTIVATION OF MEDICAL MARIJUANA

1) This section establishes regulations for the cultivation of medical marijuana for various parcel sizes, residential requirements, setbacks, fencing, civil fines, and other issues to meet this goal. In order to cultivate medical marijuana, the applicant must first obtain permission by the City Council as a Special Exception as outlined in *Section 11.09 – Special Exception Procedure* of this Ordinance. Some of the highlights are listed below:
2) A parcel that is greater than 0.5 acres and supported by only one recommendation is allowed a maximum cultivation area of 50 square feet.
3) Set cultivation limits based on cultivation area, by lot size:

Table 8.5: Cultivation Limits Based on Cultivation Area

Lot Size (acres)	Cultivation Area
0 - 0.5	Indoor Only**
Greater than 0.5 - Less than 5.0	50 square feet
5.0 - Less than 10.0	100 square feet
10.0 plus	150 square feet
** = (detached structure 120 square feet maximum	

4) Permit cultivation indoors or outdoors on lots greater than 0.5 acre;
5) Require minimum recommendations
   a) Any parcel that is greater than 0.5 acres that is supported by only one recommendation is limited to a cultivation area of up to 50 sq. ft.
   b) A parcel 5.0 acres or more but less than 10.0 acres must have two or more recommendations associated with the plants to support a cultivation area of up to 100 sq. ft.
   c) A parcel 10.0 acres or more must have three or more recommendations associated with the plants to support a cultivation area of up to 150 sq. ft.
6) Require a single cultivation area, length and width of the cultivation area shall not exceed a ratio of 2:1;

Table 8.6: Cultivation Setbacks from Property Lines	
Lot Size (acres)	**Setback (feet)**
0 - 0.5	15
Greater than 0.5 - Less than 5.0	50
5.0 - Less than 10.0	75
10.0 plus	150

7) Require cultivation and harvesting setbacks from property lines (with exceptions for unusual hardships):
8) Provide that any person may make a complaint relating to violations (anonymous complaints will be accepted);
9) Require that growers reside in Villa Rica for one year prior to cultivating;
10) Require growers have a permitted permanent water well or connection to municipal water, not engage in unpermitted drawing of water and not permit illegal discharges of water;
11) Prohibit cultivation:
    a) within 1,000 feet of a school, park or similar facility;
    b) within 600 feet of a school bus stop;
    c) within 100 feet of an occupied residential structure on an adjacent parcel, with exceptions;
    d) in any location where plants are visible from a public right of way; and
    e) in certain designated zones.
12) Require growers to obtain landlord's written consent to cultivate;
13) Require fencing unless grown on 5 acres or more and not in public view;
14) Impose Administrative Civil Penalties have been increased to $500.00 a day for the first three days (72-hours) and $1,000.00 a day for each day the violation still exists up to a hearing.

Sec. 8.25 – TRANSFER STATIONS, SOLID WASTE COLLECTION FACILITY

1) In General
    a) An applicant proposing to establish a transfer station or solid waste disposal facility, as defined in *Chapter XIII - Definitions*, shall be required to obtain a Conditional Use Permit, in conformance with *Sec. 11.09 – Special Exception Procedure* of this Code.
2) Permitted Locations
    a) A transfer station or solid waste collection facility may be permitted with a Conditional Use Permit in the I2 zoning district. The establishment and operation of any transfer station or solid waste disposal facility must comply with any and all standards and provisions provided by the Environmental Protection Division of the State of Georgia and subject to the standards of the zoning district and the supplemental standards of this Section.
3) Guarantee Required
    a) The applicant shall post and maintain a guarantee with the City Clerk. This guarantee, approved in form by the City attorney, will assure the City that the applicant shall complete the plan for restoration for reuse, within one (1) year of discontinuance of the transfer station or solid waste

collection facility. The amount of the guarantee shall be not less than the estimated cost of the restoration, and the amount of the estimate shall be approved by the Community Development Director. If the restoration is not completed within the specified time, the City may use the bond or any portion thereof to complete the restoration. Failure to maintain a guarantee shall be grounds for revocation of the Conditional Use Permit authorizing the use.

4) General Standards
   a) Any applicant for a transfer station or solid waste collection facility operating permit shall demonstrate compliance with the following site limitation provisions:
      i) Building
         (1) All on-site processing and transferring of solid waste will be conducted entirely within an enclosed building or buildings.
            (a) An enclosed building for these purposes is one in which the walls, doors and roof are made of solid materials but may contain accessory structural elements such as windows, properly filtered and controlled ventilation openings, and skylights, each element not exceeding an area of 100 square feet.
            (b) Doors to any building shall remain closed except to temporarily allow transport vehicles to enter and exit the building.
            (c) All solid waste transfer stations and processing facilities shall have an operator in attendance at all times when the facility is in operation.

5) Performance Standards
   a) Minimum Lot Size
      i) The minimum lot area for a solid waste transfer station and collection facility shall be ten (10) acres.
   b) Setbacks
      i) A transfer station or solid waste collection facility must meet the Development Standards of *Section 4.17 –Industrial, Medium-Density (I2)*, and shall be located an additional fifty (50) feet of those standards.
   c) Compatibility
      i) The proposed building(s) or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and shall not interfere with the development and use of adjacent property. The proposed development shall not present an unsightly, obnoxious or offensive appearance to abutting or nearby properties.
   d) Location
      i) No such use shall be established within three-hundred (300) feet of a residential zoning district, measured from property line to property line. Where a lot containing a solid waste transfer station or processing facility is within five-hundred (500) feet of any residential property, the facility may not accept waste on Sunday, or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.
   e) Fencing
      i) All transfer station or solid waste collection facilities shall be enclosed with a fence not less than eight (8) feet tall and no more than ten (10) feet tall, with openings therein not less than those in two-inch mesh wire or some other similar fencing material or device. The fencing shall

be adequate to prevent paper and similar or related refuse or waste from blowing from the facility onto neighboring or nearby property.

f) Buffering
   i) A vegetative buffer must be provided between transfer station or solid waste collection facility and any abutting real property line or public street right-of-way.
      (1) Existing trees and vegetation must be maintained and preserved within fifty (50) feet of any around the perimeter of the property, outside the required fence and any public street or right-of-way.
      (2) Where any portion of any property line of a lot containing a solid waste transfer station or handling facility is within two-hundred and fifty (250) feet of any residential property, any existing trees and vegetation must be maintained and preserved within fifty (50) feet of the real property line.
      (3) Where the natural growth within the proscribed distance of the abutting real property line or public right-of-way does not effectively screen the site from the view from abutting properties or right-of-way, then screening shall be provided, subject to the approval of the City Council or their designee.
      (4) Vehicular Circulation and Access
   ii) Driveways within the site shall be dust free. Driveway access to the public right-of-way shall be permanently paved and shall be a minimum of twenty-five (25) feet in width. Access is prohibited through residentially zoned areas.

g) Storage Yard Maintenance
   i) The lot area surface used for storage shall be gravel, at a minimum.
   ii) Unusable items that cannot be reused shall be disposed of on a regular basis and shall not be allowed to collect on the premises.

h) Nuisance Control
   i) The developer shall install an automatic spray system to control odor and practice a hand held spray regimen to control the potential odors that may settle into the environment.
   ii) The developer shall practice adequate measures to control litter and blowing debris from the transfer station.
   iii) The developer shall practice adequate measures to maintain pest control throughout the facility.

i) Landscaping
   i) Landscaping shall be provided as required under the *Section 7.05 – Landscape Standards*. The use of landscaping shall be required on the entire property to improve the appearance of setback and yard areas and to preserve the character and value of surrounding properties.

j) Utilities
   i) Transfer station or solid waste disposal and processing facilities must be served by public water and sewer facilities.

k) Abandonment
   i) The applicant shall provide a written statement that the area will be cleaned up to the satisfaction of the Community Development Director should the transfer station or solid waste disposal be abandoned, moved in whole or in part. A solid waste disposal and processing

facility which remains idle or unused for a continuous period of one year, whether or not fixtures or equipment are removed, shall constitute abandonment. The casual, intermittent, temporary or illegal operation of a transfer station shall not be sufficient evidence to establish continuous use. If the owner fails to clean up and restore the transfer station within one year of cessation of operation or abandonment, the Building Official shall have the premises cleaned up and shall use the bond to pay for the costs of cleanup incurred by the City.

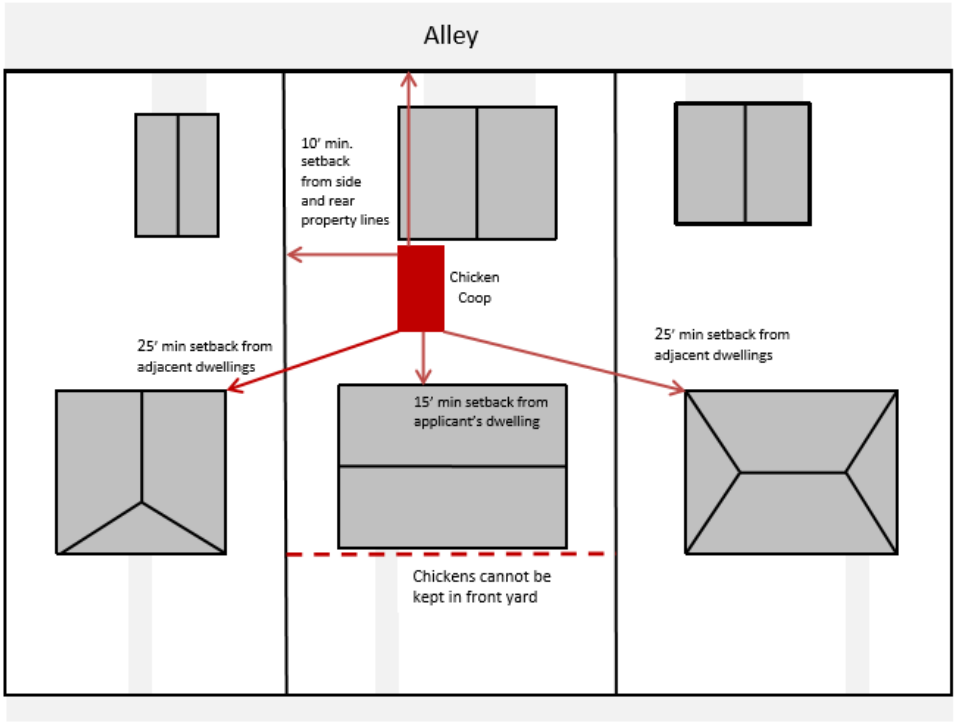
Sec. 8.26 – RESTRICTIONS ON THE KEEPING OF FARM ANIMALS AND BEES

1) PURPOSE. The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
2) CHICKENS, DUCKS, RABBITS AND SIMILAR ANIMALS. The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations.
   a) In Residential Districts. In Residential Districts, the following regulations shall apply.
      i) Number. No more than one such animal shall be kept on a parcel of land for each eight-hundred (800) square feet of parcel or lot area. For a standard residential lot of eighty-five hundred (8,500) square feet, this regulation would permit no more than a total of ten (10) such animals.
      ii) Setbacks. The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within ten (10) feet of a side or rear yard line, except where the rear lot line forms the side lot line or front lot line of an abutting property, in which case the setback from such rear lot line shall be five (5) feet. Chicken coops shall not be closer than twenty-five feet from the primary structure of any adjacent lot, and shall not be located closer than fifteen (15) feet from the primary structure on the same lot. There shall be no separation requirements between accessory structures on the same lot, so long as all other zoning requirements are satisfied. No animals shall be kept in required front yard or side street yard areas.
      iii) Prohibitions. No roosters, geese or turkeys may be kept in a Residential District except on a parcel that is at least one (1) acre in area and only if the coop or cage housing the bird(s) is at least one-hundred (100) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional such bird may be kept for each twenty-four thousand (24,000) square feet in excess of one (1) acre. No predatory birds may be kept on any property under the regulations of this Section.
      iv) Coops and Cages. All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.
      v) Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent

access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

b) In Non-Residential Districts. In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of such animals shall be limited to one (1) animal for each four-hundred (400) square feet of lot area.

Figure 8.2: Urban Chicken Setback Minimums (not to scale)



3) GOATS, PIGS, SHEEP AND SIMILAR ANIMALS. The keeping of goats, pigs, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations.

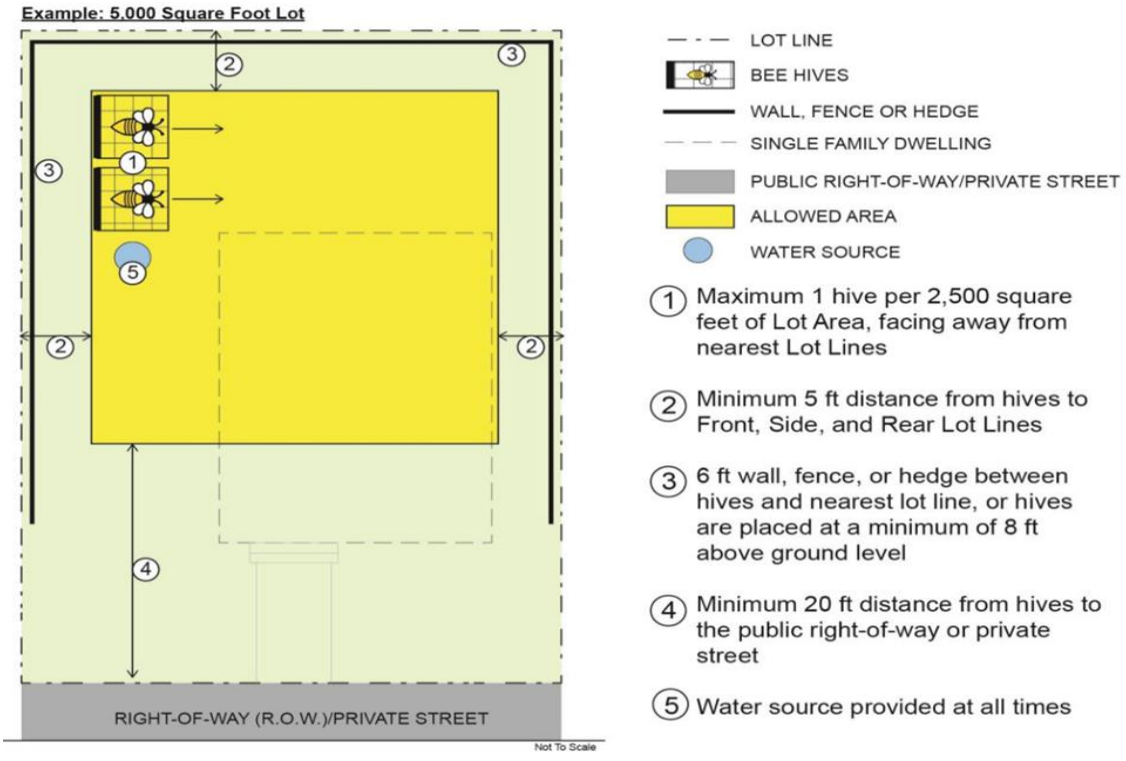
a) In Residential Districts. Goats, pigs, sheep or similar farm animals shall be allowed on properties zoned AG. For a parcel that is at least twenty-four thousand (24,000) square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional twenty-four hundred (2,400) square feet of area. Stables or other enclosures for such animals shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one-hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

b) In Non-Residential Districts. In non-residential zoning districts, goats, pigs, sheep or similar farm animals shall be prohibited.

c) Prohibitions. No horses, cows, alpacas, llamas or similar animals shall be kept on a property except in areas specifically designated for the keeping of such animals.

4) BEES. The keeping of bees, and associated beehives, shall be governed by the following regulations.
   a) In Residential Districts. In Residential Districts, the following regulations shall apply
      i) Number. No more than one (1) beehive shall be kept for each twenty-five hundred (2,500) square feet of lot area, and no beehive shall be kept on a lot less than twenty-five hundred (2,500) square feet in area.
      ii) Location and Setbacks. No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
      iii) Fences and Shrubs. A solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty (20) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.
      iv) Water Supply. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
      v) Prohibitions. No Africanized bees may be kept on a property under the regulations of this Section.
   b) In Non-Residential Districts. In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of beehives shall be limited to one (1) for each one-thousand (1,000) square feet of lot area.

Figure 8.3: Bee Hive Site Layout Example



5) LOTS WITHOUT A RESIDENCE. Notwithstanding the provisions of *Section 8.02– Accessory Use and Structure Standards*, farm animals or bees may be kept on a lot that is vacant or has no occupied residence but only if the applicant for such activity submits written this Section, demonstrating that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions.
6) SANITATION AND NUISANCES. Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
7) ANIMAL OR BIRD NOISE. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.
8) SLAUGHTERING OF ANIMALS. Chickens, ducks, rabbits and similar small animals may be slaughtered on site only inside a garage or other building and only if for use by the occupants of the premises and not for sale. No other farm animal may be slaughtered on site.
9) APPLICATION TO COMMUNITY DEVELOPMENT DEPARTMENT. Anyone proposing to keep farm animals or bees on a property in the City of Villa Rica or to expand such use shall apply for approval from the Department of Community Development, which shall determine if the application is in compliance with regulations regarding construction and permitted placement of enclosures, fences, cages, coops, beehives, flyway barriers, stables and other structures used in the keeping of farm animals or bees and whether the property is occupied by a condemned building.
    a) Application Contents. The application for such license shall include, at a minimum, the following information.
        i) The name, phone, phone number and address of the applicant;
        ii) The location of the subject property;
        iii) The size of the property;
        iv) The number of animals or bee hives to be kept on the property;
        v) A description of any proposed cages, coops, beehives, fences or enclosures;
        vi) A scaled drawing showing the precise location and setbacks of cages, coops, enclosures, beehives, stables and fences in relation to property lines and to houses on adjacent properties;
        vii) A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of insects or rodents;
        viii) In the case of a lot that is vacant or has no occupied residence, documentation demonstrating that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions;
        ix) A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of farm animals or bees as described in the registration; and
        x) The addresses of all properties directly adjoining the subject property.
    b) License Approval. The Director of Community Development shall take action on a license application for the keeping of farm animals or bees in accordance with the following provisions:

i) Approval Standards. In evaluating an application for an initial license or a license renewal, the Community Development Director shall consider any evidence ascertained through inspections of the property or through the submission of evidence regarding nuisances or conditions that are unsafe or unsanitary relative to the subject property and, in particular, any recorded violations. The Director of Community Development may deny a license on consideration of such evidence.

ii) Community Development Approval. The Community Development Director shall not approve any initial license application for the keeping of farm animals or bees prior to approval of the site plan by the Department of Community Development in accordance with the provisions of *Section 8.25 – Restrictions on the Keeping of Farm Animals and Bees* of the Zoning Code.

c) Building Permits. A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops or beehives that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; and no Permit shall be required for a "flyway" barrier not exceeding six (6) feet in height and six (6) feet in length.

10) LICENSE EXPIRATION. Such license shall expire at the end of a calendar year and shall be renewed once every two (2) years during November or December before the end of the calendar year. The application for renewal of a license need not include drawings and other information regarding conditions that have not changed since submission of such information in a prior license application.

11) LOTS WITHOUT A RESIDENCE. In the case of an application to keep farm animals or bees on a lot that is vacant or has no occupied residence, a License shall be granted only if the applicant submits written documentation satisfactory to the Community Development Director demonstrating that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions. Where the applicant is not the property owner, a license shall be granted only where the application is accompanied by a signed statement from the property owner granting the applicant permission to engage in the keeping of farm animals or bees.

12) ENFORCEMENT. The Director of the Department of Community Development or any authorized City employee shall have the authority to inspect any property to determine compliance with the regulations of *Section 8.26* of the Zoning Code regarding sanitation and nuisances and operational practices in the keeping of farm animals or bees and shall have the authority to enforce the regulations of this Section.

13) PENALTIES. If the Director of Community Development determines that an individual is in violation of the provisions of this section or *Section 8.26 – Restrictions on the Keeping of Farm Animals and Bees* with respect to the enforcement responsibilities of the Department of Community Development, the Director shall issue a violation notice to the individual, noting the nature of the violation(s). If the violation is not corrected within seven (7) days of issuance of the violation notice, the recipient of the notice shall be subject to the following penalties and enforcement actions.

a) For a first offense, a fine of fifty dollars ($50.00);

b) For a second offense occurring within four (4) months of the first offense, a fine of seventy- five dollars ($75.00);
c) For a third and any subsequent offense occurring within the period of the current two (2) year license, any farm animals or bee hives associated with the violation shall be removed from the property by the individual or shall be removed and impounded.

Sec. 8.27 – FILM PRODUCTION

1) PERMISSIBLE DISTRICTS. All Districts
2) STANDARDS
   a) Application.
      i) Applicant must request permission to use City property including but not limited to, parks, streets, alleys, sidewalks, or buildings owned by the City, for a film production prior to submission of the application.
      ii) Rush approvals (permits requested within less than fourteen (14) days of production) will be assessed due to increased demand for staff time and coordination. The application shall include, but not be limited to, the following:
         (1) The filming project name;
         (2) The name and contact information of the applicant, including postal address, email address, and telephone number;
         (3) A valid photo identification of the applicant;
         (4) The name and contact information of the producer (if the applicant is not the producer);
         (5) The dates, times and locations of the filming for which permit is being requested, and a general description of the filming activity that will occur at each location;
         (6) Where the producer is a student, an official letter or document from his/her school confirming that s/he is currently enrolled there. In addition, the student identification card and a valid driver's license. Where the student does not have a driver's license, s/he may present a different form of identification that includes his/her photo.
   b) Public Works/Public Safety.
      i) If roads are to be blocked or traffic disrupted in any manner, off-duty City of Villa Rica police officers must be hired and compensated at a minimum of three hours per day. (Note: Closure of State roads requires a 45-day lead time and approval from the Georgia Department of Transportation.)
      ii) Removal, cutting or trimming of vegetation in the public right-of-way is prohibited unless specifically approved by the permit.
      iii) No film activity which involves the use of explosives, pyrotechnics, fire, smoke-making machines or other special effects may be undertaken unless specifically approved by the Carroll or Douglas County Fire Department.
      iv) Tents or temporary membrane structures having an area in excess of five-thousand (5,000) square feet require an inspection by the County Fire Marshall of the county where filming will take place (Douglas/Carroll).
      v) Emergency vehicle access shall be maintained at all times. EMS personnel are required on-site for productions with stunts being performed.

vi) The County Fire Marshall shall have full access to any film production to ensure safety for crew members, the public, and surrounding properties.

c) Permit Issuance.
   i) If permission is granted by the City, a written permit will be issued including time, date and location of filming and acceptable activities within the scope of the permit.
   ii) A producer and/or applicant that receives a permit is responsible for knowing and complying with this ordinance and all other laws, including other ordinances and regulations that establish prerequisites, authorizations and other required permissions applicable to the filming.
   iii) Upon receipt of the permit, the production company must provide a certificate of insurance naming the City of Villa Rica as an additional insured. The City requires an insurance policy rider for general liability and worker's compensation for one-million dollars ($1,000,000) each occurrence and aggregate with endorsement naming the City of Villa Rica as additional insured.
   iv) Upon receipt of the permit, the production company must notify affected businesses and property owners within five-hundred (500) feet of production. Compensation may be necessary if business and home environments are greatly disrupted.
   v) The City shall require the production company to have the permit on site at all times.
   vi) Notwithstanding any other part of this Code, any producer that performs filming without receiving a permit, violates the material terms of a permit, or is otherwise in violation of this Ordinance, shall be subject to the provisions of *Chapter XII: Violations and Enforcement* of this ordinance.

d) Film Production Wrap-Up. Upon completion of work, all materials and debris shall be entirely removed and the right-of-way left in the same condition it was in immediately prior to filming. Any costs for clean-up by the City will be charged to the permit holder who will be invoiced by the City for such costs. Invoices for such costs must be paid in full within thirty (30) days from the date of issuance by the City.

e) Advertising.
   i) The City of Villa Rica logo its buildings or the name of the City may not be included in the film or its marketing and advertising without written permission.
   ii) Where permitted filming includes advertising signs or other displays of commercial speech, the signs and/or displays must be removed upon the expiration of the permit.

f) Indemnification.
   i) The producer must sign an indemnification provision on the permit whereby the producer agrees to indemnify the City and its officials and employees from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the permit and any of the activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that claims, losses and/or expenses are caused by the gross negligence or intentional misconduct of the City, its officials and or employees.

g) Exception. A permit shall not be required for filming on private property or for the filming of public events such as rallies, protests, demonstrations, or other events held on City property and open to the public at large.

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CHAPTER IX: DESIGN STANDARDS

Sec. 9.01 – RESIDENTIAL DESIGN STANDARDS

All new major and minor subdivisions with the exception of Planned Unit Developments, shall include the following minimum design standards.

1) APPLICABILITY. These standards shall apply to new single-family and two-family dwellings in major and minor subdivisions. Existing residential structures that expand or are altered by more than fifty (50) percent of the existing square footage shall also comply.

2) ANTI-MONOTONY. Homes located in close proximity shall not be of the same front elevation. This does not prohibit the home to the rear from being the same front elevation.
   a) Mirror images of the same configuration/elevation do not meet the requirement.
   b) No house shall be of the same front elevation design as any other house within two houses to each side of the subject lot nor directly across the street.
   c) No single front elevation design may be applied to more than twenty-five (25%) percent of the front elevations within any single phase of a development.

3) DRIVEWAY WIDTH. The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:
   a) For single- and two-family residential uses the minimum driveway width shall be twelve (12) feet.
   b) The maximum driveway width at the property line shall be twenty (20) feet.

4) PEDESTRIAN CIRCULATION. A sidewalk with a minimum five (5) foot width shall be included in developments of four (4) homes or more. A determination shall be made by the Director regarding infill lots.

5) MATERIALS. Exterior materials shall be unit masonry (brick, stone, textured and colored split-face concrete masonry units), wood, fiber cement board siding, stucco, composite lap siding (lap siding shall have a maximum nine (9) inch exposed board surface), or heavy-gauge vinyl. Vinyl siding shall be approved and endorsed as meeting or exceeding *ASTM D3679 by the Vinyl Siding Institute (VSI) through the VSI siding certification program*. The minimum thickness of vinyl siding shall be 0.044 inches.

6) FRONT FACADE. Each front elevation shall include architectural elements from the following list that total a minimum of four (4) points. Unless specified, all features are worth one (1) point.
   a) Front porch, minimum eight (8) feet in width and six (6) feet in clear depth supported by columns and with a rail (2 points)
   b) A separate overhead door for each single garage bay
   c) Side-loaded or court-entry garage (2 points)
   d) Brick, stone or textured concrete masonry on one-hundred (100%) percent of the front elevation (excluding openings)
   e) Turret

f) Two (2) or more roof planes visible (change in elevation or direction of roof ridge) on the front of the house

g) Veranda/balcony

h) At least four (4) feet of relief at one or more points along the front or rear elevations

i) Bay, dormer or oriel windows

j) Decorative geometric front, rear and side gable roof vents or windows

k) Architectural details such as quoins, pilasters, cornices, and dentil molding

7) SIDE AND REAR FACADE. The side and rear elevations of a home which abut a right-of-way or private street, excluding alleys, and can be viewed from that street shall have at least two (2) of the following features on all sides:

a) Minimum thirty (30%) percent masonry as the exterior building material

b) Full first-floor masonry wrap

c) Pop-out room a minimum of three (3) feet by ten (10) feet such as sun room or breakfast nook (on viewable sides)

d) Screen porch (on viewable sides)

e) Bay or oriel windows (on viewable sides)

f) Shutters and window grids

g) Cantilevered second story (on viewable sides)

h) Raised wood deck, a minimum of eight (8) feet by ten (10) feet (on viewable sides)

8) Roof. Roofs shall have a minimum twelve (12)-inch overhang on all sides.

9) Door, Window and Corner Trim. All windows, doors and corners should have a nominal one (1) inch by four (4) inch wood or vinyl surround.

10) LANDSCAPING. All single-family dwellings shall be landscaped in conformance with *Section 7.05 – Landscaping Standards*.

Sec. 9.02 – MULTIFAMILY AND SINGLE-FAMILY ATTACHED DESIGN STANDARDS

1) APPLICABILITY. All new multi-family developments (apartments, townhomes) of three (3) units or more are subject to the following standards.

2) LAYOUT AND SITE PLANNING.

a) Topography. Buildings shall be sited in relation to topography of the site, which minimizes cut and fill and limits maximum on-site slope to ten (10%) percent.

b) Attempts shall be made to preserve existing vegetation and natural features.

c) Building Orientation. Multi-family building(s) shall be oriented to the street or city road, a common open space, or clustered to form neighborhoods. Multifamily buildings shall not be oriented to parking lots. Accessory buildings, including residential garages, storage buildings, etc., shall be located behind the primary building. No primary or accessory building shall have service

doors, garage doors, loading doors, or similar service entrances opening toward or oriented to the street or city road.

d) Buildings shall be located so that the window to window distance between buildings or facing exterior walls shall not be less than forty (40) feet, as measured by a line perpendicular to the plane of the surface of said window. This distance may be reduced to not less than thirty (30) feet for an exposure where a room is a bathroom or laundry/utility room, or is used as a community or group meeting room or for a similar purpose.

e) Individual buildings shall be located to avoid more than two (2) buildings with parallel orientations to a public street, unless offset by more than twenty (20) feet. Vary the orientation to lessen the massing. The maximum length of a multi-family building shall not exceed one-hundred ninety-two (192) feet. No more than eight (8) townhome units shall be attached in a single row.

f) Off-street parking, driveway, drive aisles, carport, garage or service facilities may encroach into the side or rear yard as specified in but shall be no closer than ten (10) feet to any lot line. In no event shall parking be located in required landscaping areas.

g) All sides of a building shall display a similar level of architectural features and materials.

3) OPEN SPACE. Open space shall be required in conformance with *Section 7.13 – Open Space Requirements* and the requirements of the Zoning Ordinance.

4) VEHICULAR AND PEDESTRIAN CIRCULATION. Create a hierarchy of internal drives.

a) Drives shall be a minimum of twenty (20) feet wide. The City may request wider drives if on-street parking is permitted.

b) Multi-family developments with one-hundred fifty (150) units or more shall have at least two (2) points of ingress/egress.

c) The internal "street" system shall connect to surrounding neighborhood and local streets.

d) All internal sidewalks shall be a minimum of five (5) feet wide.

e) All internal sidewalks shall connect to adjacent residential areas, commercial areas, schools, parks, places of worship, and similar publicly accessible uses.

5) FAÇADE.

a) Variation. Architectural detailing, horizontal/vertical offsets, window details and other features shall be provided on all sides of the building to avoid featureless building massing, enhance character and style, and reduce the visual scale.

b) Buildings with continuous facades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and at intervals of not greater than sixty (60) feet.

c) Materials shall be durable and attractive. Visually heavier materials should be used as the building's foundation.

i) Exposed foundations shall be constructed of one or more of the following:

(1) Brick;

(2) Stone (limestone, granite, fieldstone, etc.); or

(3) Split-face, integrally-colored block or architectural pre-cast concrete that simulates natural material.

ii) Facade walls shall be constructed of any combination of the following. A minimum of forty (40%) percent shall be masonry.

(1) Stone;

(2) Wood clapboard siding;

(3) Brick;

(4) Stucco or "Drained" External Insulation and Finish System (Drainable E.I.F.S.), not to exceed twenty (20%) percent of the overall non-window facade area; or

(5) Cement fiber board (e.g., "Hardiplank").

iii) Facade Plane projections such as the following are encouraged:

(1) Veranda/balcony

(2) Sunroom

(3) Screened porch

(4) Breakfast nook

(5) Turret

iv) The facades of townhomes should be detailed to differentiate individual units.

6) ENTRIES. Entries shall be pedestrian-scaled and clearly defined and accented with such features as awnings, porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms and arches.

7) ROOF.

a) Minimum Pitch for pitched roofs shall be five feet for every twelve feet (5:12) of rise over run.

b) Materials. Quality roof materials such as tile, slate, standing-seam metal, three-dimensional asphalt or fiberglass shingles shall be used on all structures.

c) Minimum Eave/Overhang Width. All multifamily buildings shall have eaves or overhangs a minimum of twelve (12) inches deep on all sides.

d) Roof Articulation. Roofs shall display a variety of forms and articulation to reduce apparent scale. Elements such as dormers, gables, cross gables, hipped, secondary hipped or gabled roofs can be used to achieve this appearance.

e) Flat roofs shall contain a cornice or molding, and vary in height or shape every fifty (50) feet.

f) Rooftop mechanical equipment shall either be fully screened with architecturally compatible materials on all sides or visually integrated into the overall design of the building. In no case shall rooftop mechanical equipment be visible from adjoining streets, residential zones or uses.

8) AUTOMOBILE STORAGE.
   a) Garage Access. Except for structured parking decks, all attached garages shall provide access internally from the garage to individual units.
   b) Minimum garage depth shall be twenty-two (22) feet.
   c) Minimum garage width shall be twelve (12) feet.
   d) Carport. Where established, carports shall:
      i) Meet all setback standards around the perimeter of the site applicable to a primary structure.
      ii) Be designed in keeping with the primary structure, and the materials shall be compatible with those of the primary structure.
   e) No more than two (2) garage structures shall be located adjacent to each other end-to-end.

9) WINDOWS. Windows are required on all sides of the building that are:
   a) Adjacent to a street; or
   b) Adjacent to a common area.
   c) Windows should be enhanced with divided lights, grids, transom windows, keystone, lintels or trim/architrave.

10) DESIGN COMPATIBILITY. All structures within the multifamily development shall be compatible. Similar styles, color, architectural detail and materials shall be used for garages, carports, grouped mailboxes, laundry facilities, clubhouses, shelters, etc.

11) MECHANICAL AND UTILITY EQUIPMENT SCREENING. All mechanical equipment including ground-, roof-, and building-mounted, shall be completely screened from view. Screening can be achieved by landscaping, fences or walls for ground-placed equipment, and the use of parapet walls or other roof designs for roof-mounted equipment. Screening enclosures shall be architecturally compatible with the primary structure.

12) DUMPSTER AND STORAGE ENCLOSURE SCREENING. Dumpsters and storage area screening shall conform to the regulations of *Section 7.05 – Landscaping Standards*.

13) LANDSCAPING. Landscaping requirements are set forth in *Section 7.05 – Landscaping Standards*.

14) LIGHTING. Standards for parking lot, site and building lighting are set forth in *Section 7.12 – Outdoor Lighting*.

15) NOISE AND VIBRATION STANDARDS. In residential/commercial mixed-use developments, the International Building Code (IBC) provides a minimum design requirement for unit-to-unit acoustical protection between floors. It requires a Sound Transmission Class (STC) rating or Impact Insulation Class (IIC) rating of 50. The International Residential Code (IRC) requires a minimum design separation of STC 45 for townhouses.
   a) Scope. This section shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent dwelling units or between dwelling units and adjacent public areas such as halls, corridors, stairs or service areas.

b) Airborne sound. Walls, partitions and floor/ceiling assemblies separating dwelling units from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for air-borne noise when tested in accordance with ASTM E 90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement shall not apply to dwelling unit entrance doors; however, such doors shall be tight fitting to the frame and sill.

c) Structure-borne sound. Floor/ceiling assemblies between dwelling units or between a dwelling unit and a public or service area within the structure shall have an impact insulation class (IIC) rating of not less than 50 (45 if field tested) when tested in accordance with ASTM E 492(09).

d) Notwithstanding other sections of this title, it shall be unlawful for any person to create, maintain or cause any ground vibration which is perceptible without instruments at any point on any affected property adjoining the property on which the vibration source is located. For the purpose of this title, the perception threshold shall be presumed to be more than 0.05 inches per second RMS vertical velocity.

Sec. 9.03 – NON-RESIDENTIAL DESIGN STANDARDS

1) APPLICABILITY. All non-residential development, with the exception of agricultural uses in agricultural zoning districts, shall meet or exceed the requirements of this section, in addition to all other applicable development standards established by this Ordinance. These non-residential standards shall apply to the following:

   a) New structures with permits submitted on or after the effective date of this ordinance;

   b) Expansions greater than thirty-five (35%) percent of pre-existing site, structure or building; and

   c) Expansions to structures that may be less than thirty-five (35%) percent but result in a structural addition greater than 20,000 square feet in gross floor area.

1) SITE LAYOUT

   a) Site planning which encourages compatibility between the site and the buildings and between all buildings on the site is encouraged. Where natural or existing topographic patterns contribute to a development, they shall be preserved and integrated. Modification to topography shall be permitted where it contributes to the overall development.

   b) The orientation of buildings shall promote interaction with the street or city road and provide a pedestrian friendly environment. All primary and outparcel site buildings shall be arranged so that they complement existing development. The buildings shall frame a corner or enclose a “main street” type corridor. Buildings on islands surrounded by parking should be avoided.

   c) Newly installed infrastructure and service revisions necessitated by exterior alterations shall be underground. To the extent possible, all existing overhead utilities shall be relocated underground.

2) ACCESS. Major and minor arterials and major collector streets must have reasonable restrictions as to the numbers and location of access points. To provide safe and sufficient traffic movement to and from adjacent lands:

a) Frontage roads, access roads, and other internal drives shall be constructed to create a hierarchy of roads for safe on-site circulation. These internal drives shall provide pedestrian access and landscaping.

b) Shared access shall be coordinated with contiguous lots. Access at the side or rear of buildings is encouraged.

c) New access points onto the major and minor arterials within the corridor overlay zone shall be coordinated with existing access points whenever possible and approved by the City Engineer.

d) Cross-access easements shall be required between adjacent compatible developments.

i) No curb cuts shall be within two-hundred (200) feet of any intersection of public roads, and no curb cut shall be within six-hundred (600) feet of any intersection along SR61.

(1) Within two-hundred (200) feet of public road intersections and within six-hundred (600) feet of SR61 south of US78.

ii) Opposing curb cuts shall align squarely or be offset no less than one-hundred twenty-five (125) feet.

iii) Stub Streets shall be built in all cases where adjacent lots have reasonable potential for development.

e) Entry Drive. The commercial entry drive should be appropriate to the size of the development, incorporate signage, lighting, landscaping and set the tone for the development.

f) No buildings or paved areas (other than access drives) may be located closer than fifty (50) feet to any area used or zoned for residential purposes.

3) PARKING LAYOUT. In addition to the minimum requirements, a maximum of fifty (50%) percent of the required parking shall be located between the front facade and the primary street. The balance of the parking shall be to the rear or side of the primary building. Refer to *Section 7.02 – Off-Street Parking and Loading* for parking standards.

4) CART CORRALS. Cart corrals for developments over fifty-thousand (50,000) square feet shall be curbed, and may be landscaped and covered.

5) PEDESTRIAN FACILITIES.

a) A connection shall be established from abutting streets with sidewalks to the entrance of primary structures through the use of sidewalks and special demarcation.

b) Pedestrian areas in parking lots or across interior drives shall be demarcated with special paving, color or height change, or striping for increased safety.

c) Sidewalks shall be a minimum of six (6) feet wide and shall connect the commercial areas to adjacent residential, office and recreational uses.

d) Sidewalks in Industrial Districts shall be required on at least one (1) side of each street.

e) Sidewalks adjacent to customer entries shall be a minimum of eight (8) feet wide.

6) ARCHITECTURAL DESIGN. All non-residential building walls shall have architectural features which increase visual interest, reduce undifferentiated masses and relate to the pedestrian scale.

a) Facades. Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style.

b) Offsets and Projections. Buildings with continuous facades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and over intervals of not greater than sixty (60) feet.

c) Storefronts. Ground-floor retail shall be transparent for seventy-five (75%) percent of the total ground level facade.

d) Exterior materials. Building facades may be constructed from wood, stone, masonry, E.I.F.S., hard-coat stucco, cement fiber board, split-face, textured concrete, heavy gauge vinyl, metal or glass or other materials which provide the same desired quality. Similar building materials should be used throughout a development with multiple buildings. Products other than those listed below must be approved by the Community Development Director or his/her duly appointed designees.

i) Buildings constructed of metal shall be permitted only in the Single-Family Agricultural (AG) and Industrial, Medium-Density (I2) districts.

(1) Buildings that do not exceed fifty (50%) percent metal shall be permitted in the Industrial, Low-Density (I1) and Commercial, Medium-Density (C2) zoning districts, and must contain other design elements such as concrete or masonry bases, pitched roofs, enhanced entries or color variation.

ii) Structures shall be constructed using a minimum of fifty (50%) percent masonry as described below.

(1) Masonry construction may consist of brick, granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable.

(2) Brick material used for masonry construction shall be composed of hard-fired all-weather standard size brick or other all-weather facing brick.

(3) Concrete finish or precast concrete panels shall be textured using the following techniques: exposed aggregate, bush-hammered, sand-blasted, or other concrete finish as approved by the Director or his/her duly appointed designee. Concrete masonry units (CMU or block) shall be textured or split-face, and otherwise not smooth.

(4) Office uses may use: Architectural metal panels, glass (up to 75% of the façade area) and ornamental metal.

e) Roof Design. The materials and finishes for roofs shall complement those materials used for the exterior walls. Roofs may be pitched, use stepped parapet walls, three dimensional cornices, dimensioned or integrally-textured materials, or be sloped with overhangs and brackets. Parapets shall not exceed more than one-third (1/3) the height of the supporting wall (above the floor of which they are located).

f) Four-sided Architecture. The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district.

g) Color. Compatible materials and colors should be used throughout to unify development. The colors should reflect natural tones of the environment and be subtle, harmonious and non-reflective. Accents shall be compatible.

h) Entry Features. Entryway features are only required at the primary entrance to the structure and shall include elements such as: covered entries, integral planters, awnings, raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5:12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.

7) MAINTENANCE. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, and be free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.

a) Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view with fencing, walls or landscaping.

b) All accessory buildings and structures shall be constructed with materials that are similar and compatible with materials used in the principal structure.

8) MECHANICAL EQUIPMENT SCREENING AND PLACEMENT.

a) Roof-mounted equipment on exposed roofs shall be completely screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.

b) All ground- and building-mounted mechanical and electrical equipment shall be screened from view. The screens and enclosures shall be treated as an integral element of the building's appearance. Landscaping may be used for this purpose.

c) Ground-mounted, commercial-grade mechanical equipment such as walk-in freezers.

i) Design. The unit shall be screened by a masonry wall that complements the architecture of the primary structure. Walls attached to the primary structure shall be designed as an architecturally integrated part of the primary structure. The wall shall be sufficient to dampen any noise generated while the unit is in operation.

ii) Height. The wall shall be equal to the height of the unit plus two (2) feet.

iii) Access. The enclosure shall be accessed via an opaque gate.

iv) Orientation. The gate shall not face a residential property, or a right-of-way within fifty (50) feet.

v) Setback. All mechanical equipment shall be located a minimum of fifty (50) feet from the property line, and shall not be located within a front or side setback.

d) Utility substations shall be screened with a fence that is at least fifty (50%) percent opaque and at least eight (8) feet in height, and the exterior wall of the fence shall be landscaped with a Type 1 Buffer yard comprised solely of evergreen species.
   i) The fence may not be chain-link.

9) SIGN STANDARDS. Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates. Signs shall be in conformance with the *Villa Rica Sign Ordinance*.

10) LANDSCAPE PLAN. Landscaping shall be in conformance with *Section 7.05 – Landscaping Standards*. Plans shall be prepared and submitted with the Development Plan.
   a) Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate, existing trees should be conserved and integrated into the landscaping plan; credit toward required in-kind landscaping may be given.

11) SITE AMENITIES. Site amenities provide attractive spaces and the possibility of interaction. Site amenities such as patios, plazas, mini-parks, squares, water features and public art should be incorporated in the required open space for the development.

12) LIGHTING. Lighting shall be in conformance with *Section 7.12– Outdoor Lighting*.

13) OPERATIONAL COMPATIBILITY WITH SURROUNDING DEVELOPMENT. The Planning & Zoning Commission may impose conditions on the approval of a project including but not limited to:
   a) the placement of trash receptacles;
   b) location of delivery and loading zones;
   c) hours of refuse removal; and
   d) hours of sign illumination.

14) MODIFICATION. The Planning & Zoning Commission shall have the authority to modify any of the requirements of this section in accordance with *Subsection 2.02(1)(q).*

Sec. 9.04 – COMMUNITY DESIGN CONSIDERATIONS

1) INTERIOR RUMBLE STRIPS. Rumble strips should be installed adjacent to raised medians or other interior curbs to draw attention to the presence of the median during adverse weather conditions or other circumstances where visibility is low. Rumble strips should be designed so that adverse riding conditions are not created for on-street cyclists.

2) NEIGHBORHOOD STREET LIGHTING. Lights should be installed along neighborhood streets. They should be no taller than twenty (20) feet and should be fully shielded or full cutoff fixtures.

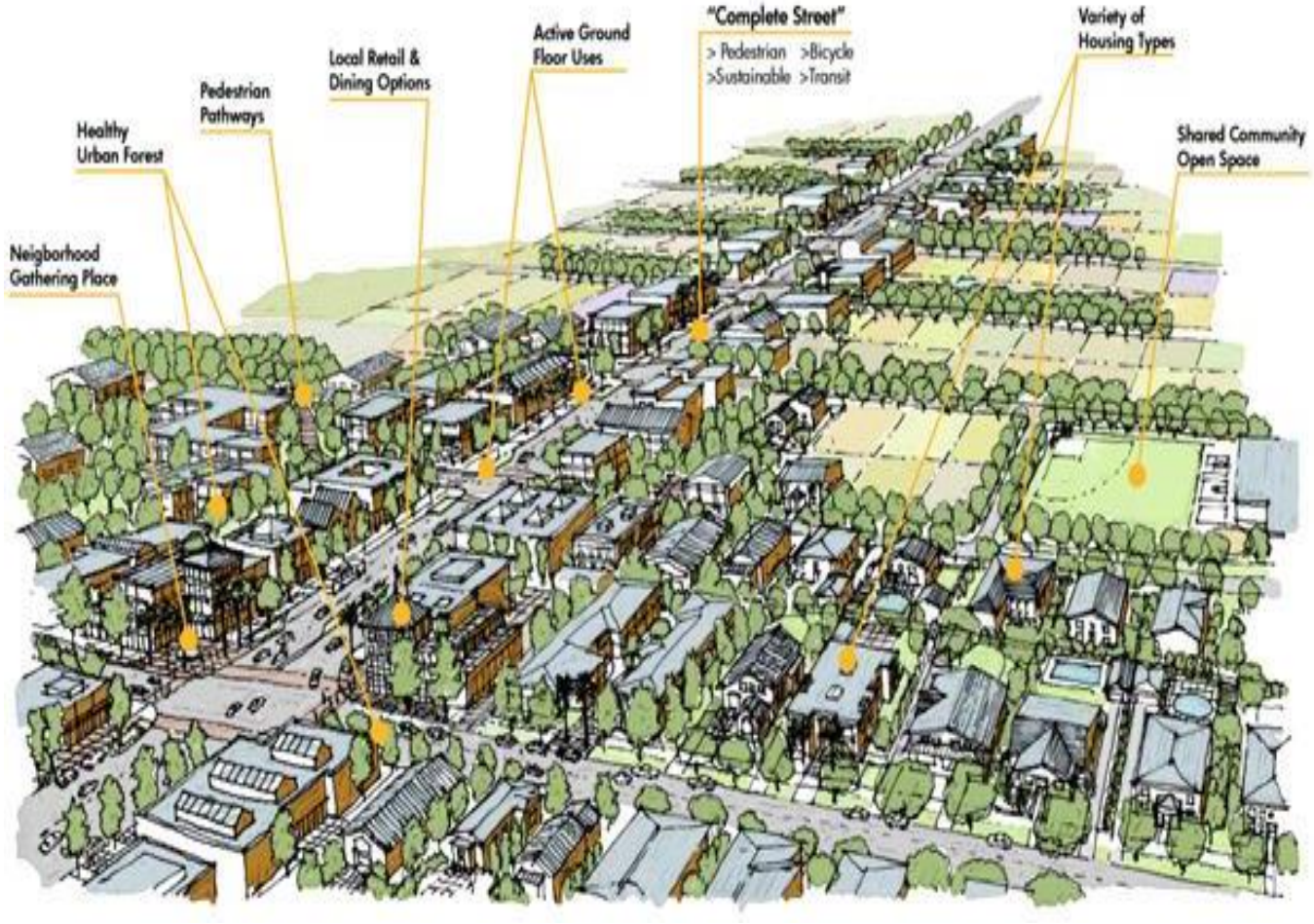
3) STREET ADDRESSES. Business and residence address lettering should be a minimum height of six (6) inches, should take into consideration the contrast of lettering and background colors, and should be externally illuminated.

4) STREET ELEMENTS. The community should work with GDOT to encourage increased pavement markings standards, brighter stop lights, and larger and/or easily readable letters for street names/street signs.

5) STREET WIDTH. Street width and right-of-way easement requirements should take into consideration the necessary width of roadways through low-traffic, residential neighborhoods. Large road widths can interrupt the benefits of high-density neighborhoods and the safety of pedestrians who cross the street.

6) TRANSPORTATION. Safe and nearby pedestrian walkways/trailways, bikeways, and public transit should be created to increase a residence's visitability and aid in transportation accessibility for individuals without motor vehicle access.

Figure 9.1: Community Design Considerations



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CHAPTER X – HISTORIC PRESERVATION

Sec. 10.01 – HISTORIC PRESERVATION

1) Purpose
   a) In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Villa Rica is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;
   b) In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;
   c) In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and
   d) In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;
   e) The Villa Rica City Council hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the Ordinance.
2) Definitions.
   a) Building – A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
   b) Certificate of Appropriateness – Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
   c) Exterior Architectural Features – Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the forgoing.
   d) Exterior Environmental Features – Means all those aspects of the landscape or the development of a site which affect the historic character of the property.
   e) Historic District – Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the Villa Rica City Council as a Historic District pursuant to the criteria established in *Subsection 10.01(4)b* of this Ordinance.

f) Historic Property – Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Villa Rica City Council as a historic property pursuant to the criteria established in *Subsection 10.01(4)c* of this Ordinance.

g) Material Change in Appearance – Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

i) A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

ii) Demolition or relocation of a historic structure;

iii) Commencement of excavation for construction purposes;

iv) A change in the location of advertising visible from the public right-of-way; or

v) The erection, alteration, restoration or removal or any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

h) Object – An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

i) Site – A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

j) Structure – A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

3) Creation of a Historic Preservation Commission

a) Creation of the Commission:

i) There is hereby created a commission whose title shall be “VILLA RICA HISTORIC PRESERVATION COMMISSION” (hereinafter “Commission”)

b) Commission Position within the City Government:

i) The Commission shall be part of the planning functions of the City of Villa Rica.

c) Commission Members: Number, Appointment, Terms and Compensation:

i) The Commission shall consist of not more than six (6) members nor less than three (3) appointed by the Mayor and ratified by the City Council. All members shall be residents of City of Villa Rica and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. To the extent available in the City, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.

ii) Members shall serve three-year terms. Members may not serve more than two consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

d) Statement of Commission's Power:
   i) The Preservation Commission shall be authorized to:
      (1) Prepare and maintain an inventory of all property within the City of Villa Rica having the potential for designation as historic property;
      (2) Recommend to the Villa Rica City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
      (3) Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;
      (4) Recommend to the Villa Rica City Council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
      (5) Recommend the restoration or preservation of any historic properties acquired by the City of Villa Rica;
      (6) Promote the acquisition by the City of Villa Rica of façade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., Section 44-10, 1 through 5)*
      (7) Conduct educational programs on historic properties located within the City and on general historic preservation activities;
      (8) Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the Villa Rica City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
      (9) Seek out local, state, federal or private funds for historic preservation, and make recommendations to the Villa Rica City Council concerning the most appropriate uses of any funds acquired;
      (10) Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties of historic districts designated;
      (11) Perform historic preservation activities as the official agency of the City of Villa Rica historic preservation program;
      (12) Recommend the contracting of technical professionals, if necessary, to carry out the responsibilities of the Commission, dependent on budgetary appropriations;
      (13) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Preservation Commission shall not obligate the City of Villa Rica without prior consent.
      (14) Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
      (15) Participate in private, state and federal historic preservation programs and with the consent of the Villa Rica City Council, enter into agreements to do the same.

e) Commission's Power to Adopt Rules and Standards:
   i) The Preservation Commission shall adopt rules and standards for the transaction of its business and for consideration of application for designation of Certificates of Appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The

Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. The Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

f) Conflict of Interest:
   i) Commission shall be subject to all conflict of interest laws set forth in Georgia Statues and in the City of Villa Rica Charters.

g) Commission's Authority to Receive Funding from Various Sources:
   i) The Commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.

h) Records of Commission Meetings:
   i) A public record shall be kept of the Commission resolution, proceedings and actions.

i) City Staffing for the Historic Preservation Commission:
   i) The Director of Community Development shall appoint a staff delegate to provide technical and administrative assistance to the Commission. This staff appointee shall remain an employee to the City, and support of the Historic Preservation Commission shall be an ancillary function to the appointee's primary job responsibilities.
   ii) Staff availability to the Commission will be dictated by formal applications for a Certificate of Appropriateness filed with the Community Development Department.
   iii) Requests for technical assistance from staff or hired consultants shall be requested by the Commission and approved, denied, or programed based on the availability of department funding, and the availability of staff beyond the appointee's primary job responsibilities.
   iv) Absent a formal application filed with the City, the Commission may request a Special Called Meeting to discuss strategic planning, and rules and policies of the Commission. However, staff availability may be limited, and no official action shall be taken by the Commission until a formal meeting has been scheduled by the City.

4) Recommendation and Designation of Historic Districts and Properties
   a) Preliminary Research by the Commission:
      i) Commission's Mandate to Conduct a Survey of Local Historical Resources: The Commission shall compile and collect information and conduct surveys of historic resources within the City of Villa Rica.
      ii) Commission's Power to Recommend Districts and Buildings to the Villa Rica City Council for Designation: The Commission shall present to the Villa Rica City Council recommendations for historic districts and properties.
      iii) Commission's Documentation of Proposed Designation: Prior to the Commission's recommendation of a historic district or historic property to the Villa Rica City Council for designation, the Commission shall prepare a Report for Nomination consisting of:
         (a) a physical description;
         (b) a statement of the historical, cultural, architectural and/or aesthetic significance;

(c) a map showing district boundaries and classification, i.e. contributing, non-contributing, of individual properties therein, or showing boundaries of individual historic properties; and

(d) representative photographs.

b) Designation of a Historic District:

i) Criteria for selection of historic district: A historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:

(1) has special character or special historic/aesthetic value or interest;

(2) represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and

(3) causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality.

ii) Boundaries of a Historic District: Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map of the City of Villa Rica, or in the absence of zoning, on an official map designated as a public record.

iii) Evaluation of properties within Historic District: Individual properties within historic districts shall be classified as:

(1) Contributing (contributes to the district); or

(2) Non-contributing (does not contribute to the district).

c) Designation of a Historic Property:

i) A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, which:

(1) Criteria for selection of Historic Properties: A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Villa Rica, the region or the State of Georgia for one of the following reasons:

(a) it is an outstanding example of a structure representative of its era;

(b) it is one of the few remaining examples of a past architectural style;

(c) it is a place or structure associated with an event or persons of historic or cultural significance to the City of Villa Rica, State of Georgia, or the region; or

(d) it is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

d) Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties:

i) Application for Designation of Historic Districts of Property: Designations may be proposed by the Villa Rica City Council, the Commission, or:

(1) for historic districts – a historical society, neighborhood association or group of property owners may apply to the Commission for designation;

(2) for historic properties – a historical society, neighborhood association or property owner may apply to the Commission for designation.

ii) Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:
   (1) list each property in a proposed historic district of describe the proposed individual historic property;
   (2) set forth the name(s) of the owner(s) of the designated property or properties;
   (3) require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
   (4) require that the property or district be shown on the Official Zoning Map of the City of Villa Rica and be kept as a public record to provide notice of such designation.

iii) Require Public Hearings: The Commission or the Villa Rica City Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principle newspaper of local circulation, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

iv) Notification of Historic Preservation Division: No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Commission must submit the report, required in *Subsection 4(a)(3)* above, to the Historic Preservation Division of the Department of Natural Resources.

v) Recommendations on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a resolution to the Villa Rica City Council.

vi) The Villa Rica City Council Actions on the Commission's Recommendation: Following receipt of the Commission recommendation, the Villa Rica City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.

vii) Notification of Adoption of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the Villa Rica City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the Villa Rica City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via United States Mail shall constitute legal notification to the owner and occupant under this ordinance.

viii) Notification of Other Agencies Regarding Designation: The Commission shall notify all necessary agencies within the City of Villa Rica of the ordinance for designation.

ix) Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending: If an ordinance for designation is being considered, the Commission shall have the power to freeze the status of the involved property.

5) Application to Preservation Commission for Certificate of Appropriateness

a) Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties:

i) After the designation by ordinance of a historic property of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Commission. A Building Permit shall not be issued without a Certificate of Appropriateness.

b) Submission of Plans to Commission:

i) An Application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the Commission.

c) Interior Alterations:

i) In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

d) Technical Advice:

i) The Commission shall have the power to seek technical advice from outside its members on any application.

e) Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to Be Heard:

i) The Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of local circulation in the city and written notice of the hearing shall be mailed by the Commission to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices are provided before a Public Hearing for Rezoning.

ii) The Commission shall give the property owner and/or applicant an opportunity to be heard at the Certificate of Appropriateness hearing.

f) Acceptable Commission Reaction to Applications for Certificate of Appropriateness:

i) Evaluation Resources: The Commission may evaluate an application for a Certificate of Appropriateness using the *Villa Rica Design Guidelines for Historic Districts and Sites*, adopted on July 9, 2019; *Villa Rica Sign Ordinance, Chapter 4: Downtown District Sign Regulations,* adopted July 23, 2019; or other historical resource as documented or conveyed.

ii) Commission Action: The Commission may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary, or reject it.

(1) The Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value

of the historic property or the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

(a) Reconstruction, Alteration, New Construction or Renovation: The Commission shall issue Certificates of Appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setback and site features and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(b) Relocation: A Decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:
   (i) the historic character and aesthetic interest the building, structure or object contributes to its present setting.
   (ii) whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
   (iii) whether the building, structure or object can be moved without significant damage to its physical integrity.
   (iv) whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

(c) Demolition: A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by:
   (i) the historic, scenic or architectural significance of the building, structure, site, tree or object.
   (ii) the importance of the building, structure, site, tree, or object to the ambiance of a district.
   (iii) the difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location.
   (iv) whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city.
   (v) whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
   (vi) whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.
   (vii) whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

g) Undue Hardship:
   i) When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the persons own making.

h) Deadline for Approval or Rejection of Application for Certificate of Appropriateness:
   i) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.
   ii) Failure of the Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

i) Necessary Action to be Taken by Commission upon Rejection of Application for Certificate of Appropriateness:
   i) In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
   ii) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

j) Requirement of Conformance with Certificate of Appropriateness:
   i) All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Commission shall issue a cease and desist order and all work shall cease.
   ii) The Commission and the Villa Rica City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

k) Certificate of Appropriateness Void if Construction Not Commenced:
   i) A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. A Certificate of Appropriateness shall be issued for a period of eighteen (18) months and is renewable.

l) Recording an Application for Certificate of Appropriateness:
   i) The Commission shall keep a public record of all applications for Certificates of Appropriateness, and or all the Commission's proceedings in connection with said application.

m) Acquisition of Property:
   i) The Commission may, where such action is authorized by the Villa Rica City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

n) Appeals:
   i) Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness my appeal such determination to the Villa Rica City Council. Any such appeal must be filed with the Villa Rica City Council within fifteen (15) days after the issuance of the determination pursuant to *Section 11.11 – Administrative Appeals Procedure* of this Ordinance or, in the case of a failure of the Commission to act, within fifteen (15) days of the expiration of the forty-five (45) day period allowed for the Commission action. Appeals for properties within the City of Villa Rica shall be made to the Villa Rica City Council. The Villa Rica City Council may approve, modify, or reject the determination made by the Commission, if the governing body finds that the Commission abused its discretion in reaching its decision. Appeals from decisions of the Villa Rica City Council may be taken to the Superior Court of Carroll or Douglas Counties County in the manner provided by law for appeals from conviction for the City of Villa Rica ordinance violations.

6) Maintenance of Historic Properties and Building and Zoning Code Provisions

a) Ordinary Maintenance or Repair:
   i) Ordinary Maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness.

b) Failure to Provide Ordinary Maintenance or Repair:
   i) Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding deterioration by neglect.
      (1) The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a buildings structural system shall constitute failure to provide ordinary maintenance or repair.

(2) In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have thirty (30) days in which to do this.

(3) In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in *Chapter XII: Violations and Enforcement* of this Ordinance and, at the direction of the Villa Rica City Council; the Commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Commission.

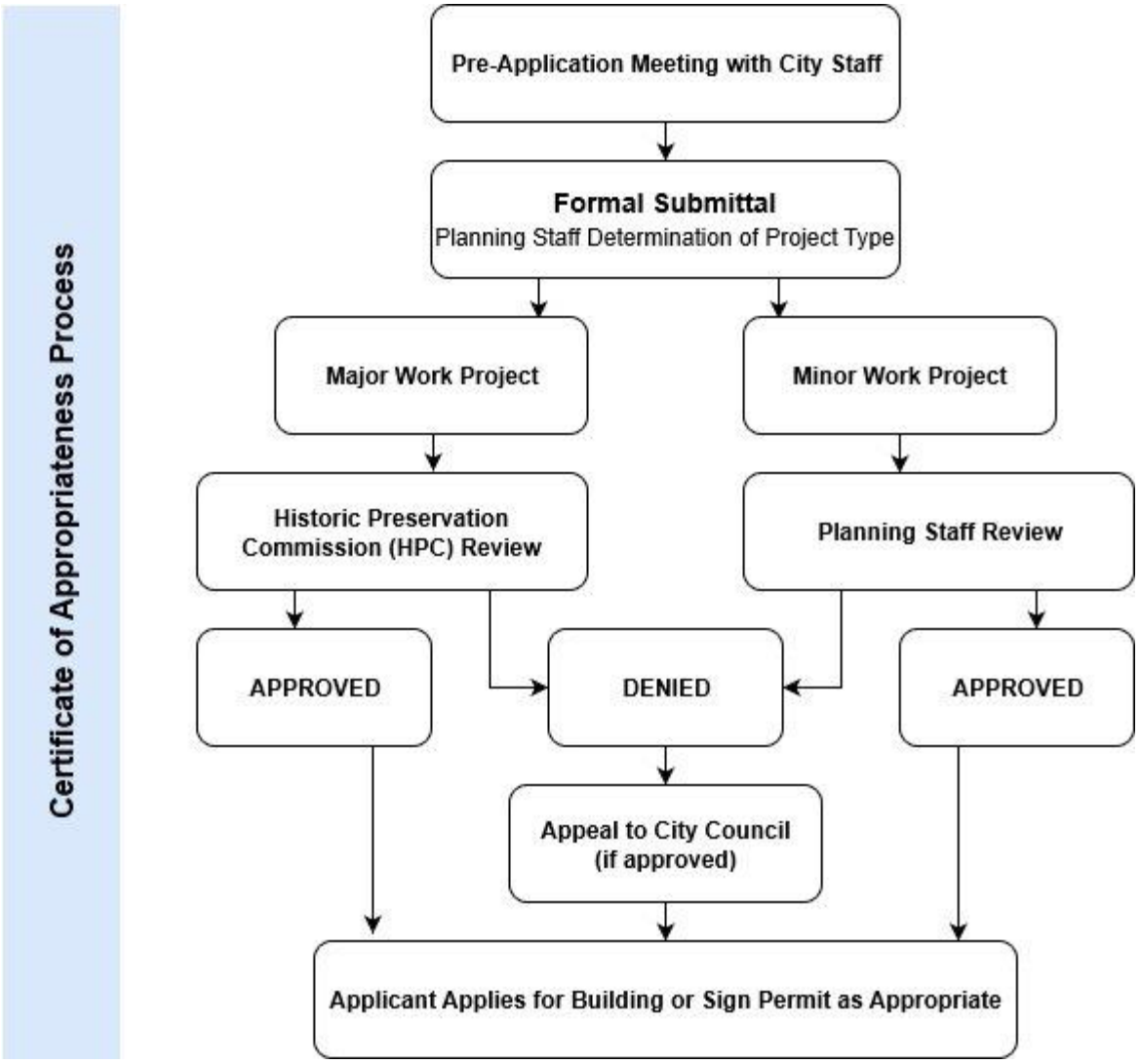
c) Affirmation of Existing Building and Zoning Codes:

i) Nothing in this Ordinance shall be constructed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

7) Penalty Provisions

a) Violations of any provisions of this Ordinance shall be punished in the same manner as provided for punishment of violations of validly enacted Ordinances of the City of Villa Rica.

Figure 10.1: Certificate of Appropriateness Process



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CHAPTER XI – PETITIONS, PERMITS, AND PROCEDURES

Sec. 11.01 – PURPOSE

This chapter contains procedures for processing petitions and permits required for development.

Sec. 11.02 – APPLICATION AND PERMIT TYPES

1) PETITIONS AND PERMITS. The petitions and permits include:
   a) Development Plan Approval
   b) Development Standards Variance
   c) Special Exception Permit
   d) Administrative Appeal
   e) Zoning Map Amendment ("rezoning")
   f) Land Disturbance Permit (note: a building permit may also be required consistent with the provisions of the Villa Rica Building Code)
   g) Zoning Compliance Certificate
   h) Certificate of Occupancy
   i) Sign Permit
   j) Sexually Oriented Business Permit
2) APPLICATION MATERIALS. All applications may be obtained from the Community Development department. Fees shall be paid at the time all petition applications are submitted and at the time all permits are issued as specified in each individual procedure.
   a) All applications shall be made on forms provided by the Community Development department. Copies, necessary plans, and attachments shall be submitted as required by the adopted policies of the Director and the applicable rules of Procedure, as amended, of the Planning & Zoning Commission and City Council.
   b) Scheduling. All applications shall be assigned reference and/or docket numbers by the Director, or designee.
      i) Petition Applications. Petition applications shall be scheduled by the Director, or designee, for the appropriate public hearings based on the completeness of the application consistent with the requirements of this chapter and the appropriate adopted Calendars of Filing and Meeting dates for the Council and/or Planning & Zoning Commission.
      ii) Order of Action Taken. Action shall be taken on all applications in the order in which they were received.

Sec. 11.03 – CONCEPTUAL DEVELOPMENT PLAN REVIEW AND APPROVAL

1) PURPOSE. The purpose of this chapter is to identify a procedure for the review and approval of development plans.

2) APPLICABILITY. With the exception of a request to rezone, the Development Plan Review process may occur concurrently with any other Planning & Zoning Commission review process. This review shall be completed within the procedures set forth in this section and all other applicable sections of this ordinance.

   a) Conceptual Development Plan Review Required. The following list identifies the types of projects that require development plan review:

      i) New construction and site development for multifamily, commercial, institutional or industrial uses, non-residential subdivision (shopping center or office park), or a project involving a planned unit development (PUD) that does not require a plat.

      ii) A project where the conversion of a structure to a permitted use is being considered and where no exterior construction or site development is planned. Use conversions requiring Development Plan Review include changes from one of the following categories to another:

         (1) Residential to commercial or industrial;
         (2) Commercial to multifamily or industrial;
         (3) Industrial to multifamily or commercial; and
         (4) Single or two-family to multifamily or commercial.

      iii) A project where an existing multifamily, commercial, or industrial use is proposing an addition or expansion of the structure or the site that will have at least one or more of the following effects:

         (1) Alteration of traffic flows and/or volumes because of changes in ingress or egress or changes within the site;

         (2) Alteration of on-site parking facilities by more than thirty-five (35%) percent; and

         (3) Addition to a structure that increases the floor area thirty-five (35%) percent or more of the existing structure.

      iv) The construction of public or private off-street parking areas in districts where they are permitted as set forth in this ordinance.

   b) Modifications. The Director shall have the authority to exempt requirements for a development plan, or exempt the development plan all together, if no physical or minimal change to property or structures on the property is occurring.

3) GENERAL STANDARDS OF REVIEW. Development plans shall be reviewed taking into account the following standards:

   a) Compatibility with surrounding land uses.

   b) Consistency with the Comprehensive Plan.

c) Compliance with all applicable requirements of this ordinance.

d) Availability of sanitary sewer, water, storm water drainage, and any other utilities as deemed necessary.

e) Management of traffic in a manner favorable to the health, safety, convenience, and harmonious development of the community, with particular emphasis on the following factors:

i) The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion.

ii) The capacity of adjacent existing streets and highways and sidewalks to safely and efficiently handle traffic projected to be generated by the proposed development.

iii) The coordination of entrances, streets, sidewalks, and internal traffic circulation facilities in the development plan with existing and planned streets and adjacent developments.

iv) Other factors provided for in this ordinance.

4) CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCEDURE.

a) Overview. The Development Plan Review Process consists of five (5) major steps in the following order:

i) Preliminary meeting with staff;

ii) Submittal of the Conceptual Development Plan;

iii) Technical Advisory Committee (TAC) review;

iv) Planning & Zoning Commission approval; and

v) Submission of the Secondary Development Plan which serves as the construction drawings and administrative approval.

b) Application and Meeting with Staff. The applicant shall first set up a meeting with staff to discuss submittal of a Preliminary and to obtain a schedule, guidance and requirements for submittal.

c) Conceptual Development Plan Application. The Conceptual Development Plan submittal shall include the following items:

i) Application Form. This application form, when completed will contain general information including the name and location of the proposed development, as well as the identification of all the property owners, the parcel number (part of or all of the parcel), and must be signed by the property owner(s) or include written authorization for an agent.

ii) Application Fee. The Conceptual and Secondary Development Plan applications must be accompanied by the payment of a fee as established by *Section 11.15 – Fees*. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.

iii) Application Material Format. All drawings shall be provided in both hard copy and digital format in a manner specified on the application or by the Director.

iv) Conceptual Development Plan Contents. The applicant shall submit the required number of copies as specified in the application and the applicant shall follow procedures for distribution of required plans to the Technical Advisory Committee (TAC) members prior to the regularly scheduled meeting. The plan shall include:

(1) An accurate, up-to-date and certified survey of the property on which the project is to be built.
(2) A vicinity map showing the property in relation to the general area of the City in which it is located.
(3) The name of the proposed project.
(4) Name, address, phone number, and fax number of the owner, the developer and the designer who prepared the plan.
(5) Graphic scale, north arrow, and date of preparation.
(6) Zoning of the property with required setbacks shown.
(7) Zoning, use, and ownership of all adjoining property.
(8) Total area of the site and the area of the site proposed to be devoted to impervious surfaces.
(9) Approximate topography of the site.
(10) Significant natural features on and adjacent to the site, including the 100-year flood-plain, if appropriate.
(11) Existing man-made features on the site.
(12) Proposed site layout including buildings, drives, parking, walkways, landscaped areas, buffer easements, utilities and any other features necessary to properly present the concept.
(13) Proposed off-site improvements which may be necessary to properly develop site.
(14) Architectural elevations to show the intended architectural character of the proposed building and the nature of the materials to be used.
(15) If the site plan is for an addition to or change in an existing site plan, the drawings must clearly show the changes that are being proposed.
(16) Provide vehicular use area landscaping requirements.

v) Special Studies Required. In the event that the Planning & Zoning Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or City Staff to conduct additional studies or seek expert advice. The cost of such studies shall be the responsibility of the applicant.

(1) Transportation Impact Studies. If a traffic study is necessary, it shall address the impact of the proposed development on all adjacent streets and intersections. The applicant shall reference the *Georgia Department of Transportation Design Traffic Forecasting Manual, Revision 1.4*, as may be amended from time to time in the development of the traffic study.
(2) Fiscal Impact Analysis. New residential development of more than one-hundred fifty (150) units shall be required to submit a Fiscal Impact Analysis to determine the impact

of new residents on the area with regard to police protection, fire protection, utility service, educational facilities, and other applicable factors.

(3) Any necessary approval by federal, state, or other local agencies shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:

(a) Federal Agencies
  (i) Federal Communications Commission
  (ii) Federal Aviation Administration
  (iii) Federal Emergency Management Agency
  (iv) Army Corps of Engineers
  (v) Environmental Protection Agency

(b) State Agencies
  (i) Georgia Environmental Protection Division
  (ii) Georgia Department of Natural Resources
  (iii) Georgia Department of Transportation
  (iv) Georgia State Department of Health

(c) Local Agencies
  (i) County Fire Rescue
  (ii) County Health Department

(d) Utility Companies
  (i) Public or private utilities for power, sanitary sewer or water services

vi) If applicable, include a letter of intent indicating that the applicant wishes to construct a model home prior to recording. The letter of intent must include the proposed lot number on which the model home will be constructed. a maximum of five (5) model homes may be permitted per development for single-family residential development and a maximum of four (4) units per multifamily development and a Certificate of Occupancy will not be issued for the model home until the subdivision or section thereof has been properly recorded. Certain necessary improvements may be required of the developer prior to issuance of the building permit.

d) Technical Advisory Committee (TAC) Review. Once the submittal for the conceptual development plan is deemed complete, the applicant shall appear at the regularly scheduled Technical Advisory Committee (TAC) to discuss the proposed project and receive comments from several City departments on the proposed project. The applicant may be required to submit a revised Development Plan prior to the preparation of packets for Planning & Zoning Commission members. The TAC shall review the Preliminary Plan to determine if it is:

i) Consistent with the intent and purpose of this ordinance;

ii) Whether the proposed development advances the general welfare of the community and neighborhood; and

iii) Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.

iv) The TAC shall prepare a summary of project compliance with the ordinance for presentation at the Planning & Zoning Commission hearing.

e) Planning & Zoning Commission Hearing. The Planning & Zoning Commission hearing shall be conducted in accordance with the Planning & Zoning Commission Rules of Procedure, as amended.

i) Possible Action. Action by the Planning & Zoning Commission shall comply with the Planning & Zoning Commission Rules of Procedure, as amended. The Planning & Zoning Commission shall approve, approve with modifications, deny, or continue the Development Plan application.

(1) The Planning & Zoning Commission may impose conditions on the approval of a Development Plan if the conditions are necessary to satisfy the requirements and intent of this ordinance. Accepted conditions shall become written commitments which shall be recorded by the applicant before any construction activity commences.

f) Secondary Development Plan Submittal. The Planning & Zoning Commission's approval of the Conceptual Development Plan shall be necessary before an applicant may obtain a Secondary Development Plan approval. The Director and the Technical Advisory Committee shall be responsible for review of the Secondary Development Plan (construction drawings) submittal which shall include the following items:

i) General vicinity map;

ii) Property boundary lines including any easements and a legal description;

iii) Elevation marks and contours as appropriate;

iv) Benchmarks;

v) Traffic and circulation plan;

vi) Pedestrian circulation plan or trail plan, if applicable.

vii) Adjacent streets;

viii) Parking and loading plan in accordance with *Section 7.02 – Off-Street Parking and Loading;*

ix) Utilities plan showing existing and proposed location and sizes;

x) Landscape plan indicating plant types, number, location, size and method of installation and in accordance with *Section 7.05 – Landscaping Standards*;

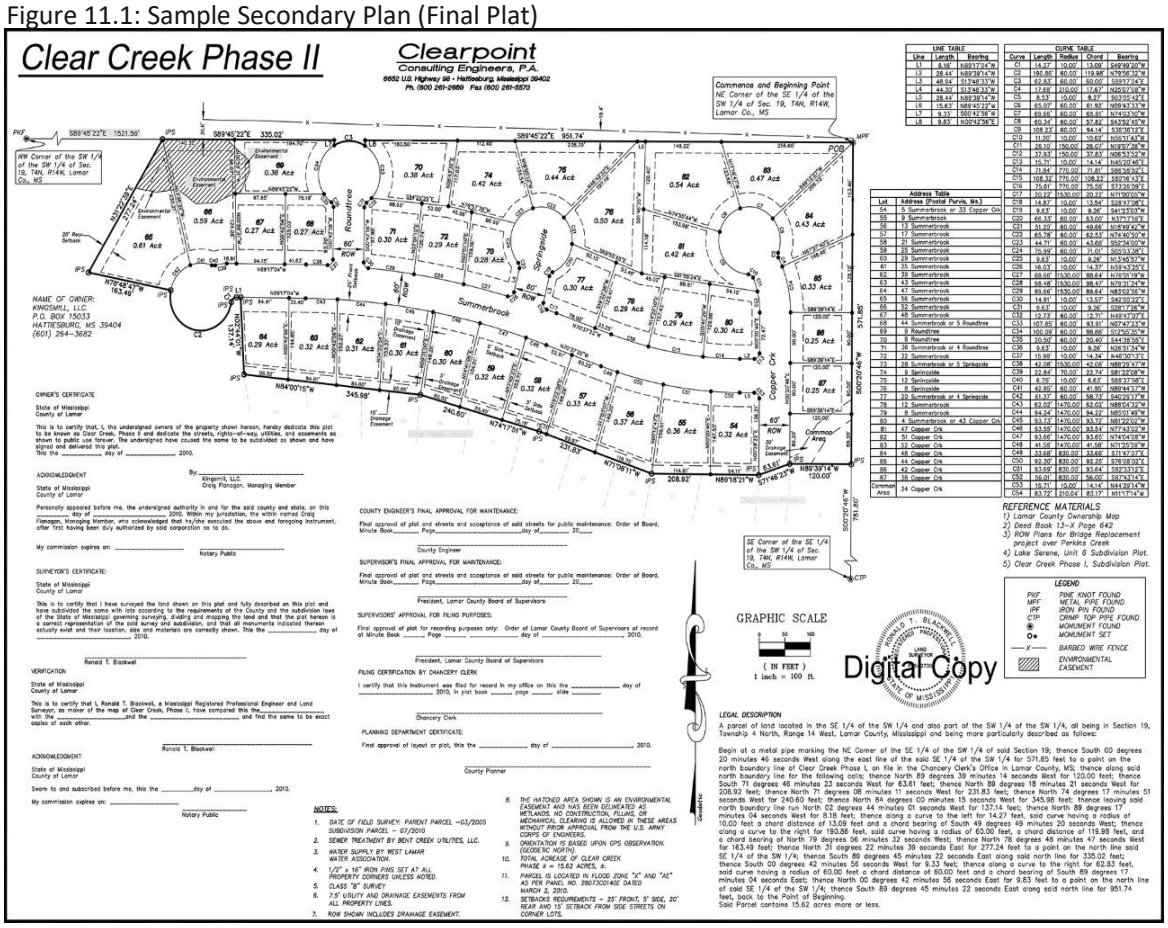
xi) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control ordinance and the Stormwater ordinance;

xii) Signage plan showing location, sign faces, representations, and size in accordance with the *Villa Rica Sign Ordinance*;

xiii) Final lighting plan in accordance with *Section 7.12 – Outdoor Lighting*;

xiv) Open space and recreation plan;

Figure 11.1: Sample Secondary Plan (Final Plat)



xv) Refuse/trash storage areas;

xvi) Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses.

xvii) Architectural Plan. The applicant must submit one (1) copy of an architectural plan of the proposed project showing exterior elevations, floor plans and building materials used (facade and roof). If exterior elevations are not available, reasonable graphic representations may be submitted;

xviii) A State Plan release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan review be construed as a substitute or a waiver for these other required permits.

xix) Plat-like Dedication Sheet, if necessary. The following information shall be submitted for easements and rights-of-way if deemed necessary by the Planning & Zoning Commission or its authorized designee:

(1) Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and

maintenance requirements, if any, shall be designated as such and clearly labeled on the plans;

(2) Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and

(3) Accurate location of all survey monuments erected, corners and other points established in the field in their proper places;

xx) The schedule of any phasing of the project; and

xxi) A development summary indicating lot area, building square footage, lot coverage, building height, size of dwelling units/structures, area of hard surface provided, and the number of parking spaces required and provided;

xxii) All drawings prepared for submission under this section must be prepared by a professional engineer, architect, or surveyor and must bear a professional seal from the State of Georgia. If, however, the Director determines that due to the simplicity of the project, a professional seal may not be required, then this requirement may be waived.

g) Approval. After review of the Secondary Development Plan, the Director and the Technical Advisory Committee, shall approve or deny the Secondary Development Plan. The applicant may appeal the decision to the City Council. An applicant shall have two (2) years from the date of approval to obtain a Land Disturbance Permit/Building Permit. This permit must be obtained in accordance with *Section 11.12 – Land Disturbance Permit*. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the Development Plan approval will become null and void. Should this become the case, the applicant may resubmit the application in conformance with the requirements of this chapter.

5) PERFORMANCE GUARANTEE. A performance guarantee shall be provided for any exceptions granted. A performance guarantee may be provided for certain erosion control measures as determined by the City Council.

a) The types of performance guarantees allowed are as follows:

i) Completion of Improvements. All improvements not covered by a performance guarantee shall be installed in accordance with the design standards, principles, and specifications contained in these regulations and shall be inspected at such times during construction as required by these regulations;

ii) Performance Bond. For those improvements granted an exception from installation prior to recording, a performance bond payable to the Council in the amount equivalent to one-hundred ten (110%) percent of the estimated completion costs shall be posted by the developer prior to recording the final plat. This estimate shall be prepared by the design engineer and reviewed by the City Engineer. This performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution;

iii) Cashier's Check. In lieu of such a bond, the developer may submit a cashier's check made payable to the City Council. The alternative is only available in the amount of less than ten-thousand dollars ($10,000.00).

b) Any performance guarantee submitted under this section shall be for a period not to exceed two (2) years. The Council may grant an extension of up to one (1) year for the completion of the improvements, based upon a request by the developer and evidence justifying the request. The Council may secure a new estimate of the cost of the improvements from the City Engineer. If the estimate has increased, the Council shall require an increase in the amount of the performance guarantee.

c) A performance guarantee shall be deemed by the Council to be in full force and effect until the time the guarantee is released by written notice by the Council.

d) It shall be the responsibility of the developer to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Council. If the performance guarantee does expire, no building permits will be issued to those lots within the subdivision or section thereof which required the performance guarantee until a new guarantee is provided.

e) Upon completion of the improvements for which a performance guarantee has been provided, the developer shall request a release of the performance guarantee from the Villa Rica Community Development department. The Community Development department will conduct an inspection of the completed improvements. If the improvements have been completed to the satisfaction of the Community Development department and if a suitable maintenance guarantee has been provided, then the Council shall release the performance guarantee. appeals of Villa Rica Community Development department decisions shall be made to the City Council.

f) As a condition of acceptance of this improvement on release of the performance guarantee, the Council shall require the developer to post a maintenance guarantee in an amount equal to twenty-five (25%) percent of the cost of the improvements.

i) the maintenance guarantee shall be one (1) of the following forms:

(1) Maintenance Bond. This bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution; or

(2) Irrevocable Letter of Credit. In lieu of such bond, the developer may submit an Irrevocable Letter of Credit. In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum length of one (1) year.

ii)The maintenance guarantee shall be for a period of three (3) years.

6) CONFORMANCE WITH DEVELOPMENT PLAN APPROVAL. The Planning & Zoning Commission may consider the revocation of a Development Plan approval in the event that a proposed development, which occupancy permit has not been issued, is found to be in violation of the requirements of this ordinance for the conditions attached to the approval by the Planning & Zoning Commission. Should revocation be considered, the Planning & Zoning Commission must schedule a meeting in which to consider the revocation and shall notify the original applicant or project representative of the date, time and place of the hearing at least fifteen (15) days in advance of the meeting by certified mail. In the event that the Planning & Zoning Commission decides to revoke approval, the occupancy permit

may not be issued until the Planning & Zoning Commission certifies that the violation has been corrected. Where a violation involves a project where an occupancy permit has been issued, the violation shall be treated as a violation to this ordinance and be subject to the penalty as specified in *Chapter XII: Violations and Enforcement*.

7) STAGED DEVELOPMENT. Where a proposed Development Plan indicates a staged site development approach, the later stages of the proposed development may be constructed within ten (10) years of the initial approval providing that the initial stage is completed in conformance with the Development Plan and that the application commenced shall be subject to the application and review requirements stated within this chapter and any additional amendments.

Sec. 11.04 – WRITTEN COMMITMENTS

1) Rules Governing Commitments. In accordance with the *Georgia Planning Act (O.C.G.A. 45-12-200, et seq., and 50-8-1, et seq.)*, during the time when a proposal is being considered by the Planning & Zoning Commission or the City Council, the owner of a parcel of land may make a new Commitment or modify the terms of a Commitment made when the proposal was before the Planning & Zoning Commission or City Council. No further action of the Planning & Zoning Commission or Council is required for a new Commitment to be effective. If a Commitment made when the proposal was before the area Planning & Zoning Commission or Council is modified and the effect of the modification is to make the Commitment more stringent, no further action of the Planning & Zoning Commission or Council is required for the modified Commitment to be effective; however, if the effect of such a modification is to make the Commitment less stringent, then the modified Commitment must be ratified by the Planning & Zoning Commission or Council to be effective. A Commitment made or modified under this provision is subject to the following rules:

   a) Form. A commitment shall be documented on a Planning & Zoning Commission-approved Commitment Recording Form.

   b) Recording, Copies. A Commitment shall be signed by the applicant and be recorded by the Community Development department in the office of the Carroll or Douglas County recorder. It shall take effect upon the adoption of the proposal to which it relates within thirty (30) days of approval.

   c) Persons Bound. Unless it is modified or terminated by the area Planning & Zoning Commission or Council in accordance with *Subsection 11.04(1)(e)* below, a recorded Commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires an interest in the parcel. An unrecorded Commitment is binding on the owner of the parcel who makes the Commitment. an unrecorded Commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the Commitment.

   d) Enforcement. Refer to *Section 12.02 – Zoning Violations*.

   e) A commitment automatically terminates if the zoning map applicable to the parcel which the commitment relates is changed.

f) Modification or Termination by Commission or Council. Except for a commitment automatically terminated under *Subsection 11.04(1)(e)*, a Commitment may be modified or terminated only by a decision of the Planning & Zoning Commission or City Council made at a public hearing after notice of the hearing has been given under the Planning & Zoning Commission's or City Council rules of Procedure, as amended.

g) During the time a rezoning proposal is being considered by the City Council, the applicant may make a new commitment or modify the terms of a commitment that was made when the proposal was being considered by the Planning & Zoning Commission.

Sec. 11.05 – ZONING MAP AND TEXT AMENDMENTS

1) TEXT AMENDMENTS. The following procedure, in accordance with the *Georgia Planning Act (O.C.G.A. 45-12-200, et seq., and 50-8-1, et seq.),* applies to a proposal to amend or partially repeal the text of the Zoning Ordinance:

a) Initiation of Proposal. The proposal may be initiated by either:

i) The City Council; or

ii) The Planning & Zoning Commission.

b) Contents of Application. Applications for text amendments to the Zoning Ordinance shall contain the following information:

i) Name, address, and phone number of applicant;

ii) Proposed amending ordinance, approved as to form by the City Attorney;

iii) A statement on how the proposed amendment relates to the comprehensive plan; and

iv) A fee as established by the City Council.

c) Notice. The Planning & Zoning Commission shall give notice of a public hearing in accordance with the Planning & Zoning Commission Rules of Procedure, as amended.

d) Public Hearing by Planning & Zoning Commission. The Planning & Zoning Commission shall schedule a public hearing within sixty (60) days after a petition is received. The hearing shall be held in accordance with the Planning & Zoning Commission Rules of Procedure, as amended.

e) Recommendation by Planning & Zoning Commission. Within ten (10) business days after the Planning & Zoning Commission determines its recommendation, the Commission shall certify the proposal to the City Council with a favorable, unfavorable, or no recommendation *(O.C.G.A. 50-8-1).*

f) Action by City Council. The City Council shall vote on the proposal within ninety (90) days after the Planning & Zoning Commission certifies their recommendation. The City Council may adopt, deny, or recommend a modification of the text amendment proposal. If a modification is recommended, the proposal must be returned to the Planning & Zoning Commission for a final vote of approval. If the modification is disapproved by the Planning & Zoning Commission, the

proposal with modification may be adopted only after a final confirming vote by the City Council *(O.C.G.A. § 36-66-3).*

g) Effective Date and Referendum. Amendments adopted by the City Council shall become effective upon adoption.

2) ZONING MAP AMENDMENTS

a) General. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the City Council may, by ordinance, after receipt of recommendation from the Planning & Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

b) Consideration of Amendments. in accordance with *O.C.G.A. 45-12-200, et seq., and 50-8-1*, when preparing and considering proposed amendments, the Planning & Zoning Commission and the legislative body shall pay reasonable regard to:

i) The Comprehensive Plan;

ii) Current conditions and the character of current structures and uses in each district;

iii) The most desirable use for which the land in each district is adapted;

iv) The conservation of property values throughout the jurisdiction; and

v) Responsible development and growth.

c) Procedure. The following procedure, in accordance with *O.C.G.A. 36-66-1*, applies to a proposal to change the zone maps (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into the ordinance:

i) Initiation of Proposal. The proposal may be initiated either:

(1) By the City Council;

(2) By the Planning & Zoning Commission; or

(3) By a petition signed by property owners who own at least fifty (50%) percent or more of the land involved.

ii) Contents of Application. Applications for amendments to the Official Zoning Map adopted as part of the Zoning Ordinance shall contain the following information:

(1) Name, address, and phone number of applicant;

(2) Proposed amending ordinance, approved as to form by the City attorney;

(3) Present use;

(4) Present zoning classification;

(5) Proposed use;

(6) Proposed zoning classification;

(7) A vicinity map showing property lines, thoroughfares, existing and proposed zoning, and such other items as may be required;

(8) A parcel map and list identifying all property owners and their mailing addresses;

(9) A statement on how the proposed amendment relates to the comprehensive plan;

(10) A fee as established by the City Council; and

(11) Signature of property owner(s) or agent.

iii) Additional Information. At the discretion of the Planning & Zoning Commission, the applicant may be required to provide additional information or studies to demonstrate the impact that will occur as a result of the proposed development associated with the amendment (rezoning) in question. The additional information may include:

(1) Transportation Impact Studies. If a traffic study is necessary, it shall address the impact of the proposed development on all adjacent streets and intersections. The applicant shall reference the *GDOT "Design Traffic Forecasting Manual, Revision 1.4", dated 10/24/2018*, as may be amended from time to time in the development of the traffic study.

(2) Fiscal Impact Analysis. New residential development of more than one-hundred fifty (150) units may be required to submit a Fiscal Impact Analysis to determine the impact of new residents on the area with regard to police protection, fire protection, utility service, educational facilities, and other applicable factors.

iv) Notice. The Planning & Zoning Commission shall give notice of a public hearing in accordance with the Planning & Zoning Commission Rules of Procedure, as amended.

v) Public Hearing by Planning & Zoning Commission. The Planning & Zoning Commission shall schedule a public hearing within sixty (60) days after a petition is received. The hearing shall be held in accordance with the Planning & Zoning Commission Rules of Procedure, as amended.

vi) Recommendation by Planning & Zoning Commission. Within ten (10) business days after the Planning & Zoning Commission determines its recommendation, the Commission shall certify the proposal to the City Council with a favorable, unfavorable, or no recommendation *(O.C.G.A. § 50-8-1)*.

vii) Action by City Council. The City Council shall, within ninety (90) days after the Planning & Zoning Commission certifies their recommendation, either adopt or deny the recommendation of the Planning & Zoning Commission *(O.C.G.A. § 36-66-1)*.

viii) Effective Date and Referendum. Amendments adopted by the City Council shall become effective upon adoption.

Sec. 11.06 – DEVELOPMENT STANDARDS VARIANCE

1) DEPENDENT ON CITY COUNCIL APPROVAL. In no case shall any variance to the terms of this ordinance be authorized without the approval of the Council. Further, no decisions on previous applications shall serve to set a precedent for any other application before the Council. The procedure within this section shall apply to all variance applications.
2) APPLICATION. The applicant shall submit a complete variance application, affidavit and consent of property owner (if the owner is someone other than the applicant), the required filing fee, and

required supporting information. Supporting information shall include, but not be limited to, the following:

a) Plot or Development Plan. A plot plan, as described *in Subsection 11.12(3)*, or a Development Plan prepared in accordance with the procedures set forth in *Section 11.03 – Development Plan Review and Approval* and including such other information as the Council may be required to determine if the proposed variance request meets the intent and requirements of this ordinance.

b) Letter of Intent. A letter of intent to the Council describing the details of the variance request including but not limited to:

   i) The ways in which the variance shall be consistent with the intent of the applicable section(s) of the Zoning Ordinance; and

   ii) Any written commitments being made by the petitioner.

c) Such other information as may be required by the City Council.

d) A fee as established by ordinance.

3) PUBLIC NOTICE AND PUBIC HEARING BY THE CITY COUNCIL. Notice of and procedures pertaining to the Public Hearing by the City Council shall be in conformance with the procedures set forth in the City Council rules of Procedure, as amended, and *O.C.G.A. § 36-66-4*.

4) DECISION CRITERIA. In taking action on all variance requests, the Council shall use the following decision criteria, consistent with the requirements of the Georgia Code.

   a) Development Standards Variance. The Council may grant a variance from the development standards of this ordinance (such as height, bulk, area) if, after a public hearing, it makes a determination in writing (consistent with *O.C.G.A. 36-66-1*), that:

      i) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

      ii) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

      iii) Practical Difficulty. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

5) CONDITIONS. The Council may impose such reasonable conditions upon its approval as it deems necessary.

6) COMMITMENTS. The Council may require the owner of the property to make written commitments concerning the use or development of the property. Such commitments shall be recorded in the County recorder's office. A copy of the recorded commitments shall be provided to the Director for inclusion in the petition file at the time of application for a Land Disturbance Permit. No Land Disturbance Permit shall be issued for a permit application which does not comply with the recorded commitments.

SEC. 11.07 – ADMINITRATIVE PLATS AND SUBDIVISIONS

1) MINOR SUBDIVISION
   a) Those subdivisions meeting the definition of "SUBDIVISION, MINOR", contained in this ordinance may be considered under the provisions of this section. Re-subdivisions meeting the conditions of eligibility contained herein also may be considered under the provisions of this Chapter. After a subdivision request has been filed, the Community Development Director shall determine whether the petition may be considered as a minor subdivision. The Director's decision may be appealed to the Planning Commission. Minor subdivisions may receive approval by the In-house Plat Committee or Planning Commission.
   b) Conditions of Eligibility -- Before determining that a subdivision is eligible to be considered under this Article, the Community Development Director shall find that all of the following criteria are satisfied:
      i) Orderly Development – The subdivision will not impede orderly development of land or the provision of public services and improvements.
      ii) Comprehensive Plan – The subdivision will be consistent with the Comprehensive Plan.
      iii) Streets – The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
      iv) Utilities and Drainage – All parcels in the subdivision will have adequate utilities and drainage.
         (1) Sewage – All lots shall be served by a sanitary sewer system or other on-site sewage system approved by the International Private Sewage Disposal Code 2018, and/or the Douglas or Carroll County Health Department.
         (2) Water – All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well that complies with all requirements of the Georgia Department of Public Health and/or the Douglas or Carroll County Health Department.
         (3) Drainage – All lots shall be provided with drainage improvements as necessary to comply with the requirements of Georgia Department of Natural Resources, Environmental Protection Division and the Villa Rica Unified Development Code.
      v) Access – All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.
         (1) Legal Access -- All lots will have legal access to the City of Villa Rica, or has been continuously maintained for a period of ten (10) years immediately preceding the filing of the subdivision, by a public agency regularly having responsibility for such maintenance. Such public street shall have a hard surface suitable for vehicular traffic which is at least sixteen (16) feet in width, is in good repair, and has a geometry which is suitable for the traffic which it will carry after the proposed subdivision.
         (2) Driveway Permit – If any lot in a subdivision is to receive access from a State highway, in addition to a waiver from Access Limited the applicant must obtain a driveway permit from the Georgia Department of Transportation.
            (a) Access Limited – Individual lots in residential subdivisions shall not have driveway access from an arterial or collector road.

(3) Limited Access Streets – Frontage on limited access streets on which driveways cannot open shall not constitute legal access.

(4) New Street – If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.

(5) Driveway Standards – All lots will have driveway locations that will provide for adequate sight distance and will be properly spaced according to city standards.

vi) Suitability – All lots in the subdivision will provide suitable building sites for the purpose for which the land is to be used. Land suitability shall be determined by the criteria contained in this ordinance.

vii) Endangerment – The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

2) EXPIRATION OF APPROVAL

a) Approval for a minor subdivision shall be valid for two years from the date of approval, unless an extension is granted by the In-house Plat Committee or the Planning Commission. If not granted before the expiration of two years, the approval shall be null and void.

3) MINOR RESIDENTIAL SUBDIVISION

a) Those subdivision meeting the definition of "SUBDIVISION, MINOR RESIDENTIAL", contained in this ordinance contained in this ordinance may be considered under the provisions of this section. After a subdivision request has been filed, the Community Development Director shall determine whether the petition may be considered as a minor residential subdivision. The Director's decision may be appealed to the Planning Commission. Minor residential subdivisions typically receive approval by the In-house Plat Committee, but could be forwarded to the Planning Commission by staff or the Plat Committee.

b) Conditions of Eligibility – Before determining that an application is eligible to be considered as a minor residential subdivision, the Community Development Director shall find that all of the following criteria are satisfied:

i) Orderly Development – The subdivision will not impede orderly development of land or the provision of public services and improvements.

ii) Comprehensive Plan – The subdivision will be consistent with the Comprehensive Plan.

iii) Suitability – The lot will provide a suitable residential building site. Land suitability shall be determined by the criteria contained in this ordinance.

iv) Endangerment – The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

v) Residential Zoning – Property must be zoned to allow residential development as a permitted use.

vi) Minimum Frontage and Acreage Requirements – All lots shall meet the minimum road frontage and acreage requirements listed in the zoning ordinance.

vii) Drainage – Corrective measures for drainage concerns of the site;

viii) Sewage and Water – Proof that sewage disposal is acceptable to the Villa Rica Public Utilities Department and that a safe water source exists;

ix) Right-of-way – Right-of-way dedication pursuant to the Villa Rica Transportation Master Plan or Unified Development Code where appropriate;

x) Shoulder – A seven (7) foot shoulder and adequate roadside ditch; and

xi) Sidewalks – Commitment to participate in the installation of sidewalks across the frontage of the tract whenever sidewalks adjoin the tract.

xii) Additional Requirements for an Unimproved Lot – An unimproved lot shall meet the following additional standards:

(1) Site Distance – Proper sight distance at the proposed driveway location.

(2) Perimeter Drain – Adequate drainage outlet for the septic system subsurface perimeter drain.

c) Limit of One Minor Residential Subdivision Plat – Only one (1) minor residential subdivision plat, containing one (1) lot, may be created from a parent tract. Creating any additional lots from the same parent tract will require either a major or minor plat, as determined by the Community Development Director or In-house Plat Committee, based on the standards of the Villa Rica Zoning Ordinance and Unified Development Code.

4) SUBMITTAL REQUIREMENTS.

5) One (1) copy of the application materials and five (5) copies of the plans must be submitted to the Villa Rica Community Development Department.

6) Application Materials

a) The application materials shall include the following:

b) Application

c) Copy of the parent tract deed

d) Fee

e) Subdivision Plat Drawing

f) Drainage Narrative/Calculations

7) Subdivision Plat Drawing – The subdivision plat drawing for a minor residential subdivision shall include the following:

a) Lot Number

b) North Arrow

c) Graphical Scale

d) Parent tract (drawn from the deed) and labeled as “remainder”

e) Proposed Lot including the following:

i) Boundary lines and acreage thereof, based upon an accurate traverse

ii) Right-of-way

iii) Building setback lines

iv) All easements and property address

f) Section Corners monumentation found and tied to the subject tract

g) Cross-reference to a recorded survey per *OCGA § 43-15-1 – Professional Engineers and Land Surveyors*.
h) Legal Description
i) Certificate of dedication
j) Certificate of ownership
k) Surveyors certification
l) Certificate of the Planning Commission (where required) including signature location for the Director or the Community Development Department
m) Street classification
n) Sidewalk commitment (if applicable)
o) Legal drain statement – The following statement shall be placed on the plot plan:
    i) "This Minor Residential Subdivision application has been filed with the Villa Rica Department of Community Redevelopment requesting approval of a residential lot created from the parent tract. This lot may be within the watershed of a legal drain, therefore, a drainage assessment may be assessed by the City of Villa Rica under the authority of *Chapter 11 of the Georgia State Minimum Standard Plumbing Code*, and so the said Department may exercise all the powers and duties as provide for in said code. This lot contains _____ ft. of existing legal drain tiles and _____ ft. of existing open ditch legal drains."
p) Sheet size
    i) Minimum 17"x22"
    ii) Maximum 18"x24"

8) Subdivision Plat Requirements – The minor residential subdivision plat application must contain the following information, which may be located on a separate sheet:
    a) Lot boundaries
    b) Dimensions
    c) Easements
    d) Building setback lines
    e) Waterways
    f) Floodways
    g) Floodway fringe
    h) Street the location to which the property has access
    i) House layout and location
    j) Driveway location
    k) Shoulder & Roadside Ditch Details
        i) 7' shoulder
        ii) Adequate roadside ditch
9) Drainage Improvement
10) Sewage disposal systems details (per the Villa Rica Unified Development Code and/or Douglas/Carroll County Health Department Requirements)

11) Water supply system details
12) Erosion and sedimentation control measures

13) EXPIRATION OF APPROVAL.
    a) Approval for a minor residential subdivision shall be valid for two years from the date of approval, unless the In-house Plat Committee or the Planning Commission grants an extension. If not granted before the expiration of two (2) years, the approval shall be null and void.

14) EXEMPT SUBDIVISION.
    a) Exempt Subdivision procedure applies only to divisions of land for the purpose of splitting off an existing legally conforming residence and accessory structures from a parent tract of land, provided that (1) the new residential parcel meets all current development standards applicable to a residential parcel in the relevant zoning district, and (2) the remaining parent parcel is at least twenty (20) acres in size.
    b) Conditions of Eligibility – Before determining that an application is eligible to be considered as an exempt subdivision, the planning director shall find that all of the following criteria are satisfied:
        i) Orderly Development – The subdivision will not impede orderly development of land or the provision of public services and improvements.
        ii) Comprehensive Plan – The subdivision will be consistent with the Comprehensive Plan.
        iii) Suitability – The lot will provide a suitable residential building site. Land suitability shall be determined by the criteria contained in this ordinance.
        iv) Endangerment – the exempt subdivision will not be detrimental to, nor endanger, the public health, safety, or general welfare.
        v) Residential Zoning – The property must be zoned to allow residential development as a permitted use.
        vi) Right-of-Way – Right-of-way dedication pursuant to the Villa Rica Transportation Master Plan.
        vii) Development Standards – The lot shall meet all current development standards applicable to a residential parcel in the relevant zoning district. h. Parent Parcel – The remaining parent parcel shall be at least twenty (20) acres in size.
    c) Submittal Requirements
        i) Application Materials. The application shall include the following:
            (1) Completed application form
            (2) Copy of the parent tract deed
            (3) Subdivision plat drawing
            (4) Fee
        ii) Subdivision Plat Drawing – The subdivision plat drawing for an exempt subdivision shall include the following:
            (1) North arrow
            (2) Graphical scale
            (3) Parent tract labeled “Remainder”
            (4) Proposed lot with the following:
                (a) Boundary lines and acreage thereof (proposed lot and remainder)

(b) Right-of-way
(c) Building setback lines
(d) Easements
(e) Property address

(5) Legal description
(6) Surveyor's certification
(7) Plat drawings shall be a minimum of 8.5" x 14" in size, and a maximum of 18" x 24" in size.

iii) Exempt Subdivision Requirements – The exempts subdivision application must contain the following information, which may be located on a separate sheet:

(1) Lot boundaries
(2) Dimensions
(3) Easements
(4) Building setback lines
(5) Street on which the proposed parcel has access/frontage
(6) Location of residence and all accessory structures
(7) Location of driveway

d) Review and Approval

i) Review of an exempt subdivision application shall be completed within fourteen (14) calendar days of the submission of a complete application.
ii) Review shall be carried out by Community Development Department staff.
iii) Review shall consist exclusively of determining if the proposed exempt subdivision complies with the relevant development standards of the Zoning Ordinance and Unified Development Code.
iv) An application fee shall be paid.

e) Limit of One Exempt Subdivision Per Parent Tract – Only one (1) exempt subdivision may be created from a parent tract.

f) Disclaimer - The intent of the exempt subdivision process is to provide a low-cost, administrative means of splitting off an existing, legally established residence from a larger parent tract. The cost of the process is kept low by limiting the subdivision review to conformance with zoning ordinance and subdivision control ordinance development standards only. Conformance with other standards, such as (but not limited to) septic system design, well location regulations, roadside ditch design, and adequate site drainage, are not part of the review. Consequently, approval of an exempt subdivision does not guarantee that the resulting lot is in complete conformance with all Villa Rica development standards.

15) EXPIRATION OF APPROVAL

a) Approval of an exempt subdivision shall be valid for two (2) years from the date of approval unless the In-house Plat Committee or the Planning Commission grants an extension. If not granted before the expiration of two (2) years, the approval shall be null and void.

Sec. 11.08 – ADMINISTRATIVE ADJUSTMENTS

1) AUTHORITY. The Community Development Director, or a designee, shall have authority to issue administrative adjustments, but only in accordance with the provisions of this section.
2) PURPOSE. For purposes of this section, carrying out the strict letter of a provision of this chapter may cause a practical difficulty and an administrative adjustment is permitted to alleviate these practical difficulties.
3) ADMINISTRATIVE ADJUSTMENT STANDARDS. To approve an application for an administrative adjustment, the Community Development Director shall make an affirmative finding that the following standards are met:
   a) The benefits to the applicant of the approval of the administrative adjustment outweigh any detriments to the health, safety and welfare of the neighborhood or community by such approval.
   b) There are no means other than the requested administrative adjustment by which the difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot or parcel.
   c) Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity necessarily burdensome;
   d) The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors;
   e) The plight is due to unique circumstances of property and is not shared by neighboring properties in the same zone; and
   f) The problem is not self-created.
4) EXTENT OF ADJUSTMENTS
   a) The Community Development Director shall have the authority to approve an administrative adjustment for no more than fifteen (15%) percent of the specified mathematical measurement of the Chart of Dimensional Requirements, *Table 7.3: Minimum Parking Space Requirements*, and *Tables 9.01 and 9.02* of the *Villa Rica Sign Ordinance*. Use variances are not permissible under this code section.
5) PROCEDURES.
   a) Application. An application for an administrative adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section.
      i) Applications for Administrative Adjustments should be submitted electronically, saved in .pdf format with a maximum 50 MB file size, to the Department of Community Development. No hard copies are required to be submitted. Fees for the administrative adjustment shall be the same as a Variance application.
      ii) Application Processing. An application shall be considered complete and ready for processing only if it is submitted in the required format, includes all required information and supporting documentation, and is accompanied by the application filing fee. Applications deemed complete by the Community Development Director will be considered to be in the processing cycle and will be reviewed by City Staff. The Director shall make a decision for the application.
   b) Action by Community Development Director. Within forty-five (45) days, the Community Development Director shall review the application and approve, approve with conditions or deny

the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.

c) Approval or Denial.
   i) The decision of the Development Director regarding an administrative variance shall state the reasons for approval or denial and shall be considered the final decision.

d) Limitations on administrative adjustments. An administrative adjustment shall become null and void unless a certificate of zoning compliance and/or building permit is obtained and work is commenced within one year from the date of approval.

e) Appeals.
   i) Appeal of a decision by the Community Development Director on an administrative adjustment shall be taken to the City Council within sixty (60) days of the date of the Community Development Director 's decision.
   ii) An appeal from any final decision of the Community Development Director as to any matter regarding the administrative adjustment may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board or commission of the City.

Sec. 11.09 – SPECIAL EXCEPTION PROCEDURE

1) GENERAL. This section addresses the approval procedure for uses designated as Special Exception Uses (aka. Conditional Uses) in a particular zoning district, according to *Table 4.3: Permitted and Special Exception Land Uses*. Such particular use may be permitted and desirable in certain districts, but not without consideration in each case of the effect of the use upon neighboring land or the effect the neighboring land will have on the use. The determination is made by the City Council.

2) CONTENTS OF APPLICATION FOR SPECIAL EXCEPTION PERMIT. An application for a Special Exception permit shall be filed with the Community Development department by at least one (1) owner or agent of the owner of property for which such Special Exception is proposed. At a minimum, the application shall contain the following information:

   a) Plot or Development Plan. A plot plan, as described in *Subsection 11.12(3),* or a Development Plan prepared in accordance with the procedures set forth in *Section 11.03 – Development Plan Review and Approval* and including such other information as the Council may be required to determine if the proposed Special Exception use meets the intent and requirements of this ordinance.

   b) Letter of Intent. A letter of intent to the Council describing the details of the Special Exception request including but not limited to:
      i) The ways in which the Special Exception shall comply with the applicable Development Standards of this ordinance;
      ii) The ways in which the Special Exception shall be consistent with the intent of the applicable section(s) of the Zoning Ordinance; and
      iii) Any written commitments being made by the petitioner.

c) Such other information as may be required by the City Council.

d) a fee as established by ordinance.

3) PUBLIC NOTICE AND PUBIC HEARING BY THE CITY COUNCIL. Notice of and procedures pertaining to the Public Hearing by the City Council shall be in conformance with the procedures set forth in the City Council Rules of Procedure, as amended.

4) DECISION CRITERIA.

a) The City Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:

i) Is in fact a permitted Special Exception use as listed in each zoning district and appears on *Table 4.3: Permitted and Special Exception Land Uses* of *Chapter IV: Zoning Districts* for the zoning district involved;

ii) Will be harmonious and consistent with the character of the zoning district and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and the Zoning Ordinance;

iii) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

iv) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

v) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

vi) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

vii) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and

viii) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

b) Other Considerations. When considering a Special Exception use request the City Council may examine the following items as they relate to the proposed use:

i) Topography and other natural site features;

ii) Zoning of the site and surrounding properties;

iii) Driveway locations, street access, and vehicular and pedestrian traffic circulation;

iv) Parking (including amount, location, and design);

v) Landscaping, screening, and buffering of adjacent properties;

vi) Open space and other site amenities;

vii) Noise, loading areas, odor, and other characteristics of a business or industrial operation;

viii) Design and placement of any structures;

ix) Placement, design, intensity, height, and shielding of lights;

x) Traffic generation; and

xi) General site layout as it relates to its surroundings.

c) All Special Exception uses shall comply with the development standards applicable to the zoning district in which they are located. In addition, the City Council may, as a condition of approval, identify additional development standards on a case-by-case basis. The Council may use those development standards that apply to districts in which the Special Exception use is a permitted use as a guide for identifying appropriate additional development standards.

d) Expiration of Special Exception Permit. A Special Exception Permit shall be deemed to authorize only one (1) particular Special Exception Use and the Permit shall automatically expire if, for any reason, the use shall cease for more than one (1) year.

Sec. 11.10 – PUBLIC NOTICE PROCEDURE

1) GENERAL. For all public hearings, the notice shall be provided to the public consistent with the requirements of this section and the Rules of Procedure, as amended, of the City Council and the Planning & Zoning Commission. Public notification shall comply with State Law – *O.C.G.A. 36-66-4*.

Sec. 11.11 – ADMINISTRATIVE APPEALS PROCEDURE

1) INTENT. it is the intent of this ordinance that all questions of interpretations and enforcement shall be first presented to the Director.

a) The Council may grant an appeal of any decision, interpretation, or determination made by the Director, other City staff members, or any other administrative official or Board charged with the duty of enforcing and interpreting this ordinance.

b) The decisions of the Council shall be appealed to the courts as provided by Georgia law.

c) It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions or interpretation and enforcement that may arise. The procedure for deciding those questions shall be as stated in this section and this ordinance. Under this ordinance, the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in *Section 11.15 – Fees*.

2) PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

a) Appeals. Appeals to the City Council concerning interpretation or administration of this ordinance may be taken by any person or government entity aggrieved or by any officer or bureau of the legislative authority of the City affected by any decision of the Director. An appeal shall be filed with the Director and with the City Council; such notice of appeal specifying the grounds upon which the appeal is being taken. The Director shall transmit to the Council all the papers constituting the record upon which the action appealed was taken.

   i) The appellant shall submit an administrative appeal application within ten (10) days of the Director's decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:

      (1) Original Submittals. Copies of all materials upon which the decision being appealed was based.

      (2) Written Decisions. Copies of any written decisions that are the subject of the appeal.

      (3) Appeal Basis. A letter describing the reasons for the appeal noting specific sections of this ordinance and other standards applicable in the City of Villa Rica upon which the appeal is based.

b) Stay of Proceedings. An appeal stays all further proceedings of the action appealed, unless the Director from whom the appeal is taken certifies to the Council after the Notice of Appeal is filed with him/her, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the Council or by a court of record on application, on notice to the Director from whom the appeal is taken on due cause shown.

c) Council Review and Action. The Council will then, at a meeting scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the Administrative Appeal application and supporting information.

   i) Representation. The appellant and any representative of the appellant must be present at the meeting to present the appeal.

   ii) Testimony. The Council shall consider a report from the Director and testimony from the applicant at the meeting and/or witnesses.

   iii) Procedures. The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the City Council Rules of Procedure, as amended.

   iv) Possible Action. Action by the Council shall be consistent with the City Council Rules of Procedure, as amended.

d) Decision Criteria. The Council shall only grant an appeal of such an administrative decision based on a determination in writing that the decision of the administrative person or Council was inconsistent with the provisions of this ordinance.

Sec. 11.12 – LAND DISTURBANCE PERMIT

1) LAND DISTURBANCE PERMITS REQUIRED. No building or other structure shall be erected, demolished, moved, added to, or altered, changed, placed, or be established or changed in use, on platted or un-platted lands without a permit issued by the Director. The Land Disturbance Permit shall be issued only in conformity with the provisions of this ordinance, the Comprehensive Plan, Subdivision Control Ordinance, Building Code and any other applicable ordinance unless the Director receives a written order from the Council deciding an appeal, Special Exception, or variance.
   a) Agricultural Structures. All agricultural structures shall require a Land Disturbance Permit but shall be exempt from building code inspections and building inspection fees. Review of exempt agricultural structure Land Disturbance Permits shall require the following:
      i) A signed and recorded affidavit affirming that the applicant is, in fact, building an exempt agricultural structure.
      ii) A plot plan as described in *Subsection 11.12(3)* to ensure that encroachment into designated floodplains, easements, public rights-of-way, or other non-buildable areas does not occur.
      iii) Building plans to ensure compliance with Zoning Ordinance development standards.
      iv) An on-site inspection for compliance with all applicable ordinances.
      v) Issuance of a Certificate of Compliance before occupancy of the structure.

2) APPLICATION FOR LAND DISTURBANCE PERMIT
   a) The Director shall issue a Land Disturbance Permit upon written application when the proposed structure, improvement, or use and its location conform in all respects to the *Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, Storm Drainage, Erosion and Sediment Control Ordinance, Building Code*, and any other applicable ordinances of the City of Villa Rica.
   b) An application for a Land Disturbance Permit can be obtained from the Villa Rica Community Development department. The application shall be signed by the owner or agent attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or completed within two (2) years.
   c) Every application for a Land Disturbance Permit shall be accompanied by one (1) copy of a plot plan, drawn to scale

3) PLOT PLANS. Where applicable, a plot plan shall be signed and sealed by a professional engineer or licensed land surveyor. A plot plan shall show, at a minimum:
   a) Name, address, and phone number of applicant;
   b) The location of the structure, improvement, or use to be altered, demolished, changed, placed, erected, or located;
   c) Legal description of property;

d) Existing and proposed streets and alleys adjoining or within the lot and the manner in which the location is to be improved; and

e) Use of proposed structure;

f) Existing zoning district;

g) Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, and the location and dimensions of the proposed building or alteration and other requirements as established by resolution by the Planning & Zoning Commission;

h) The size of the yards and open spaces;

i) Type of structure, type of structural work, and structural plans in accordance with the requirements of the Villa Rica Building Code ordinance;

j) Building height;

k) Number of off-street parking spaces and loading spaces;

l) Type and source of sewage disposal, and type and source of water supply;

m) Number of dwelling units; and

n) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

o) Submittal of a development plan will be required for certain structures, including the requirements as established by resolution by the Planning & Zoning Commission, certified by a land surveyor or engineer registered in the State of Georgia. A record shall be kept of all applications in the office of Community Development.

4) APPROVAL OF LAND DISTURBANCE PERMIT. Within thirty (30) days after the receipt of an application, the Director shall either approve, approve with modifications, or disapprove the application in conformance with the provisions of this ordinance. an applicant that has submitted a permit application containing any defect shall be notified of the defect. Any application that is not approved within thirty (30) days of the notice shall be disapproved. After, the Director shall have marked the copy either as approved, approved with modifications, or disapproved and attested to same by his signature on the copy. One (1) copy of plans, similarly marked, shall be retained by the Director. the Director shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance. Any decision of the Director concerning the issuance of a Land Disturbance Permit may be appealed to the City Council by any person claiming to be adversely affected by the decision.

5) EXPIRATION OF LAND DISTURBANCE PERMIT. If the work described in any Land Disturbance Permit has not been completed within two (2) years from the date of issuance, the permit shall expire. If the first required inspection has not been approved for the work described in any Land Disturbance Permit within one (1) year from the date of issuance, the permit shall expire. One (1) extension, for either

the start or completion time frame, may be granted by the Director for good cause shown by the applicant. The extension shall not exceed six (6) months in time.

6) RECORD OF LAND DISTURBANCE PERMIT. The Director shall maintain a record of all Land Disturbance Permits.

7) FAILURE TO OBTAIN A LAND DISTURBANCE PERMIT. Failure to obtain a Land Disturbance Permit shall be a violation of this Ordinance and punishable under *Chapter XII: Violations and Enforcement*.

8) CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLAN, PERMIT, AND CERTIFICATE. Land Disturbance Permits and Certificates of Occupancy issued on the basis of plans and applications approved by the Director authorized only the use and arrangement, set forth in the approved plans and applications or amendments, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance, and punishable as provided in *Chapter XII: Violations and Enforcement*.

Sec. 11.13 – CERTIFICATE OF OCCUPANCY AND CERTIFICATE OF COMPLETION

1) CERTIFICATE REQUIREMENTS. No land shall be occupied or used and no structure or building erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any (non-exempt) purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Director stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.
   a) No change shall be made in any building, structure, or part erected, reconstructed, or structurally altered without a Land Disturbance Permit having been issued by the Director.
   b) No permit shall be issued to make a change unless it is in conformance with the provisions of this ordinance.
   c) A Certificate of Occupancy shall be applied for coincidentally with the application for a Land Disturbance Permit and shall be issued within ten (10) days after the lawful erection, reconstruction, or structural alteration of a building or structure shall have been completed.

2) TEMPORARY CERTIFICATE OF OCCUPANCY. A temporary Certificate of Occupancy may be issued by the Director for a period of six (6) months during alterations or partial occupancy of a building or structure pending its completion. The temporary Certificate of Occupancy may be renewed by the Director for a period not to exceed six (6) months for good cause shown by the applicant.

3) RECORD OF CERTIFICATE OF OCCUPANCY. The Director shall maintain a record of all Certificates of Occupancy.

4) FAILURE TO OBTAIN A CERTIFICATE OF OCCUPANCY. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and punishable under *Chapter XII: Violations and Enforcement*.

5) CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLAN, AND CERTIFICATE. Certificates of Occupancy issued on the basis of plans and applications approved by the Director authorized only the use and arrangement set forth in the approved plans and applications or amendments and no other use, arrangement, or construction. use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and punishable as provided in *Chapter XII: Violations and Enforcement*.

6) CERTIFICATE OF COMPLETION. For structures that are not intended to be inhabited, such as pools and similar structures, a Certificate of Completion is required. The procedures and standards for a Certificate of Completion shall be the same as those for a Certificate of Occupancy, set forth in *Subsections 11.13(1) through (5).*

Sec. 11.14 – SIGN PERMIT

1) GENERAL PERMIT PROCEDURES. The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Signage Plans under the Development Plan review as established in *Section 11.03 – Development Plan Review and Approval*.

   a) Applications. All applications for sign permits of any kind and for approval of Signage Plans shall be submitted to the Director on an application form, as part of the Development Plan review process, or in accordance with the application specifications published by the Director.

   b) Fees. Applicable fees for a sign permit, as established by the fee schedule, shall be paid upon issuance of the permit.

   c) Completeness. Within fourteen (14) working days (excluding Saturday, Sunday, and holidays) of receiving an application for a sign permit or for a Signage Plan the Director shall review it for completeness. if the Director finds that it is complete, the application shall then be processed. if the Director finds that it is incomplete, the Director shall, within such five (5) day period, notify the applicant of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the ordinance.

   d) Action. Within fourteen (14) working days (excluding Saturday, Sunday, and holidays) of the submission of a complete application for a sign permit, the Director shall either:

      i) Issue the sign permit if the sign that is the subject of the application conforms in every respect with the requirements of this ordinance; or

      ii) Reject the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this ordinance.

2) PERMITS TO CONSTRUCT OR MODIFY SIGNS. Permanent signs shall be erected, installed, modified or created only in accordance with a duly issued and valid sign construction permit from the Director. Such permits shall be issued only in accordance with the following requirements and procedures:

a) Permit for new Sign or for Sign Modification. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, including the location of right-of-way. One (1) application and permit may include multiple signs on the same property.

b) Inspection. The Director shall cause an inspection of the property for which each permit for a new sign or for modification of an existing sign is issued. If the construction is complete and in full compliance with this ordinance and with the building and electrical codes, the Director shall issue a Certificate of Completion. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Director shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by that date, the Director shall take appropriate action. If the construction is then complete, the Director shall issue a Certificate of Completion.

3) MASTER PLAN. No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan for the lot or parcel on which the sign will be erected has been submitted to the Director and approved by the Director as conforming with this section.

a) Individual Sign Permit and Master Signage Plan. For any lot or parcel on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Community Development department a Master Signage Plan containing the following:

i) An accurate plot plan of the lot or parcel, at such scale as the Director may reasonably require;

ii) Location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;

iii) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lots or parcels included in the plan under this chapter; and

iv) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

v) Dimensions of lot including setbacks from right-of-way.

b) Showing Window Signs on Master Signage Plan. A Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper-affixed, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

c) Limit on Number of Freestanding Signs under Master Signage Plan. The Master Signage Plan, for all lots or parcels with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots or parcels included in the plan have frontage and shall provide for shared or common usage of such signs.

d) Other Provisions of Master Signage Plans. The Master Signage Plan may contain such other restrictions as the owners of the lots or parcels may reasonably determine.

e) Consent. The Master Signage Plan shall be signed by all owners or their authorized agents on such form as the Director shall require.

f) Procedures. A Master Signage Plan shall be included in any Development Plan, planned unit Development Plan, or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

g) Amendments. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms with all requirements of this section then in effect.

h) Existing Signs Not Conforming to Master Signage Plan. Existing nonconforming signs shall be made conforming to current standards if new signage is proposed.

i) Binding Effects. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this section. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, this ordinance shall control.

4) TIME LIMIT OF PERMIT. A sign permit shall expire one (1) year after issuance unless construction has begun.

5) ASSIGNMENT OF SIGN PERMITS. A current and valid sign permit shall be freely transferable to a successor as owner of the property or holder of a business license for the same premises if there are no changes of any kind to the sign.

Sec. 11.15 – SEXUALLY ORIENTED BUSINESS PERMIT

1) GENERAL PROVISIONS

a) A valid sexually oriented business permit issued by the City for the particular type of business shall be obtained prior to the establishment of or operation of a sexually oriented business.

b) An application for a permit must be made on a form provided by the Villa Rica Community Development department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

c) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and the Community Development department.

d) The permittee shall, within thirty (30) days after the issuance of the permit referred to herein, deliver to the Community Development department a list containing the names and addresses of all employees. The permittee shall update the list within thirty (30) days of any change or addition of employees. This list, or update, shall be signed, under oath, by the permittee.

e) If a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant.

f) The fact that a person possesses other types of state, county, or city permits does not exempt him/her from the requirement of obtaining a sexually oriented business permit.

2) ISSUANCE OF PERMIT

a) The Director shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:

i) An applicant is under eighteen (18) years of age.

ii) An applicant or an applicant's spouse is overdue in his payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him in relation to a sexually oriented business.

iii) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

iv) An applicant is residing with a person who has been denied a permit by the City to operate a sexually oriented business within the preceding twelve (12) months, or is residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

v) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the Community Development department as being in compliance with applicable laws and ordinance.

vi) The permit fee required by this ordinance has not been paid.

vii) An applicant of the proposed establishment is in violation of, or is not in compliance with any of the provisions of this ordinance.

b) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

c) Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos

i) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be

required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;

(2) The application shall be sworn to be true and correct by the applicant;

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Director or his/her designee;

(4) It is the duty of the owners and operators of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;

(6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filled pursuant to *Subsection (1)* of this section;

(7) No viewing room may be occupied by more than one (1) person at any time;

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level; and

(9) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

d) A person having a duty under *Subsection 11.15(2)(c)(i)(1-9)* above commits a violation if he/she knowingly fails to fulfill that duty.

3) EXEMPTIONS. A modeling class operated in accordance with the requirements below shall be exempt from the issuance of a sexually oriented business permit of *Section 11.15 – Sexually Oriented Business Permit* and shall not constitute a "sexually-oriented business" or an "adult use". The modeling class shall be operated:

a) By a school, licensed by the State of Georgia; a college, junior college, or university supported entirely or partly by taxation;
b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
c) In a structure:
    i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
    ii) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
    iii) Where no more than one (1) nude model is on the premises at any one time.

4) INSPECTION.
    a) An applicant or permittee shall permit representatives of the City police department, and any local fire department, Villa Rica Community Development department, or other City departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.
    b) A person who operates a sexually oriented business or his agent or employee commits a violation of this ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
5) EXPIRATION OF PERMIT
    a) Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in *Subsection 11.15(2)*. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.
    b) When the Director denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial. if, subsequent to denial, the Director finds that the basis for denial of a renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the denial became final.
6) SUSPENSION. the Director shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee has:
    a) Violated or is not in compliance with any section of this ordinance;
    b) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
    c) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; and
    d) Knowingly permitted gambling by any person on the sexually oriented business premises.
7) REVOCATION
    a) The Director shall revoke a permit if a cause of suspension in *Subsection 11.54(6)* occurs and the permit has been suspended with the preceding twelve (12) months.
    b) The Director shall revoke a permit if he/she determines that:

i) A permittee gave false or misleading information in the material submitted to the Community Development department during the application process;
ii) A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
iii) A permittee or an employee has knowingly allowed prostitution on the premises;
iv) A permittee or an employee has knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
v) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises; or
vi) A permittee is delinquent in payment to the City, County, or State for any taxes or fees past due.

c) When the Director revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective. If, subsequent to revocation, the Director finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

8) TRANSFER PERMIT. A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit any place other than the address designated in the application.

9) VIOLATIONS; SEXUALLY ORIENTED BUSINESS INJUNCTION. A person who owns real estate upon which a sexually oriented business is located, operates, or causes to be operated a sexually oriented business without a valid permit or in violation of *Section 11.15 – Sexually Oriented Business Permit* is subject to a suit for injunction as well as prosecution for violations. Such violations shall be punishable by a fine of two-thousand five-hundred dollars ($2,500.00) per violation. Each day that a violation exists shall constitute a separate offense. Suit may be commenced by the Villa Rica City Attorney or the Prosecuting Attorney of the 5th Circuit Superior Court District of Georgia.

Sec. 11.16 – FEES

1) ESTABLISHMENT OF FEES

a) The fees for all applicant costs incurred in this ordinance shall be established by the Villa Rica City Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this ordinance, unless and until a filing fee is paid to the City and the application is deemed complete by the City.

b) The applicant shall be responsible for unforeseen expenses incurred by the City in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, prepared reports, inspections, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

c) Failure to pay the above costs within thirty (30) days of invoice shall stop all processing and review of the site development Plans or shall cause suspension of all development activities on the site.

2) SCHEDULE OF FEES

a) The City of Villa Rica shall establish a schedule of fees for Land Disturbance Permits, amendments, appeals, variances, Special Exception use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. Such expenses may include items such as the cost of using professional services to review plans or applications.

b) The schedule of fees shall be posted in the office of the Community Development department.

c) Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. Upon the finding of a zoning ordinance violation by a court of competent jurisdiction, the Court may award the City a reasonable attorney fee for the prosecution of said action.

d) All application and filing fees are nonrefundable regardless of the outcome of the application. This can be waived by the Director.

Sec. 11.17 – SPECIAL EVENT REVIEW PROCESS

1) PURPOSE. The purpose of this chapter is to identify a procedure for the review and approval of Special events.
2) APPLICABILITY. See *Section 8.03(4) – Special Events*
3) BY RIGHT PERMISSION. All activities with no components exceeding the 'By right Permission' line of *Table 8.01* are permitted to hold the event without any additional review.
4) APPLICATION REQUIREMENTS. a complete submittal will include the following items:
   a) One (1) application Form
      i) This application form, when completed will contain general information including primary contact information, the name and location of the event, identification of all the property owners and event operators, the parcel number(s), existing zoning district, and must be signed by the property owner(s) or include written authorization for an agent.
   b) One (1) letter of intent. This letter shall describe, in sufficient detail, the proposed event and all activities associated with the event.
   c) One (1) Plan which shall contain:
      i) The location of all existing buildings and features
      ii) The location of all proposed buildings and features
      iii) Existing streets and alleys adjoining or within the lot
      iv) The distance between activities and property lines
      v) The number and location of off-street parking and loading spaces
      vi) The type and source of sewage disposal, and type and source of water supply
      vii) Such matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance

viii) The size, type, and location of all temporary signage

d) Application Fee. the Special event application must be accompanied by the payment of a fee as established by *Section 11.15 – Fees*. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.

5) SPECIAL EVENT REVIEW PROCEDURE.

a) Special event administrative review. An event with at least one (1) component meeting the 'administrative review' line of *Table 8.1*, must submit an application as described in *Subsection 4)* above, in addition to an application fee as required by the City of Villa Rica Fee ordinance:

i) The Planning Staff will approve or deny the request, or determine that Planning & Zoning Commission review is necessary.

(1) All decisions in this chapter are subject to the appeals process in *Section 11.11 – Administrative Appeals Procedure.*

b) Special Event Planning & Zoning Commission Review: an event with at least one (1) component meeting the 'Planning & Zoning Commission' line of *Table 8.1*, must submit an application as described in *Subsection* 4) above, in addition to an application fee as required by the City of Villa Rica Fee ordinance:

i) Planning & Zoning Commission Review. The Planning & Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use as the proposed location:

(1) Will not be a lasting negative on the community at the conclusion of the event;

(2) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

(3) Will not create excessive additional requirements at a public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

(4) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

(5) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

(6) Will not result in the destruction, loss, or damage or a natural, scenic, or historic feature of major importance; and

(7) Will be temporary and not be an alternative to a more stringent approval.

ii) In the event that the Planning & Zoning Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Planning & Zoning Commission staff to conduct additional studies or seek expert advice.

iii) A Public hearing shall be conducted in accordance with the Planning & Zoning Commission Rules of Procedure as amended.

(1) Action by the Planning & Zoning Commission shall comply with the Planning & Zoning Commission Rules of Procedure, as amended. The Planning & Zoning Commission shall approve, approve with modifications, deny, or continue the Special event request application.

(2) The Planning & Zoning Commission may impose conditions on the approval of a Special Event request if the conditions are necessary to satisfy the requirements and intent of this ordinance. Accepted conditions shall become part of the record of approval.

6) RECORD OF APPROVAL. The Director shall maintain a record of all administrative and Planning & Zoning Commission approvals.

7) FAILURE TO OBTAIN AN APPROVAL. Failure to obtain an approval shall be a violation of this ordinance and punishable under *Chapter XII: Violations and Enforcement*.

8) EVENT TO BE AS PROVIDED IN APPLICATION, PLAN, AND PERMIT. Special event permits issued on the basis of plans and applications approved by the Planning & Zoning Commission authorize only the activity and arrangement set forth in the approval, and no other arrangement or activity. Activity or arrangement contrary to that authorized shall be deemed a violation of this ordinance, and punishable as provided in *Chapter XII: Violations and Enforcement*.

Sec. 11.18 – FOOD TRUCKS AND MOBILE FOOD VENDORS

1) GUIDELINES

a) Mobile food vendors (a mobile food dispensing vehicle that sells prepared food products) and mobile units that sell agricultural produce may be permitted, subject to the approval of a mobile food vendor permit by the Mayor and City Council and the presentation of written permission from the property owner on whose property the mobile food vendor is to be located. All mobile food vending businesses shall be subject to the following criteria:

i) A mobile food vending business shall be treated and permitted as a Peddler and subject to the regulations thereof.

ii) All mobile food units shall be self-contained.

iii) All required Georgia Department of Public Health permits must be obtained and copies provided.

iv) No mobile food vendor shall be allowed to operate in excess of four consecutive days in any one location, unless they have the Mayor or City Council's written approval to operate at one location for an extended period of time related to a special event lasting more than four days. During days of non-operation, the mobile food vendor and all associated vehicles, etc. must be removed from the premises.

v) Only one mobile food unit shall be permitted on a site smaller than a quarter (¼) acre. A maximum of five mobile food units shall be permitted within a "mobile food unit park" – a.k.a. "food truck court" site larger than quarter (¼) acre but smaller than a ½ acre, unless approved otherwise in writing by the Mayor and City Council for a special event, community event or festival.

vi) Mobile food vendors shall only be located and operated in areas or districts zoned non-residential unless they are temporarily operated for specific events held at an institution (i.e. church, school, etc.) that is located on a parcel zoned for residential.

vii) No more than one mobile food vendor shall operate on the same site per day unless they have the Mayor and City Council's written approval related to a special event or the site is permitted as a "mobile food unit park" – a.k.a. "food truck court."

viii) Signage will be limited to signage located on the mobile food unit. No portable signage is allowed, with the exception of a sandwich board style sign.

ix) Property owners renting space to one or more mobile food units (constituting a "mobile food unit park" – a.k.a. "food truck court") shall be considered lessors and shall be required to pay the same annual business license rate per rental space as required of other landlords.

b) A minimum of four parking spaces per site shall be required for the use of the mobile vendor patrons. Mobile food vendors may not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless they have written approval of the Mayor or City Council.

c) No mobile vendor shall operate in the following areas:

i) Within ten feet from the right-of-way of any public street or roadway.

ii) Within a required landscape buffer or improvement setback.

iii) Within ten feet of any street intersection or cross walk.

iv) Within ten feet of any driveway or other curb cut access, loading zone or bus stop.

v) In any area within fifteen (15) feet of a building entrance.

vi) On the median strip of a divided roadway.

vii) In front of display windows of a fixed location business.

viii) Within ten feet of a fire hydrant or fire escape.

ix) Within ten feet of any parking space or access ramp designated for persons with disabilities.

d) No vending cart or stand, or any other item related to the operation of a mobile vendor use, shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight on any city sidewalk or other public way.

e) Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind generated from their business. All trash or debris accumulating within twenty-five (25) feet of any vending stand shall be collected by the vendor and deposited in a trash container provided by the vendor. The trash container shall be emptied regularly and marked as being for litter.

f) Mobile vendors may not do any of the following:

i) Obstruct pedestrian or motor vehicle traffic flow.

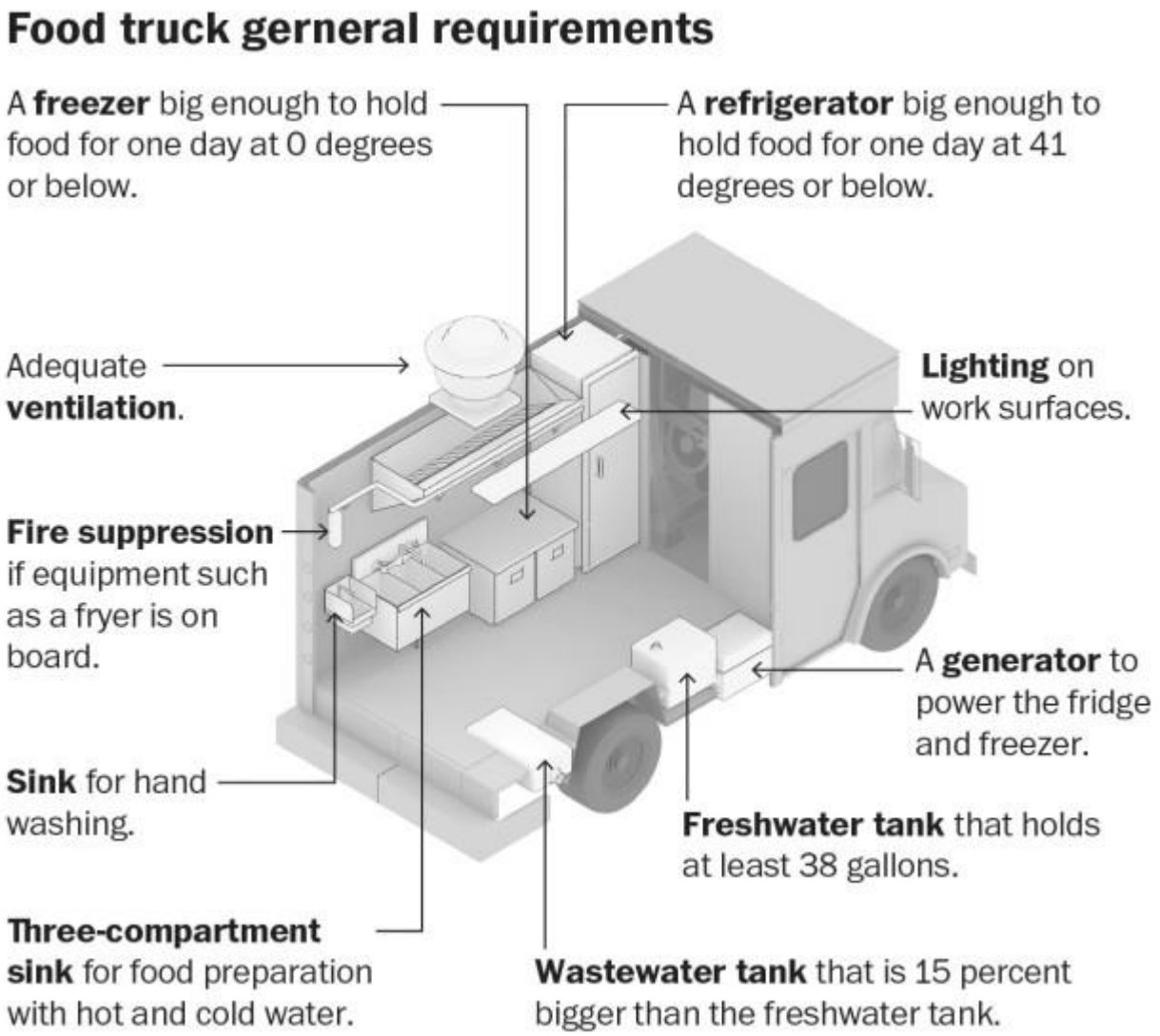
ii) Obstruct traffic signals or regulatory signs.

iii) Obstruct adequate access to emergency and sanitation vehicles.

iv) Interfere with access to abutting properties.

v) Sound any device that produces a loud noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.

2) PENALTIES
   a) Any person violating any provision of this article may be issued a citation by the Villa Rica Police Department or summons and shall be required to appear in the Villa Rica Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Villa Rica Municipal Court.
3) EXCEPTIONS
   a) The Mayor and City Council may provide written approval, related to a special event, of the following exceptions: duration, location, and hours of operation.



CHAPTER XII: VIOLATIONS AND ENFORCEMENT

Sec. 12.01 – ENFORCEMENT

1) It shall be the duty of the Community Development Director, or his/her designee, to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State of Georgia and in the Zoning Ordinance of City of Villa Rica.

Sec. 12.02 – ZONING VIOLATIONS

1) DESCRIPTION OF A VIOLATION

   a) Whoever violates any of the provisions below shall be guilty of an ordinance violation. Each day during which a set of facts exists that constitutes a violation or offense, it shall constitute a separate offense.

      i) Failure to comply with any rightful order issued pursuant to the regulations of this Ordinance.

      ii) Failure to obtain the necessary Land Disturbance Permit, or failure to obtain the necessary Certificate of Occupancy or any other necessary permit as established in this Ordinance.

      iii) Failure to comply with the provisions or regulations of this Ordinance in the construction, reconstruction, erection, location, alteration, occupancy, or use of a building, structure or any part thereof, or the use of any land.

      iv) Permitting another person to use a building, structure, or land owned by him, who fails to comply with any of the foregoing.

      v) Failure to comply with a representation made in the application for a zoning certificate or an occupancy certificate or any other permit.

      vi) Failure to comply with zoning requirements.

      vii) Failure to meet any obligation or requirement of this Ordinance.

   b) Whoever knowingly makes a false statement, or knowingly swears or affirms the truth of a false statement previously made when any of the conditions set forth in the provisions below apply, shall be guilty of an ordinance violation for each separate offense. Where contradictory statements relating to the same fact are made by the offender within the applicable period of the statute of limitations, it is not necessary to show which statement was false, but only that any of them were false, to constitute a violation of this Ordinance.

      i) The statement is made for the purpose of misleading any member of the Planning & Zoning Commission, City Council, Council of Commissioners or any City Official into performing any duty or making any determination required under this Ordinance.

      ii) The statement is made with purpose to secure the issuance of any permit or certificate.

      iii) The statement has been sworn or affirmed before a notary public or other person empowered to administer oaths.

iv) The statement is in writing or in connection with a report, application, or study that is required or authorized.

c) No person shall fail or refuse to comply with an order issued by the Community Development Director, or his/her designee. Furthermore, no person shall construct, modify, alter, use or occupy any structure or property in violation of the City of Villa Rica Zoning Ordinance.

2) COMPLAINT REGARDING VIOLATION. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may register a complaint. The complaint stating fully the causes and basis of the complaint shall be filed with the Community Development Director. The Director, or his/her designee, shall properly record the complaint, investigate, and take action on the complaint as provided by this Ordinance.

3) NOTICE OF VIOLATION. The notice of any violation of this Zoning Ordinance shall be as follows:

a) Whenever the Director, or his/her designee, determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:

i) Be in writing;

ii) Identify the violation;

iii) Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Ordinance being violated; and

iv) State the time by which the violation shall be corrected.

b) Service of notice of the violation shall be as follows:

i) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; or

ii) By certified mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the first class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; or

iii) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

4) ACTION AGAINST A VIOLATION. For any building or structure that is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land that is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the City Council, the City of Villa Rica Planning & Zoning Commission, the Community Development Director, or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use which may include the holding of building permits, Certificates of Occupancy, or other permits; to restrain, correct or abate such violation to prevent the occupancy of the said building, structure or land or to prevent any illegal act, conduct, business or use in or about, such premises.

5) VIOLATION OF WRITTEN COMMITMENTS. Written commitments may be enforced jointly or severally by:

   a) The City of Villa Rica Planning & Zoning Commission or City Council;

   b) Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval; and,

   c) Any party the owner designates on the Development Commitment Recording Form at the time of recording.

Sec. 12.03 – CONSTRUCTION PROCESS VIOLATIONS

1) STOP WORK ORDERS. The Community Development Director or Chief Building Official may place a Stop-Work Order on any land/property improvement process.

   a) Procedure. Stop-Work Orders shall be issued by written letter that shall state the nature of the violation and that the work and/or any other illegal activity must stop immediately until the matter is resolved. If the property is occupied by someone other than the property owner, a copy of said Stop-Work Order shall be provided to said occupant(s). This letter shall be posted in a conspicuous place and be delivered/ mailed to the property owner.

   b) Reasons. Reasons for a Stop-Work Order include, but are not limited to:

      i) Not complying with any element of the development standards and/or any regulation of this Ordinance.

      ii) Not obtaining a Land Disturbance Permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this Ordinance.

      iii) Not completing structures or other improvements consistent with any approved Land Disturbance Permit, variance, Special Exception, or other approval.

      iv) Not meeting the conditions or commitments of a Special Exception, variance, rezoning, or other approval whether recorded or not.

      v) Not meeting the conditions of a Site Development Plan, Planned Unit Development Detailed Plan, or any written commitment associated therewith.

      vi) Illegal use or illegal expansion of use of structures, or structures and land in combination.

2) MEMORANDUM OF AGREEMENT. The Director must meet with the person(s) served the Stop-Work Order notice within seven (7) days of any such meeting being requested. A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This Memorandum of Agreement must be signed by the Director and the property owner responsible for the violation.

3) APPEALS. Any Stop-Work Order issued as a result of the enforcement of this Ordinance, may be appealed to the City Council. This appeal shall follow the provisions established in *Section 11.11 - Administrative Appeals Procedure* of this chapter.

4) Resumption of Construction Activities. The Stop-Work Order shall be lifted and construction activity may resume upon either:
   a) The resolution of the violation(s) to the satisfaction of the Director; or
   b) The execution of all tasks required by the Memorandum of Agreement.

Sec. 12.04 – IMMEDIATE PUBLIC RISK VIOLATIONS

1) GENERAL REQUIREMENTS. Any violation of this Ordinance that presents an immediate risk to the health, safety, or welfare of the public or to property within The City of Villa Rica may be corrected by the Director, or a person, firm, or organization selected by the Director without prior notice to the property owner or other person responsible for the violation.

2) IMMEDIATE PUBLIC RISK VIOLATION DEFINED. Immediate Public Risk violations shall include but not limited to:
   a) Obstructions. Signs, structures, landscaping or other materials placed in an easement, sight visibility triangle, or other non-public right-of-way in violation of this Ordinance;
   b) Distractions. Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
   c) Other Threats. Any other immediate threat to public welfare as determined by any representative of The City of Villa Rica, or by the City Council based upon the advice and recommendation of the Director.

3) NOTICE OF VIOLATION. The Director shall provide notice to the owner of the property, as listed in the records of the County Recorder's Office, upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and by mailing a letter to that property owner.
   a) Notice Contents. The letter and posted notice shall include the following:
      i) A citation of the section(s) of the Ordinance that were violated and the characteristic(s) of the violation that posed an immediate threat to public welfare; and
      ii) The address and phone number of the Director and the name of the person to be contacted by the property owner to discuss the violation.

4) LIABILITY. Neither the Director, The City of Villa Rica, nor any other official or entity involved in the seizure of items in violation of this Zoning Ordinance shall be liable for any damage to the seized materials or the property from which they were taken.

Sec. 12.05 – TRIAL FOR VIOLATIONS

1) PROCEDURE. A person who receives a notice of violation may elect to stand trial for the offence by indicating on the notice of violation his intent to stand trial and returning a copy of the notice of violation to the issuing agency. The returned copy of the notice of violation shall serve as notice of the person's intent to stand trial, and additional monetary fines prescribed in *Section 12.06 – Monetary Fine and Penalties* shall be stayed upon receipt of the notice. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the City Attorney in a court of competent jurisdiction. The matter shall be scheduled for trial, and a Summons and Order to Appear shall be served upon the Defendant.

2) CIVIL REMEDIES. If a person who receives a notice of violation fails to remedy the situation on their own, and fails to give notice of his intention to stand trial as prescribed in this section, The City of Villa Rica, the City Council on behalf of the City or any officer designated by the City Council on behalf of the City may file suit for injunction against any violation of this Zoning Ordinance, or if the violation has caused damages to the City for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Ordinance may file suit for injunction or damages to the fullest extent provided by the law.

3) COURT COST AND FEES. A person adjudged to have committed a civil zoning violation is liable for the court costs and fees. No cost shall be assessed against the enforcement agency in any such action.
   a) Burden. In proceedings before the court for a civil zoning violation, the *Georgia Rules of Trial Procedure, O.C.G.A. 9-11-4*, shall govern. The designated enforcement entity has the burden of proving the civil zoning violation by a preponderance of the evidence.
   b) Relief or Remedy. Seeking a civil penalty as authorized by this section does not preclude the City from seeking alternative relief from the court in the same action, or from seeking injunctive relief or other remedy in a separate action for the enforcement of this Ordinance.
   c) Change of Venue. If the City is successful in an action brought under this section, the respondent shall bear the costs of the action. A change of venue from the County Superior Court may not be granted in such an action.

Sec. 12.06 – MONETARY FINE AND PENALTIES

1) APPLICABILITY. Any person who uses property in violation of the Zoning Ordinance of City of Villa Rica shall be deemed to have committed a civil zoning violation and may receive a notice of violation by the Villa Rica Code Enforcement division.

2) FINE. A separate offense shall be deemed committed each day upon which a violation occurs or continues and may be subject to a fine of two-thousand five-hundred dollars ($2,500.00) per violation.

3) ACCOUNTABILITY. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, realtor, agent, or other person who commits, participates in, assists in,

or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

4) COST OF ATTORNEY, INVESTIGATION, AND OTHER FEES. If the City of Villa Rica is required to utilize the services of an attorney in investigating a possible violation of this Ordinance or in enforcing the provisions of this Ordinance pursuant to this section or any other Section; and such investigation results in a determination that a violation has occurred, or if the City Council or City is successful in its enforcement of the Ordinance by way of suit, appeal or other appropriate proceeding; the respondent, defendant or party investigated for a violation shall pay the City's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this Ordinance, unless such attorney fees or the costs are specifically waived by the Villa Rica City Council.

5) WAIVING FINES. The Community Development Director may, at his/her discretion, waive the assessed fine for timely correction of the violation.

Figure 12.1: Code Compliance Process – City of Villa Rica

CHAPTER XIII – DEFINITIONS

Sec. 13.01 – DEFINITIONS

- A -

ABANDONMENT: The relinquishment of property or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ABUT OR ABUTTING: To physically touch or border upon; or to share a common property line.

ACCESS ROAD: A street designed to provide vehicular access to abutting property and to discourage through traffic.

ACRE: A measure of land area containing forty-three thousand five-hundred and sixty (43,560) square feet.

ACREAGE, GROSS: The total area within a parcel of land.

ADDITION (to an existing structure): Any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height. Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall.

ADJACENT: To be separated by common property lines, lot lines, right of way or an alley.

AGRICULTURAL ROADSIDE STAND: A removable, temporary structure, not permanently affixed to the ground, used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed and stored behind the front building line of the property at the conclusion of the seasonal sales. No roadside stand shall be more than three-hundred (300) square feet in ground area and there shall not be more than one roadside stand on any one premise.

AGRICULTURAL STRUCTURE: A structure located on agriculturally used property and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the agricultural use. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

AGRICULTURAL USE, LOW INTENSITY: Farming, including but not limited to plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (excluding commercial logging and timber harvesting operations); the grazing or raising of livestock (excluding CAFO and CFO operations); Aquaculture; orchards; viticulture (vineyard); Christmas tree farms; and agricultural roadside stands.

AIR POLLUTION: Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of characteristics and duration that are injurious to human, plant, or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

AISLE: The traveled way by which cars enter and depart parking spaces.

ALLEY: A right-of-way, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access for abutting properties.

ALTERATION: Any change, addition, or modification in construction or use of an existing structure or property.

ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, foundations or girders.

AMENITY: A natural or man-made feature that enhances or makes more attractive or satisfying a particular property.

ANIMAL: Any live vertebrate creature, domestic or wild, excluding human beings.

1) Exotic Animal: Any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, and is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
2) Farm Animal: Any domestic species of cattle sheep, swine, goats, llamas, horses, or poultry which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, for improving the quality of food or fiber, or for transportation. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas.
3) Pet Animal: Any animal that has commonly been kept as a pet in family households in the United States, and is cared for and treated in a manner acceptable for pet dogs, cats, guinea pigs, rabbits, hamsters, and birds. This term excludes exotic animals and wild animals.
4) Wild Animal: Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, and wolf.

ANIMAL BOARDING AND STABLES (excluding kennels): Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, fowl, horses, or other similar domesticated animals for profit, but exclusive of animals used for agricultural purposes.

ANIMAL SHELTER: A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and/or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to, or attached to, the exterior of any building.

APPEAL: A request for a review of the Director or Floodplain Administrator's interpretation of any provision of this Ordinance.

APPLICANT: The owner of real estate or an appointed agent of an owner, who makes application to the City of Villa Rica Community Development Department for action by the Villa Rica Planning & Zoning Commission or City Council

APPLICATION: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

APPURTENANCE: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

ARBORIST: An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of trees.

ASSEMBLY FACILITY: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

ASSISTED LIVING FACILITY: A multiple family structure, controlled either by a public body, institutional body, or nonprofit corporation, a majority of whose occupants shall be sixty-five (65) years of age or over, or a multiple family structure where each unit is occupied by at least one person who is fifty-five (55) years of age or over and is retired, and where the rental arrangement includes primarily non-medical services dealing with the instrumental activities of daily living such as dressing, grooming, bathing, etc.

AUCTION FACILITY (excluding livestock): A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

AWNING: Any structure made of cloth, metal, or glass with a frame attached to a building and projecting over a window, sidewalk, or door, when the same is so erected as to permit its being raised or retracted to a position flat against the building when not in use.

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BALCONY: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

BANQUET HALL: An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premise consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

BASEMENT: A story all or partly underground but having at least one-half (½) of its interior height below the average finished grade adjoining ground. A basement shall not be counted as a story for the purpose of height regulations unless it has been subdivided into rooms and used for tenant purpose.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BERM: A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

BLOCK: A unit of property bounded by street rights-of-way, railroad rights-of-way, or waterways.

BOARDING HOUSE: An establishment offering rooms for rent, where meals are regularly served from a single kitchen (not open to the general public) for compensation for three (3) or more persons, but not exceeding twelve (12) persons. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels, or motels.

BREWERY: A manufacturer or producer of malt beverages for wholesale off the premises but does not include a brewpub as that term is defined in this section. Typical brewing production is greater than 15,000 barrels per year.

BREWERY, MICRO: A manufacturer or producer of malt beverages for wholesale off the premises limited to no more than 15,000 barrels per year.

BREWERY, NANO: A manufacturer or producer of malt beverages for wholesale off the premises limited to no more than 2000 barrels per year.

BREWERY, PUB: Brewpub means a restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form.

BUFFER YARD: An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to visibly separate one use from another through the use of trees, shrubs, walls, fences, berms, other related landscaping features. Buffer yards are intended to: help maintain existing trees or natural vegetation; maintain privacy; or to shield / block sound, noise, light, odor, chemicals, or other nuisances. Buffer yards can exist in the same horizontal space as front, side, and rear setbacks provided that the largest setback distance shall be met.

BUILD-TO LINE: A line parallel to the front property line indicating the distance from the front property/right-of-way line at which principal structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

BUILDABLE AREA: The three dimensional portion of a lot remaining after the setback, easement, buffers, maximum height, landscaping, or open space requirements of this Ordinance have been met. Also referred to as “Building Envelope.”

BUILDING: Any structure that is primarily above ground and enclosed, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building.

BUILDING, ACCESSORY: A subordinate building or structure on the same property or on an approved property as the principal building or structure.

BUILDING, ATTACHED: A building that is structurally connected to another building by a foundation, wall, or roof line.

BUILDING CODE: The City Ordinance establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters within the City.

BUILDING, DETACHED: A building having no structural connection with another building.

BUILDING, FRONT LINE OF: The line of the face of the building nearest the front Lot Line.

BUILDING INSPECTOR: That individual designated by the Community Development Director to enforce the provisions of the building code.

BUILDING, PRINCIPAL: The building or structure in which is conducted the principal use of the lot on which it is located. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building. Standards recognized by the Indiana Department of Fire and Building Services shall be used to determine whether a given structure constitutes one (1) or more buildings in cases where ambiguities exist.

BUS OR TRAIN TERMINAL: A centralized and/ or primary community facility for the transient housing or parking of motor driven buses, trains, or similar mass transit modes of transportation, and the loading and unloading of passengers.

BUSINESS, COMMERCIAL SERVICE: Establishments that primarily render services rather than goods. Such services may include, but not be limited to, copy shops, printing services, photo processing, barber and beauty shops, dance/ martial arts/gymnastics studios, salon, nail and tanning.

BUSINESS, RETAIL: Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but need not be limited, to such activities as: supermarkets or stores that sell hardware, apparel, footwear appliances, furniture, department stores, and discount stores. Also includes the maintenance or operation of offices.

BUSINESS, RETAIL, SMALL SCALE: Any retail business that is less than fifteen-thousand (15,000) square feet in floor area. This use may include, but shall not be limited to: antique shop, flower shop, grocery store / supermarket, jewelry store, news dealer / bookstore, office supply store, pharmacy, print shop / copy center, shopping centers ($\geq$ 15,000sf), and video/music store.

BUSINESS, RETAIL, MEDIUM SCALE: Any retail business that is greater than fifteen-thousand ($\leq$15,000) square feet, but less than thirty-five thousand (35,000) square feet in floor area. This use may include, but shall not be limited to: building supply store, department store, home electronics / appliance store, manufactured home sales, and nursery (retail and wholesale).

BUSINESS, RETAIL, LARGE SCALE: Any retail business that is greater than thirty-five thousand (35,000) square feet in floor area. Includes “big box” stores, superstores, and department store bulk sales. This use may include, but shall not be limited to: “big box” stores, superstores, department store bulk sales, or mall/outlet shopping centers.

BUSINESS, WHOLESALE: A business establishment that generally sells commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. The commodities are basically for future resale, for use in the fabrication of a product or for use by a business service.

BUSINESS/FINANCIAL SERVICES OFFICE: Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

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CAMPUS: An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

CANOPY: Any structure, other than an awning, made of cloth or metal with frames attached to a building, projecting over a sidewalk.

CANOPY, GASOLINE ISLAND: Any structure made of metal with frames attached to the ground or a building, that projects over gasoline islands or pumps.

CAR WASH: A building or part of a building containing facilities for washing more than two (2) automobiles within self-service open bays, or using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical device and which may include on the same site the fueling of automobiles when such fueling is ancillary and preliminary to the principal function of washing vehicles.

CARPORT: A covered automobile parking space not completely enclosed by walls or doors.

CEMETERY: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, columbariums, mausoleums, and mortuaries if operated in connection with and within the boundaries of a cemetery.

CERTIFICATE OF COMPLETION: A required certificate for any non-roofed structure, including but not limited to signs and pools, that allows use of the structure after it has been determined that the structure meets all of the requirements of applicable ordinances.

CERTIFICATE OF OCCUPANCY: A required certificate allowing occupancy or use of a building or structure after it has been determined that the building or structure meets all the requirements of applicable City and County codes and ordinances, and state and federal regulations.

CHANGE OF USE: Any use which substantially differs from the previous use of a building or parcel of land.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings/ structures in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of historic or environmentally sensitive features.

COMMON AREA: Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

COMMUNICATIONS SERVICE EXCHANGE: A telecommunications facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

COMPATIBLE: Having harmony and consistency in design, function, and/or appearance.

COMPREHENSIVE PLAN: A plan adopted by the Villa Rica City Council showing the general location and extent of present and proposed physical facilities including residential, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies for the physical development of the City.

CONCEPT PLAN: An illustration of the layout of a proposed planned unit development, required prior to a PUD rezoning consideration, and prior to the filing of a Preliminary Plan for a PUD or a Primary Plat for a subdivision.

CONDITION OF APPROVAL: Stipulations or provisions set forth as a prerequisite for approval of an application.

CONDOMINIUM: Real estate lawfully subject to *O.C.G.A Chapter 3, Article 3*, as amended: Condominiums by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners. Also, a form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

CONSTRUCTION, ACTUAL: Work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent. Actual construction includes the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

CONSTRUCTION, NEW: Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

CONSTRUCTION, START OF: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one-hundred eighty (180) days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

CONSTRUCTION TRAILER: A manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes, and used as a temporary office during construction.

CONSTRUCTION PLANS: Drawings that detail the specific location and design of utilities, streets, and other improvements.

CONVALESCENT CARE/NURSING HOME: A home, licensed by the state, for the aged or chronically or incurably ill persons in which five (5) or more persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

COVENANTS: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the developer, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

CREMATORY: A building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies or large animals and "large animals" means all cattle, horses, sheep, goat, swine or similar species commonly kept as livestock.

CROSSWALK: A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

CURB: A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

CURB CUT: The providing of vehicular ingress and/or egress between property and an abutting public street.

CURB RADIUS: The curved edge of a street, driveway, or other paved area at an intersection with another street, driveway, or other paved area.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

- D -

DAY CARE CENTER (child/adult): As defined by Georgia Law, and for the purposes of this Zoning Ordinance, a non-residential building where at least one (1) child or adult receives care from a provider:

1) While unattended by a parent, legal guardian, or custodian;
2) For regular compensation; and
3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

DAY CARE HOME (child/adult): As defined by Georgia Law, and for the purposes of this Zoning Ordinance, a residential structure in which at least six (6) children or adults (not including those for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least fourteen (14) years of age and does not require child care) at any time receive care from a provider:

1) While unattended by a parent, legal guardian, or custodian;
2) For regular compensation; and
3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

DEALERSHIP OUTDOOR DISPLAY AREA: An area of designated size for the placement of automobiles, recreational vehicles, motorcycles, trucks, trailers and farm implements, new or used for sale outside of the building or structure. This does not include areas to be designated for customer & employee parking or service areas.

DECK: A platform, either freestanding or attached to building that is supported by pillars or posts.

DECIBEL: A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

DENSITY: A unit of measurement that indicates the number of units per acre of land.

1) Gross Density: A number of units per acre of the total land to be developed, including public rights-of-way and dedicated open space.
2) Net Density: A number of units per acre of land when the acreage involved includes only the land devoted to intended uses and common open space, and excluding public rights-of-way and dedicated open space.

DESIGN: A planned arrangement of forms, shapes, massing, colors, and materials intended to serve a useful purpose or be decorative or artistic. The essence of a design resides not in the elements individually, nor in their method of arrangement, but in the total ensemble that awakens some sensation in the observer's mind.

DESIGNATED ENFORCEMENT ENTITY: The board, commission, person, or other entity charged with enforcing a violation of the Zoning Ordinance.

DETACHED STRUCTURE: A building that has no structural connection with the principal structure.

DEVELOPER: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site Development Plan showing the layout of the land and the public improvements involved therein.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to:

1) Construction, reconstruction, or placement of a building or any addition to a building;
2) Installing utilities, erection of walls, construction of roads, or similar projects;
3) Construction of flood control structures such as levees, dikes, dams, or channel improvements;
4) Mining, dredging, filling, grading, excavation, or drilling operations;
5) Construction or reconstruction of bridges or culverts;
6) Storage of materials; or
7) Any other activity that might change the direction, height, or velocity of flood or surface waters.
8) Development does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

DEVELOPMENT PLAN: Also referred to as Site Development Plan or Site Plan. A detailed, dimensioned plan that illustrates the proposed development or alterations of a site, which would normally include architectural, engineering, landscape architectural, lighting and signage plans, prepared in accordance with the rules and regulations of the City of Villa Rica, and submitted to the Planning & Zoning Commission or other designated body or authority for review and approval.

DEVELOPMENT PLAN REVIEW: A process through which adaptive reuse, new development, and structural/site expansions of more than thirty (30%) percent for all multifamily, commercial or industrial

development, and major residential subdivisions must proceed according to the provisions of this Zoning Ordinance.

DEVELOPMENT STANDARDS: Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings/structures and property.

DISTANCE BETWEEN STRUCTURES ON SAME LOT, MINIMUM: This distance, measured between the points of shortest distance on the exterior facades of two (2) structures, shall determine the minimum separation of multiple structures within one (1) developed lot.

DISTRICT: An area with common social, physical, economic, or land use characteristics.

DRIVE-IN FACILITY: Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure intended for motor vehicle access.

DRIVEWAY, COMMON: An access shared by adjacent property owners.

DWELLING: Any building, or portion of a building, which is designed or used primarily for residential purposes, including single-family, two-family and multifamily; but not including hotels, motels, boarding houses, lodging houses and tourist housing. Any building or part of a building containing living, sleeping and housekeeping accommodations, and sanitary facilities for occupancy by one (1) or more families.

DWELLING, ACCESSORY APARTMENT: A dwelling unit designed for and occupied by one (1) family or single unit of housekeeping, and secondary to a principal use of the property, for use as a complete, independent living facility with provision in the accessory apartment for cooking, eating, sanitation, and sleeping. Accessory apartments shall be clearly subordinate to the principal use in both size and location.

DWELLING, APARTMENT: A dwelling unit in a structure arranged, intended, designed, or occupied on a rental basis for the housing of a single-family, an individual, group of individuals, or other single housekeeping unit.

DWELLING, MANUFACTURED HOME/MOBILE HOME: As defined in *42 USC 5402*, and for the purposes of this Ordinance, a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle.

DWELLING, MULTI-FAMILY: A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. Individual kitchen/ dining and restroom/bathing facilities shall be provided in each separate dwelling unit. Multifamily housing may

include public housing and industrialized units. The number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE FAMILY, ATTACHED: Single-family units, not more than three (3) in any one (1) building, which are physically attached, one to another, by a combination of common or adjoining vertical walls or floors which have individual heating and plumbing systems. Includes two-family dwellings.

DWELLING, SINGLE FAMILY: A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. This definition includes Manufactured Homes that are approved under *2010 Georgia Code Title 8 –Chapter2: Buildings and Hosing*.

DWELLING SITE: A site within a manufactured home park with required improvements and utilities that is leased for the long term placement of manufactured homes.

DWELLING, TWO-FAMILY: A building consisting of two (2) dwelling units which may be either attached side by side, or one above the other; and each unit having a separate or combined entrance or entrances from the outside of the building.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including sleeping, cooking, and sanitary facilities. The term shall include manufactured homes but shall not include recreational vehicles.

- E -

E.I.F.S.: Acronym for Exterior Insulation Finishing System, a construction siding material.

EASEMENT: Authorization by a property owner for the use of a designated part of the subject property by specific persons, the general public, corporations, utilities, or others, for a specified purpose, of any.

EGRESS: An exit.

ELECTRONIC VARIABLE MESSAGE SIGNS (EVMS): A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

ELEVATION: A flat scale drawing of the front, rear, or side of a building.

ENLARGEMENT: An increase in size of an existing structure or use.

ESSENTIAL SERVICES, MAJOR: Services of a regional nature that normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities, and stations or substations, community waste water treatment plants, and similar facilities. Included in this use type are also electric, gas, and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the state and all overhead service, distribution and transmission lines.

ESSENTIAL SERVICES, MINOR: Services that are necessary to support development within the immediate vicinity and that involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are wireless telecommunication antennas attached to an existing building or structure, including but not

limited to utility poles, signs, broadcasting or communication facilities, and water towers, and that do not increase the height of such building or structure by ten (10) feet.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. Shall also include the conditions resulting therefrom.

- F -

FACADE: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building elevation.

FAMILY: Defined as:

1) one (1) or more persons related by blood, marriage, adoption or other duly-authorized custodial arrangement; or
2) not more than four (4) unrelated persons living together in a dwelling sharing common sleeping, cooking, living, and eating facilities; or
3) residents of a Group Home (see "Group Home") licensed by the State of Indiana.
4) A family does not include any society, club, fraternity, sorority, group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club.

FAMILY DAY CARE HOME: Family child care is 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 who is providing care, and the provider's hours of operation may not exceed eighteen (18) hours in a 24-hour period.

FARMER'S MARKET: The seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FENCE, BARBED-WIRE/RAZOR-WIRE: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. Shall also include the conditions resulting therefrom. Also the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

FINANCIAL GUARANTEE: Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the secondary plat, including but not limited to, performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission.

FINANCIAL INSTITUTION: Any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automatic teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.

FIXTURE, LIGHT: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements that provide light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLAT ROOF: The silhouette formed by a roof line. While the name infers a roof with no pitch, the actual roof structure is required to have a slope for drainage purposes. The roof line can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.

FLEA MARKET: An occasional or periodic sales activity held, for profit, within a building, structure, or open area where groups of individual sellers offer goods new and used, for sale to the public, (not to include private garage sales) in rental spaces for a fee. Flea market shall not include informal garage or yard sales.

FLEX SPACE: A building, usually prefabricated, that provides the appearance of a "store front" with a designated use and generally includes an additional use located within the back of a building. Typically, these buildings are designed to be multifunctional containing office or retail space in the front of the building along the "storefront" while other uses including office, retail, warehousing or light manufacturing are located in the rear of the building, hidden by the "store front" use.

FLOOR AREA, FINISHED: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a principal structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings. The gross floor area shall not include interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six (6) feet.

FLOOR AREA, GROUND: The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

FLOOR AREA, NET: The total of all floor area of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO: The total floor area of all stories of all buildings or structures on a lot, divided by the total land area of such lot.

FOUNDATION: The supporting member of a wall or structure.

FOUNDATION, PERMANENT: A structural system, constructed of masonry or poured concrete, for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

FRONTAGE OR BLOCK FRONTAGE: All property on both sides of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting both sides between an intersecting street and the dead end of the street. Also known as Street Frontage.

FRONTAGE ROAD: A road which parallels a major arterial or collector street, providing access from abutting property and separated from the thoroughfare by a common dividing strip.

FULL CUTOFF: A light fixture which prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

FULLY SHIELDED: A fixture constructed, installed, and/or mounted so that a line of sight to the bulb is obstructed by an opaque material when viewed at ground level or above from all adjoining residential and public right-of-way property lines and from twenty (20) feet inside all other adjoining property lines.

- G -

GARAGE, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers or boats of the occupants of the premises. (Not a repair facility.)

GARAGE, PUBLIC: A principal building or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and, in which, no vehicle sales or service shall be provided for remuneration.

GARAGE/YARD SALE: The sale or offering for sale to the general public six (6) or more items of personal property on any portion of a lot in a residential zoning district, either within or outside or a structure.

GLARE: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

GRADE: The surface of the ground adjacent to the exterior walls of a building.

GRADING: Any stripping, cutting, filling, stockpiling or any combination thereof; also the land in its cut or filled condition.

GRADING PLAN: The drawing and supporting documents that describe the process and result of the excavating, filling, or leveling of a property by mechanical or other artificial methods.

GRANDFATHERED: A description of the status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this Ordinance.

GREEN SPACE AREA: That portion of the front yard of a lot that is immediately adjacent and parallel to the street right-of-way of the Ronald Reagan Parkway and all other Roads within the identified boundaries.

GREENHOUSE, COMMERCIAL: A greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale either on or offsite.

GROUP HOME: A residential care facility licensed by the State of Georgia which provides room and board, and personal care and supervision for not more than ten (10) aged, developmentally disabled or mentally ill persons, none of whom has a history of violent or anti-social behavior, who are able to be integrated into a family-type setting.

- H -

HARDSHIP (as related to variances of this ordinance): The exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HAZARDOUS WASTE: Any refuse, solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS MATERIAL: Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

HEALTH CARE FACILITY, MEDICAL OR EMERGENCY: A facility or institution, whether public or private, used for the care, diagnosis and treatment of sick, ailing, infirm and/or injured persons and those who are in need of medical or minor surgical attention, but who are not provided with board or room, nor kept overnight on the premises.

HEALTH SPA: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

HEDGE: A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

HEIGHT: Defined as:

1) Structure or Building Height: In all instances, the height of a structure shall be measured from the average elevation of the proposed finished grade to the highest point of the structure. Exemptions are listed in *Section 7.07 – Height Standards*.

2) Building Maximum: The maximum allowable vertical distance of a building or structure. Certain height exceptions are permitted according to the provisions of *Section 7.07 – Height Standards*.

HOME BASED-BUSINESS: A business based in the dwelling and/or accessory structures of its owner or operator which results in limited business practices within certain single family residential districts, the scope and character of which is defined by the requirements of the Home Business standards of this Ordinance.

HOME OCCUPATION: A business based in the dwelling of its owner or operator which results in minimal business practices within residential zoning districts, the scope and character of which is defined by the requirements of the Home Occupation standards of this Ordinance.

HOME OWNERS ASSOCIATION: An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

HORIZONTAL FOOTCANDLES: The amount of light striking a horizontal plane or surface.

HOSPITAL: Any building or other structure containing beds for at least four (4) patients and devoted to medical diagnosis, treatment or other care of human ailments. Any institution, licensed by the State Department of Health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, central service facilities, staff offices, or training facilities. Such institution must be operated by, or treatment given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like. Hospital does not include nursing homes, retirement facilities, shelters, or boarding houses.

HOTEL OR MOTEL: A facility offering transient lodging accommodations on a daily rate to the general public and potentially providing additional accessory services such as restaurants, meeting rooms and recreational facilities.

HOUSE-SIDE (SHIELD): Lighting industry term for an internal or external shield installed on a light fixture designed to limit light spill and glare to off-property locations.

- I -

ILLUMINATION, EXTERNAL: Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

IMPERVIOUS SURFACE: Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to: building roofs, parking and driveway areas, sidewalks and paved recreation areas.

IMPROVEMENT: Any man-made building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other immovable item that becomes part of, placed upon or is affixed to real estate.

INCIDENTAL: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space.

INFILL DEVELOPMENT: The development of new housing or other principally permitted buildings on scattered development sites in a developed or built-up area.

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

INGRESS: Access or entry point.

INSPECTORS: Employees of the Planning & Zoning Commission authorized by the Director to enter, examine, and survey all lands within the City to accomplish the enforcement of this Ordinance and any other land use regulations of the City.

INTEGRATED CENTER: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

- J -

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or automobile parts, iron, steel, and other old scrap ferrous or nonferrous material.

JUNK YARD: As defined by *O.C.G.A. 43-43-1*, as amended; An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.

JURISDICTION: Any area over which a unit of government exercises power and authority.

- K -

KENNEL, PRIVATE: Any building or land designated or arranged for the care of more than a combined total of eight (8) dogs and/or cats, and limited further to a maximum of four (4) dogs and a maximum of four (4) cats, six (6) months of age or older, belonging to the owner of the principal use, kept for the purposes of personal enjoyment as pets, all of which have been sterilized (spayed or neutered) or more than a combined total of three (3) dogs and/or cats, six (6) months of age or older, belonging to the owner of the principal use, kept for the purposes of personal enjoyment as pets, that have not been sterilized.

KENNEL, COMMERCIAL: An establishment licensed to operate a facility housing domestic animals such as, but not limited to, dogs or cats, and where activities including, but not limited to, grooming, breeding, boarding, training or selling of animals are conducted as a business.

- L -

LAND DISTURBANCE PERMIT: A permit stating that the proposed erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolishing, or moving of a building or structure; alteration of the condition of the land; or change in the use or occupancy of a property complies with the provisions of this Ordinance.

LANDSCAPING: The improvement of a lot with grass, shrubs, trees, and other vegetation and/ or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

LANDSCAPING, DEFECTIVE: Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

LDN CONTOUR: A line linking together a series of points of equal cumulative noise exposure bases on the LDN metric.

LIGHT INDUSTRIAL PROCESSING AND DISTRIBUTION: Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

LIVING AREA: The sum of the livable horizontal areas of a building measured from the interior faces of the exterior walls, exclusive of unfinished basements, unfinished attics and attached garages.

LIVING AREA, GROUND FLOOR MINIMUM: The sum or average, where designated, of the livable horizontal areas on the ground level of a residential building measured from the interior faces of the exterior walls, exclusive of attached garages and communal facilities such as multifamily laundry facilities or common rooms. The minimum for a specific residential structure shall be dependent on the number of stories within the residential structure.

LIVING AREA, TOTAL MINIMUM: The sum of the livable horizontal areas on all levels of a residential dwelling unit measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. Each residential dwelling unit shall have separate and individual kitchen and bathroom facilities.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. Off-street loading spaces shall be located totally outside of any street or alley right-of-way. An off street space, located on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise, materials or goods.

LOCATION MAP: A drawing which shows the relationship of the proposed subdivision, Development Plan or use to other nearby developments or landmarks and community facilities and services in order to better locate and orient the area in question. Such map shall show the closest cross streets in all directions.

LOT: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and buildable area, and to provide such yards, setbacks, and other open spaces as required by this Ordinance. Such lot shall have frontage on an improved public street, or on a private street which meets City standards.

A lot may be a single parcel separately described in a deed which is recorded in the Office of the County Recorder; or a lot may be a single parcel separately described in a survey which is recorded in the Office of the County Recorder; or a lot may include a parcel contained in a plat or subdivision of land which is recorded in the Office of the County Recorder; or a lot may include parts of, or a combination of, such parcels which are adjacent to one another and used as one. Each lot shall be limited to one (1) principal building and one (1) principal use and its accessory buildings.

LOT AREA: The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

LOT, BUILDABLE: Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this Ordinance.

LOT, CORNER: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one-hundred thirty-five (135) degrees.

LOT COVERAGE: The ratio of either enclosed ground floor area of all buildings; or the lot area that is covered, occupied or enclosed by buildings structures, parking areas, driveways, walkways, and other paved or impervious surface on a lot, to the horizontally projected area of the lot, expressed as a percentage.

LOT COVERAGE (all impervious surfaces), MAXIMUM: The maximum amount of ground floor area occupied by buildings, structures, parking lots, or other impervious surfaces on a lot expressed as a percentage of the horizontally projected area of the lot.

LOT COVERAGE (structures and buildings), MAXIMUM: The maximum amount of enclosed ground floor area of all buildings on a lot expressed as a percentage of the horizontally projected area representing the bulk and mass on the lot.

LOT DEPTH: The mean horizontal distance measured from the Front Lot Line to the Rear Lot Line, measured in the general direction of the Side Lot Line.

LOT, DEVELOPED: A lot upon which improvements have been made or is otherwise being used for human purposes.

LOT, FLAG: A lot not meeting the minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

LOT FRONTAGE: The frontage of a lot shall be construed to be the portion adjacent to street right-of-way. For the purpose of determining setback and other lot requirements on corner lots and through lots, all sides of a lot adjacent to street right-of-way shall be considered frontage.

LOT FRONTAGE, MINIMUM: The minimum length for each lot frontage, which shall be measured between side lot lines at the street right-of-way or private street easement.

LOT, INTERIOR: Any lot which is not a corner lot or through lot.

LOT, IRREGULAR: A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

LOT LINE: The property lines defining the legal boundary of a lot.

LOT LINE, FRONT: The line separating a lot from the adjacent street right-of-way on which the lot fronts. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

LOT LINE, REAR: The Lot Line opposite and most distant from the Front Lot Line. In the case of an irregular or triangular-shaped lot, and for the purposes of determining any setback measured from the rear lot line, the rear lot line shall be an imaginary line at least ten (10) feet in length within the lot, parallel to and at the maximum distance from the Front Lot Line.

LOT LINE, SIDE: Any Lot Line other than a Front Lot Line or Rear Lot Line.

LOT, MINIMUM AREA OF: The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district, and which does not include any street right-of-way.

LOT, NONCONFORMING: see “Nonconforming Use, Lot, Structure (Legal)” and “Nonconforming Use, Lot, Structure (Illegal)”

LOT OF RECORD: A lot which is part of a subdivision recorded in the Office of the County Recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded; or a parcel of land, the deed to which has been recorded in the Office of the County Recorder prior to the date of passage of this Ordinance.

LOT, REVERSED FRONTAGE: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT SIZE, MINIMUM: The smallest area established by this Ordinance on which a use, structure or building may be located in a particular district and which does not include any street right-of-way.

LOT, THOUGH: A lot other than a corner lot having frontage on two (2) or more non-intersecting streets. Also referred to as Double Frontage Lot.

LOT, UNDEVELOPED: A lot of record upon which no improvements exist.

LOT WIDTH: The horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.

LOT WIDTH, MINIMUM: This refers to the minimum width a lot must have in order to be considered developable by this Ordinance.

LUMINAIRE: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

- M -

MAINTENANCE GUARANTEE: Any security which may be required and accepted by Villa Rica City Council to assure that necessary improvements will function as required for a specific period of time.

MANEUVERING AISLE: A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

MANEUVERING SPACE: An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into said parking space; but is not used for the parking or storage of motor vehicles.

MANUFACTURED HOME PARK: A parcel or contiguous parcels of land containing two (2) or more dwelling sites, with required improvements and utilities, that are either sold or leased for long term placement of Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

MANUFACTURING, HEAVY: A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

MASONRY: Construction material that consists of brick, stone, tile, rock, granite, marble, or other built-up panels of these materials, or molded concrete that is held together with mortar, as long as the molded concrete does not make up a continuous wall section.

MASSING: The shape and form a building takes on through architectural design. There are ten (10) architectural design elements that create urban space;

1) building silhouette (similar pitch and scale to a roof line),
2) spacing between building facades (setbacks or notches between primary facades that frame the structure),
3) setback from property line (building setback and/or primary facade setback from the property line),
4) proportion of windows, bays, and doorways (vertical or horizontal elements tied together in bands across facade lengths),
5) proportion of primary façade (size of facades similar in area and height to width ratios),
6) location and treatment of entryway (important visual commonality between structures),
7) exterior materials used (similar materials and treatment add to detail and monumentality of a building),
8) building scale (similarity of building height and configuration),
9) landscaping (ties together buildings and defines space), and

10) shadow patterns form decorative features (the light and dark surfaces from materials used and projections from windows, bays, and setbacks create visual breaks). A specific project may not need to incorporate all ten (10) elements.

MECHANICAL EQUIPMENT: Equipment installed for a use appurtenant to the principal use. Such equipment may include heating and air conditioning equipment, solar collectors, parabolic antennas, and power generating devices.

MEDIAN: An area in the approximate center of a city street or state highway that is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and guttering, having painted or thermally applied stripes or other means of distinguishing it from the portion of the roadway used for through traffic.

METES AND BOUNDS: A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

MIXED-USE DEVELOPMENT: An area, parcel of land, or structure developed in a compact urban form for two (2) or more different, principal land uses, at least two (2) of which must be from separate use categories such as but not limited to residential, office, retail, service, public, light manufacturing, or entertainment, and planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MIXED USE STRUCTURE: A building or structure which includes two (2) or more principal, compatible uses, at least two (2) of which must be from separate use categories such as but not limited to residential (not allowed on the ground floor), office, retail, service, public, light manufacturing, or entertainment, and planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MOBILE FOOD UNIT: A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food in various locations of the city.

MOBILE FOOD UNIT PARK: More than one mobile food unit (a.k.a. food truck park) located on a site larger than ¼ acre.

MODIFICATION: A specific change or lessening of the regulations established by this Ordinance that may be granted by the Planning & Zoning Commission for a specific development in response to

1) unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations, or
2) an alternative development proposal deemed by the Planning & Zoning Commission to meet the intent and spirit of this Ordinance and representing a creative and desirable application of different standards.

MOTOR VEHICLE, COMMERCIAL: Any motor vehicle used or designed:

1) for use in pulling, towing, hauling, transporting, or
2) as a temporary or permanent base, platform, or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or trailers having

dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet;

3) passenger vehicles marked by signage, logos or commercial messages. This definition does not apply to motor vehicles which serve as a source of transportation for an individual residing at the premises where the vehicle is stored or parked on a regular basis and is not used in any commercial activity.

MOTOR VEHICLE IMPOUND FACILITY: A parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding forty-five (45) days and must remain mechanically operable and licensed at all times.

MOTOR VEHICLE, INOPERABLE: A motor vehicle which meets one (1) or more of the following conditions:

1) a vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property, or;
2) a vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days, or;
3) a vehicle which does not carry a current year state registration or license tag, or a vehicle that cannot be driven legally on public roads due to, but not limited to, defects in brakes, brake lights, tail lights, head lights, windshields or exhaust systems.

MOTOR VEHICLE REPAIR AND SERVICE, MAJOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul.

MOTOR VEHICLE REPAIR AND SERVICE, MINOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work.

MOTOR VEHICLE SALES, LARGE: The sale, rental and display of new and used motor vehicles, including, but not limited to trucks, trailers, farm implements, mobile/manufactured homes, recreational vehicles, buses, boats, and heavy equipment, and similar size vehicles which have gross vehicle weights greater than ten-thousand (10,000) pounds (but not including repair work except incidental warranty repair) This does not include airplanes or aircraft.

MOTOR VEHICLE SALES, SMALL: The sale, rental and display of new and used motor vehicles, including, but not limited to, motorcycles, passenger cars, light trucks, vans, and similar size vehicles that have gross vehicle weights less than 10,000 pounds.

MOTOR VEHICLE WRECKING: The dismantling or wrecking of used motor vehicles, manufactured homes and trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

MULTIPHASE DEVELOPMENT: A development project that is constructed in stages, each stage being capable of existing independently of the others.

MULTI-TENANT BUILDING: A grouping of two (2) or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

- N -

NONCONFORMING USE, LOT, STRUCTURE (Legal): A continuous use, lot, or structure which was lawful prior to the adoption, revision, or amendment of this Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the zoning district. Also applies to uses, lots, or structures which have been granted a variance from this Ordinance, and therefore does not meet the lot-specific development standards. Legal nonconforming differs from illegal nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to a Zoning Ordinance (including the official Zoning Map). The building, structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the standards of the zoning district in which it is located. When this situation occurs, the property is deemed legal nonconforming or "grandfathered".

NONCONFORMING USE, LOT, STRUCTURE (Illegal): A use, lot, or structure that does not conform to the regulations of the zoning district in which it is located and was not lawful prior to the adoption, revision, or amendment of this Ordinance and was not granted a variance from this Ordinance. This applies to any use, building, structure or lot which is nonconforming, and was constructed or is being used without an approved Improvement Location Permit or approval from the City Council or Planning & Zoning Commission. An illegal nonconforming use, building, structure or lot shall be subject to actions and penalties allowed by this Ordinance and shall be altered to conform with all applicable standards and regulations of this Ordinance and all other applicable City ordinances.

NUISANCE: Operations, activities, or general use of land which is injurious to health, indecent, offensive to the senses, or an obstruction to the use of property so as to interfere with the comfortable enjoyment of life or property.

- O -

OBJECTIONABLE ODOR: Odors that are nauseating, noxious, or generally recognized as unpleasant.

OCCUPANCY: The residing of an individual overnight in a dwelling unit; or the installation, storage or use of equipment, merchandise or machinery on the premises or in any public, commercial or industrial building; and/or the continuing use of land, building, or structures. A change in occupancy is not intended to include a change of tenants or proprietors.

OCCUPIED SPACE: The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

OFF-SITE: Located outside the property lines of the parcel in question.

OFFICIAL ZONING MAP: The legally adopted map showing the legally established boundaries and the zoning districts within the City as adopted by the Villa Rica City Council.

ON-SITE: Located within the property lines of the parcel in question.

OUTBUILDING: A separate accessory building or structure not physically connected to the principal building.

OUTDOOR SALES AND DISPLAY: Outdoor sales and display shall include merchandise for retail sale, whether seasonal or not.

OUTDOOR STORAGE: The storage of any materials outside the principal or accessory buildings on a property for more than twenty-four (24) hours, provided, however, that truck and/ or tractor-trailer unit parking associated with.

OUTPARCEL: A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary to but of a smaller scale than the principal use or structure in the development.

- P Q -

PARAPET: The portion of a wall which extends above the roof line.

PARCEL: Any legally established piece of land designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.

PARKING LOT: An open off-street area to be used for the storage of motor vehicles, whether free or for compensation, for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

PARKING, OFF-STREET: A temporary storage area for a motor vehicle, with room to open doors on both sides, that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

PARKING, ON-STREET: A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

PARKING, SHARED: A parking space or lot used jointly by two (2) or more uses or structures.

PARKING SPACE: A space within a public or private parking area for the storage of one (1) motor vehicle.

PARKING STRUCTURE: A structure of two or more stories, whether privately or publicly owned, used for parking.

PARTICULATE MATTER: Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

PATHWAY: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping.

PAVED SURFACE: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks, pervious pavement, or similar material. Crushed gravel, street grindings, stone, rock, or dirt, sand or grass are not a paved surface.

PEDESTRIAN SCALE: The proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian. Examples include ornamental lighting no higher than twelve (12) feet; bricks, pavers, or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance. The use of a pedestrian scale can imbue occupants and users of the built environment with a sense of comfort and security.

PERFORMANCE GUARANTEE: An agreement by a developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

PERSONAL CARE HOME: A residence providing the protective care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for safety of the resident while inside the building and may include daily awareness by the management of the residents functioning and whereabouts, making and reminding a resident of appointments, the ability and readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the actual provision of transient medical care.

1) Personal Care Home, Congregate: Means a home for adults which offers care to sixteen (16) or more persons
2) Personal Care Home, Group: Means a home for adult persons in a residence or other type building(s), non-institutional in character and appearance, which offers care to seven (7) through sixteen (16) persons.
3) Personal Care Home, Family. A home for adults in a family type residence, no institutional in character an appearance, which offers care to two through six persons.

PERSONAL SERVICE: Any enterprise conducted for gain which primarily offers services to the general public such as a health club, fitness facility, barber shops, beauty parlors, nail salons, and similar activities but excluding sexually oriented business.

PERVIOUS PAVEMENT: A hard surface that presents an opportunity for precipitation to infiltrate into the ground.

PERVIOUS SURFACE: A surface that presents an opportunity for precipitation to infiltrate into the ground.

PETITIONER: Any person who formally makes a request before the Planning & Zoning Commission or City Council consistent with the processes and requirements of this Ordinance.

PLACE OF WORSHIP: The use of a building and/or property by a non-profit group/congregation of people who regularly attend, participate in, or hold religious services, meetings and other activities, including incidental uses commonly associated with such a facility, such as a daycare center or school. Place of

worship includes church, synagogue, temple, mosque or any other like facility used for worship and religious activities.

PLANNED UNIT DEVELOPMENT: A large-scale unified development meeting the requirements of this Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity, containing a single type of land use or a combination of land uses including but not limited to single-family residential, multi-family residential, public, quasi-public, commercial or industrial uses, which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this Ordinance.

PLANTING SEASON: The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally, these periods are from April 15th to June 15th in the spring and from October 15th to November 15th in the fall.

PLAT, FINAL: The final map of all or a portion of a subdivision or Development Plan that contains all information or detail required by law and by these regulations, and is presented to the proper review authority for final approval.

PLAT, PRELIMINARY: An initial map of a subdivision of land or Development Plan that is presented to the proper review authority for preliminary approval.

PORCH: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

PRACTICAL DIFFICULTY: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/her site in a practical manner. For instance, a person may request a variance from a side setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

PRELIMINARY APPROVAL: An approval (or approval with conditions) granted to a subdivision or Development Plan indicating that it has determined after a public hearing that the proposal complies with the standards prescribed in this Ordinance.

PUBLIC HEARING: A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

PUBLIC IMPROVEMENT: Any drainage ditch, street, highway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

PUBLIC SAFETY AND NUISANCE: Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC USE: Public parks, schools and administrative and cultural structures not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

- Q -

QUARRY: A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other material to be processed for commercial purposes.

- R -

RECORD: The written documentation of the actions and expressions of a public body, such as the Planning & Zoning Commission or City Council.

RECREATION, ACTIVE: Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, and fields. Activities include, but are not limited to, swimming, tennis, and other court games, baseball and other field sports, and playground activities.

RECREATION, PASSIVE: The use of unimproved land, in its natural state, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreation areas shall include, but are not limited to: unimproved backpacking trails, unimproved hiking trails, riding stables, primitive camping areas, canoeing and rafting areas.

RECREATIONAL VEHICLE: A vehicle which is

1) built on a single chassis;
2) four-hundred (400) square feet or less when measured at the largest horizontal projection;
3) designed to be self-propelled or permanently towable by a light duty truck; and
4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. Recreational vehicles include pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

RECYCLABLE MATERIAL: Any material that can be converted into a raw material for use in a manufacturing process. Recyclable materials include but are not limited to glass, metal and plastic containers and paper products.

REPAIR SERVICES: Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically, such services include the repair of appliances, watches, jewelry, and musical instruments.

REPLAT (or Re-subdivision): Any change in a recorded plat which does not result in the creation of additional lots. It may include all or any part of a previous subdivision or plat. A replat shall be considered an Administrative Subdivision, provided no new streets or utility expansions are required.

RESEARCH ACTIVITY AND TESTING LABORATORY: Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development, whether conducted within or outside of buildings shall create no noise, smoke, glare, vibration or odor which can be detected outside of the buildings or property line A research and testing laboratory shall mean a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

RESTAURANT: An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings or in non-disposable containers regardless of whether consumption is on or off the premises.

RESTAURANT, DRIVE-IN: A facility, including a building and adjoining parking area, the primary function of which is selling food to the public by order from and service to passengers in vehicles parked outside of the structure. Drive-in restaurants may also provide seating inside of the building.

RESTAURANT, FAST-FOOD: An establishment whose principal business is the sale of already prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers.

RETIREMENT FACILITY: A residential complex containing multifamily dwellings designed for and occupied by senior citizens (persons sixty (60) years of age or older, or couples where either the husband or wife is sixty (60) years of age or older). Such facilities may include a common gathering and dining facilities, but exclude nursing care.

REZONING: An amendment to the official Zoning Map which has the affecting of removing property from one zoning district and placing it in a different zoning district.

RIGHT-OF-WAY (R.O.W.): A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

RIGHT-OF-WAY LINE: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

RINGELMANN NUMBER: The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is published by the U.S. Bureau of Mines, and it illustrates graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. I shall be considered no smoke, or Ringelmann "0."

ROADSIDE STAND: A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used for display and sale of products grown or produced on or off site. Sales are conducted on a temporary or seasonal basis.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

- S -

SALES, INCIDENTAL: Sales that are related and subordinate to the primary service or retail activities of a commercial use.

SALES, TEMPORARY/SEASONAL: Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

SALVAGE YARD: A facility or area for storing, selling, keeping, dismantling, shredding, compressing or salvaging scrap or discarded material or equipment. Scrap or discarded materials shall include, but are not limited to: metal, paper, rags, tires, bottles, motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances.

SATELLITE DISH/ANTENNA: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

SCREENING STRIP: A strip of land to be used as a planting strip on which shall be placed evergreen, hedge, shrubbery or other planting materials maintained in a neat and orderly manner for the purpose of limiting visibility.

SECONDARY APPROVAL: An approval by the official designated by the Planning & Zoning Commission indicating that all conditions of Preliminary Approval have been met.

SETBACK LINE: A line indicating the minimum horizontal distance between the right-of-way of any street, or the property line of the side and rear yards, and a part of any structure regardless of whether it is the front, side, or rear of the building. It is an imaginary line established by this Ordinance that requires all buildings to be set back a certain distance from the property lines. The line is generally parallel with and measured from the appropriate Lot Line (front, side, or rear).

SETBACK, FRONT: The horizontal space between the right-of-way lines as established by the current Thoroughfare Plan and the Front Setback Line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. The front setback applies to all frontages of a lot facing a street or right-of-way. The setback is usually based on the classification of the road on which the building is located, as determined by the *Transportation Element of the Carroll or Douglas County Comprehensive Plan*.

SETBACK, REAR: The horizontal space between the Rear Lot Line and the Rear Setback Line, extending to the side lines of the lot, generally parallel with and measured from the rear lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this ordinance.

For through lots, the rear of the structure facing a street shall meet front setback requirements. Rear Setbacks for Corner Lots will apply to the portion of the lot that is furthest in the opposite direction of the general orientation of the structure.

SETBACK, SIDE: The horizontal space between the Side Lot Lines and the Side Setback Lines, extending to the Front and Rear Lot Lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. However, for corner and through lots, any side of a structure that faces a street shall meet front setback requirements.

SHRUB, ORNAMENTAL: A shrub planted primarily for its ornamental and screening value, not to be confused with a perennial.

SIDE YARD SEPARATION: The sum of the distance of the horizontal space between a foundation and side Lot Line, plus the horizontal space between the foundation and shared side Lot Line of the structure on the immediately adjacent lot.

SIDEWALK: A paved surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.

SIGHT VISIBILITY TRIANGLE: Triangular shaped areas on each corner of an intersection that are looked through by drivers approaching or departing an intersection to view oncoming vehicular/pedestrian/etc. traffic on crossing streets and roadways.

SLOPE: The face of an embankment or cut section. Any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one-hundred (100) feet of horizontal distance.

SMOKE UNIT: The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

SOLID WASTE COLLECTION FACILITY: Establishments that

1) collect or haul hazardous waste, non-hazardous waste, or recyclable materials within a locale area; and
2) operate hazardous or nonhazardous waste transfer stations. Waste collection establishments may be responsible for the identification, treatment, packaging, and labeling of waste for the purposes of transport.

SPECIAL EXCEPTION: A special use, that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith. For the purposes of this ordinance, the terms Conditional Use and Special Exception shall refer to the same meaning.

SPOT ZONING: The zoning of a typically small area of land controlled by a single or limited number of property owners that results in the property involved being granted permitted uses and/or development standards that are inconsistent with those provided to, or planned for, similar surrounding properties.

STOP-WORK ORDER: A written document issued by an enforcement official which requires the cessation of an activity.

STORAGE FACILITY, SELF-SERVICE: A building or group of buildings in a controlled access environment that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the temporary storage of customer's goods or wares.

STORAGE, SEMI-TRACTOR/TRAILER: The storage of any vehicle without motive power designed to be coupled with or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

STORY: The part of a building between the surface of a floor and the ceiling immediately above, or if there is no floor above, then the space between such floor and the ceiling or roof above. Unless otherwise defined, this distance shall be set at eight (8) feet. For the purpose of this Ordinance, a basement shall not be considered a story unless it has been subdivided into rooms and used for tenant purpose.

STREET, HALF: A street for which only half of the required right-of-way and/or pavement width has been provided.

STREET (or Alley) IMPROVEMENT: Shall mean the construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in this Ordinance. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.

STREET INTERSECTING: Any street that joins another street at an angle, whether or not it crosses the other street.

STREET INTERSECTION: The point of crossing or meeting of two (2) or more streets.

STREET, NON-RESIDENTIAL: Any street where the principal land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

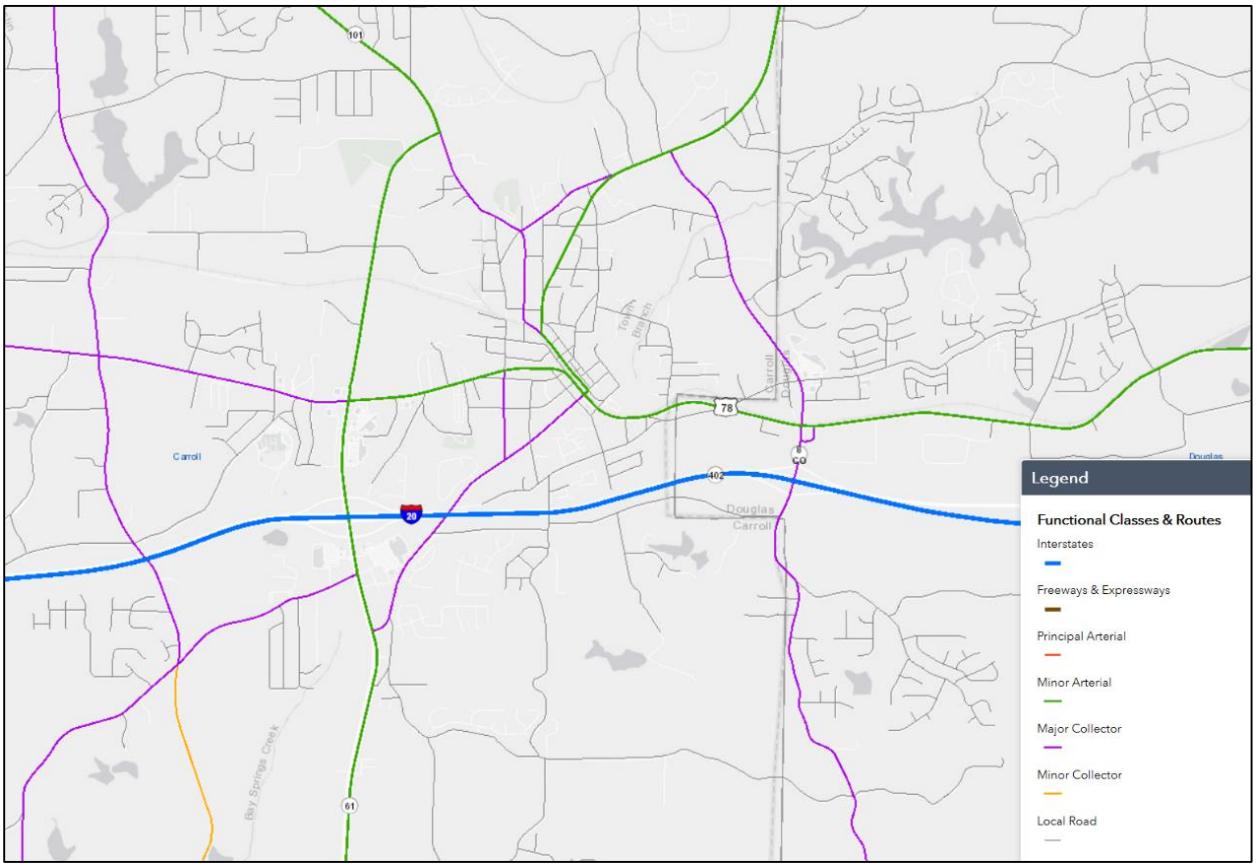
STREET ORIENTATION: The direction of the architectural front facade of a building in relation to the street.

STREET, PRIVATE: A privately maintained thoroughfare which affords principal means of vehicular access to more than one (1) abutting property or dwelling unit, and which has not been dedicated to the public, or subject to public easements.

STREET, PUBLIC: A public thoroughfare which has been dedicated to the public use and accepted and maintained by the City, affording the principal means of access to abutting property and which has been identified and defined in the Transportation Element of the Villa Rica Comprehensive Plan as:

1) Interstate
2) Urban Principal Arterial
3) Rural Principal Arterial
4) Urban Minor Arterial
5) Rural Minor Arterial
6) Urban Collector
7) Rural Collector
8) Local Road

Figure 13.01: State Functional Classification Map (https://itos.maps.arcgis.com)



STREET RIGHT-OF-WAY LINE: A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, foundations or girders, or any increase in the area or cubical

contents of the building or structure. Also, substantial roofing and siding work when repairs are made to the structure beneath.

STRUCTURE: Any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

STRUCTURE, ACCESSORY (APPURTENANT STRUCTURE): A structure that is subordinate and incidental to a principal structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the principal structure; does not alter or change the character of the property; and is located on the same lot as the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are billboards, detached garages, carports, storage sheds, pole barns, and hay sheds.

STRUCTURE, PRINCIPAL: The building or structure in which the principal use of the lot or premises is located or conducted. With respect to residential uses, the principal building or structure shall be the main dwelling. For agricultural uses, the principal structure may be a barn or other agricultural structure.

SUBDIVISION: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or for the purpose of sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division and development of land opened for residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of division of existing parcels of land are exempt from the Villa Rica Subdivision Ordinance:

1) A tract, which is at least twenty (20) acres in size;
2) A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings and/or structures are created by the division;
3) A division of land for the acquisition of street right-of-way or easement;
4) A division of land for the sale or exchange of tracts between adjoining land owners, provided no additional building sites other than for accessory buildings and/or structures are created by the division;
5) A division of land into cemetery plots for the purpose of burial of corpses;
6) A division of land to be subdivided for agricultural use only, provided that no additional building sites are created by this division; and a division of land containing a minimum of one (1) acre of lot area and having ever been located on such lot the principal residence.

SUBDIVISION, EXEMPT: A subdivision of a parent tract of land for the purpose of splitting off an existing legally conforming residence and accessory structures, provided that (1) the new residential parcel meets all current development standards applicable to a residential parcel in the relevant zoning district, and (2) the remaining parent parcel is at least twenty (20) acres in size.

SUBDIVISION, MAJOR: All subdivisions not classified as minor subdivisions and resulting in the creation of more than three (3) lots, including but not limited to subdivisions requiring any new street or extension of utilities or the creation of any public improvements.

SUBDIVISION, MINOR: The subdivision of a parent parcel into any combination of not more than three (3) contiguous or non-contiguous new residential, commercial, or industrial building sites whether at the same time or over the course of time, and which does not involve the construction or extension of public or private streets or utilities. The parcel shall front upon an existing street which is an improved right-of-way maintained by the City or other governmental entity and not involve any new street.

SUBDIVISION, MINOR RESIDENTIAL: The subdivision of a parent tract into one (1) new residential building site, and a remainder, which does not involve the construction or extension of public or private streets, or under the standards set forth in this ordinance, does not involve substantial improvement or realignment of any existing city, county, or state road. To qualify as a minor residential subdivision, the proposal must meet all of the conditions set forth in this ordinance for minor residential subdivisions.

SUBSTANTIAL DAMAGE: Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or repetitive loss regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alterations of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."

SURETY: An amount of money or other negotiable instrument provided by a developer to the City which guarantees that they will perform all actions required by the City regarding an approved site Development Plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the City to complete those requirements.

- T -

TECHNICAL ADVISORY COMMITTEE (TAC): A committee established by the City of Villa Rica to assist with the technical evaluation of subdivisions and Development Plans by reviewing sketch plats, and to make appropriate technical recommendations to the developer, Planning & Zoning Commission, or other City departments. The TAC includes the Departments of Community Development, Public Works, City Manager, and Public Safety officials where applicable, and may seek additional outside consultation in the evaluation of a development application.

TECHNICAL REVIEW: A process prior to Development Plan approval in which detailed technical information pertaining to all applicable local building, fire and City and County Codes are presented to and reviewed by the City for conformance.

TELECOMMUNICATIONS ANTENNA: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

TEMPORARY STRUCTURE: A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

TIMBER, HARVESTING: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but no the construction or creation of roads. Timber harvesting does not include the clearing of land for construction approved under this ordinance.

TOPOGRAPHY: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

TOWER: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

TOWNHOUSE: A single-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

TRACT: A unit, or contiguous units, of land under single ownership.

TRAFFIC CALMING: Methods of reducing the negative impact of vehicles on surrounding land uses and other methods of personal transportation through street design that decreases the speed of vehicles and provides increased space and comfort for pedestrians.

TRAIL: A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

TRANSFER STATION: A facility that receives and temporarily stores solid waste as defined by this ordinance at a location other than the generation site, and which facilitates the transfer of accumulated solid waste to another facility for further processing or disposal. This term includes any solid waste handling facility, but does not include recovered materials processing facilities, nor portable storage containers used for the collection of municipal solid waste.

TREE, BROADLEAF: Trees having non-needle like leaves.

TREE, DECIDUOUS: Trees and shrubs that shed their leaves annually.

TREE, EVERGREEN: Trees and shrubs that do not shed their leaves annually.

TREE, ORNAMENTAL: A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet.

TREE, PROHIBITED: A tree, as listed in this Ordinance that does not meet site-landscaping or performance standard requirements.

TREE, SHADE: A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

- U -

UNDEVELOPED LAND: Land in its natural state before development. Also known as unimproved land.

USE: The purpose of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

USE, ACCESSORY: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, in terms of size, intent, and/or purpose, the principal use or structure, and does not alter or change the character of the property.

USE CATEGORY: A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

USE, CHANGE OF: The discontinuation of the specific principal use of a lot or structure and the replacement of that use with a different specific use.

USE, EXISTING: The use of a lot or structure present at the time of the enactment of this Ordinance.

USE, ILLEGAL: Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located as defined by this Ordinance.

USE, PERMITTED: Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

USE PETITION (ALSO LAND USE PETITION): A rezoning petition, variance petition, special exception petition, or any other petition permitted by rules of procedure adopted by the Planning & Zoning Commission.

USE, PRINCIPAL: The primary or predominant use of land or structures, as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

USE, SPECIAL EXCEPTION: Uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Special exception uses are permitted only following approval by the City Council.

USE, TEMPORARY: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

UTILITY SUBSTATION: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

- V -

VARIANCE: A grant of relief from the requirements (development standards such as height, bulk, area, etc.) of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance, where the modification will not be contrary to the public interest, and where owing to conditions peculiar to the

property and not a result of action of the applicant, a literal enforcement of the regulations would result in a practical difficulty or an unnecessary hardship.

VERTICAL FOOTCANDLES: The amount of light striking a vertical plane or surface.

VESTED RIGHT: A right that has become fixed and cannot be revoked by subsequent changes of applicable regulations.

VICINITY MAP: A drawing located on a plat which shows by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Villa Rica in order to better locate and orient the area in question.

VIOLATION: The failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

- W X -

WALKWAY/BIKEWAY: A dedicated public way, four (4) feet or more in width, for pedestrian or bike use, whether along the side of a road or not.

WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, and not involved in manufacturing or production.

WATER SYSTEM, CENTRAL: A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

WHOLESALE FACILITY: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

WIDTH, LIVING AREA FACADE MINIMUM: The minimum width required for the front facade of a residential structure, exclusive of garages, porches, decks, or terraces. This requirement may apply to a continuous facade for multi-family or single-family attached units.

WINE AND CRAFT BEER BOUTIQUE: An establishment selling Georgia wine products and other fine wines and craft beer under a limited pouring license by the taste, drink, original package or growler for the purposes of promoting tourism in certain designated areas of the city.

WIRELESS TELECOMMUNICATIONS FACILITY: A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.

- Y Z -

YARD: A space on a lot that is open, unoccupied and unobstructed other than by steps, walks, terraces, driveways, lamp posts and similar structures. Front, side, and rear yards shall be considered those yards that exist in the space between the structure or applicable facade (front, side, or rear) and the applicable lot line (front, side, or rear).

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a Lot Line.

ZONING DISTRICT: An area within the Villa Rica Planning & Zoning Commission's jurisdiction for which uniform regulations governing the use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are herein established.

ZONING INSPECTOR: The Planning and Building Director or the duly appointed administrative officer designated to administer the Zoning Ordinance.

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Biometric Screening 2020
AGENDA DATE: 11/26/2019

DATE PREPARED: 11/14/2019
PREPARED BY: Stephanie Rooks

AMOUNT: Maximum Cost $16.500
GL ACCOUNT #: 610
FUNDING SOURCE: Healthcare Savings
BUDGETED ITEM? Yes

PURPOSE: The purpose of this item is to present the service agreement with Health180 for the 2020 biometric screening event for approval.

BACKGROUND: Biometric screening has been done on-site for the past two years as part of the wellness plan associated with our health care plan. This year (2020) we plan to do all of the screening off-site at a LabCorp location during the month of January. There are sites in Villa Rica and in Carrollton. The cost is $110 per person, paid by the City.

Employees will have to register through Health180 and take a lab order with them to the Lab Corps location of their choice. If an employee chooses not to participate in the biometric screening their health insurance premiums will be increased based on the approved premium schedule.

STAFF RECOMMENDATION: Approval of the Service Agreement with Health180.

IMPACT: By completing the biometric screening we can access the aggregate health of our employees year over year. This will also allow AIMM to reach out to employees that need health coaching to manage their health issues.

MOTION: Make a motion to allow the City Manager to sign the Service agreement with Health180 for the 2020 biometric screening, for an amount not to exceed $16,500.00.

NEOGOV

EXECUTIVE SUMMARY

NEOGOV

NEOGOV is the market and technology leader in public sector human resources software. For more than 15 years, NEOGOV has been committed to streamlining HR processes. Our software automates the entire hiring, onboarding, and performance evaluation process. Simply put, we make HR easier.

At NEOGOV, we have made it our mission to cater to the needs of state and local government and higher education, ranging in size from 15 to more than 100,000 employees.

Because our solutions are both easy to use and fast to implement, we are able to offer a public sector model that is low risk but offers a high ROI at the same time. Public sector organizations need a solution that's designed specifically for them. That's why we created NEOGOV.

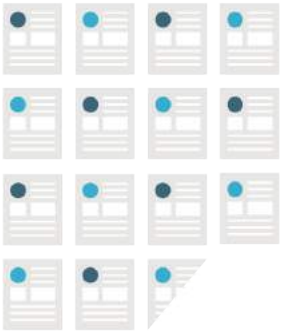
NEOGOV *by the* NUMBERS

#12

is NEOGOV's rank in the ELGL Choice Awards of the Top 50 Local Government Companies

1500

NEOGOV customers



184,000

Evaluations completed using NEOGOV's Perform since 2010

14.5 MILLION

applications submitted annually

Inc. 5000

7 TIMES

NEOGOV has made the Inc5000 list of fastest growing companies

250,000+

users accessing NEOGOV annually

NEARLY 50%

of US States are NEOGOV Customers

CUSTOMERS | MORE THAN 1,500 STRONG

More than 1,500 public sector and education organizations of all shapes and sizes use NEOGOV to recruit, select and evaluate their workforce. Our rapid growth is a direct result of our commitment to public sector customer success.

Alabama State University

Colorado State University-Pueblo

Seattle Community Colleges

Hayward Unified School District

Hennepin County

Orange County

County of San Diego

City of Los Angeles

County of Santa Barbara

County of Santa Clara

City of Fairfield

Indian River County

New Hanover County

Town of Knightdale

Town of Trumbull

City of Richmond

Augusta Richmond County

Arlington County

TriMet

Miami Township

City of Houston

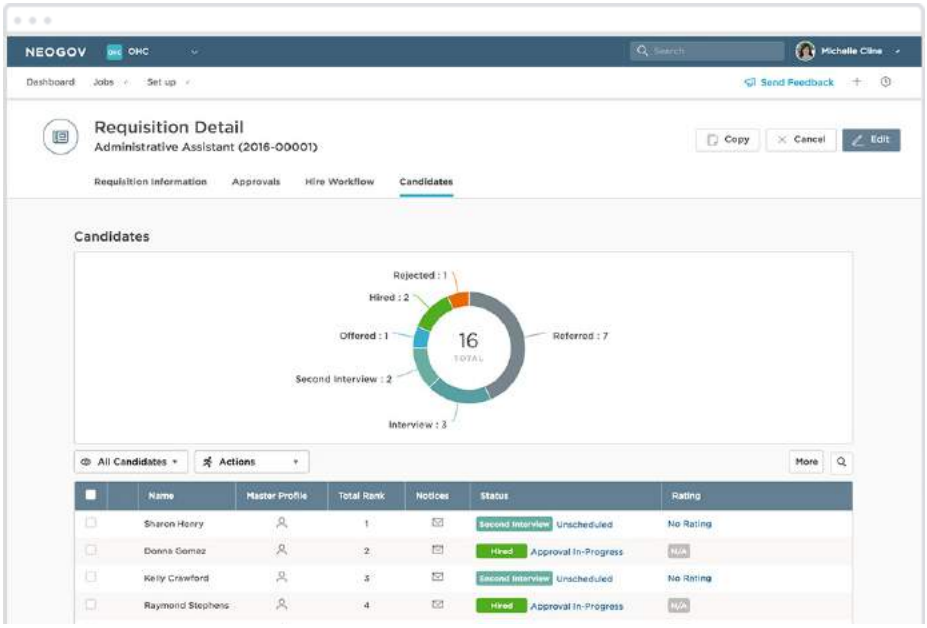
Texas Education Agency

City of Dallas

State of Ohio

State of Louisiana

INSIGHT APPLICANT TRACKING SOFTWARE



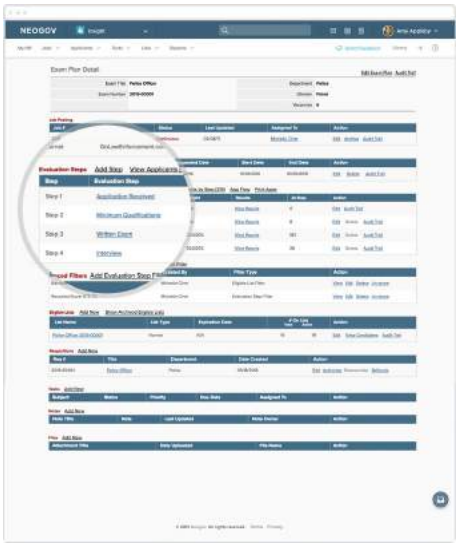
NEOGOV's applicant tracking system makes recruiting and hiring easy. We know budgets are tight and time is limited. That's why we designed Insight to reduce your cost per hire, fill positions quickly, and improve hiring.

Find the Best Candidates
Ideal candidates are out there. Insight helps them find you and easily apply online.

Hire Faster
Eliminate that lengthy hiring process. With Insight you can significantly cut your time to hire.

Save Money
Decrease your cost per hire by optimizing the hiring process with online tools such as automated screening.

INSIGHT FEATURES



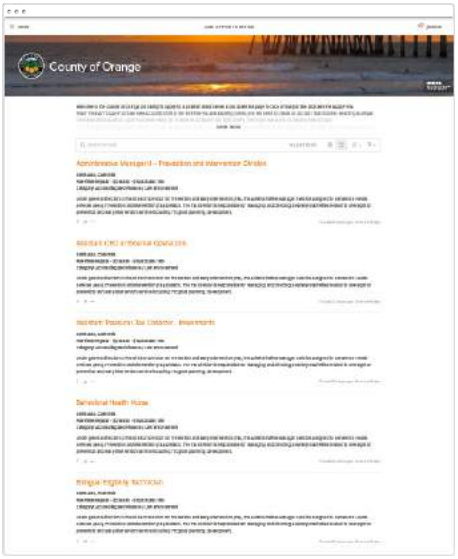
Advanced Screening

Reduce application review and screen time with Insight's auto-scoring applicant tracking software. Produce weighted scores and rankings by combining online tests, screening protocols, performance exams, and situational tests.

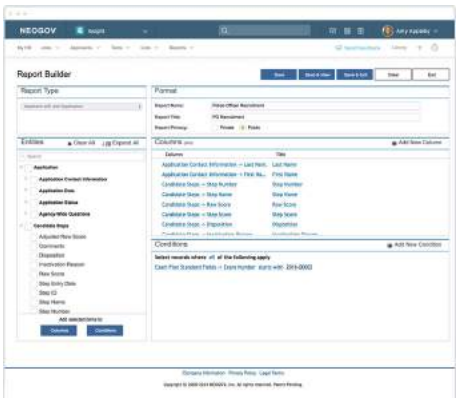
- Pre-screen applicants automatically, as they apply
- Configure your own screening hurdles and weights
- Create and manage screening questions bank
- Utilize education and experience scoring
- Deploy panel interview scoring
- Perform subject matter expert review

Online Job Application and Career Portal

List open positions on your company website while maintaining its look and feel. Accept online job applications and ask job-specific supplemental questions. Track traffic and advertising sources and do away with the time and effort spent posting jobs and processing applications.



- Accept online job applications
- Post jobs to your career website
- Configure job application templates
- Ask job specific supplemental questions
- Deploy applicant self-service portal
- Submit online job interest cards
- Publish class specifications on your website
- Ensure ADA/Section 508 compliance



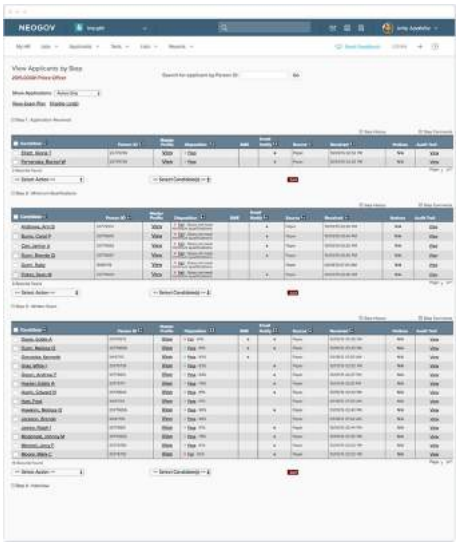
Reports and Dashboards

Optimize your processes, visualize and analyze data, and fully grasp the impact of your HR initiatives. With Insight you have more than 90 standard reports, advanced ad-hoc reporting, and the dashboards you need to make your job easy.

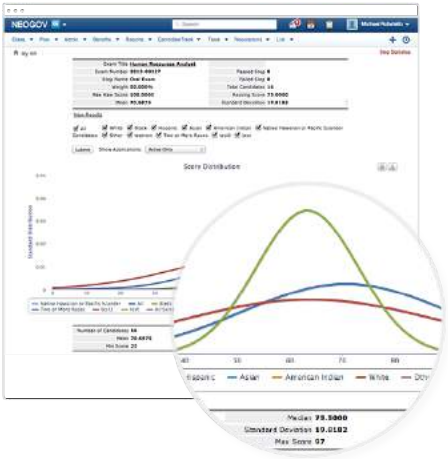
- More than 90 standard reports
- Advanced ad-hoc reporting
- Dashboards
- EEO, time-to-hire, adverse impact

Applicant Tracking

Quickly manage all applicant and recruiting data throughout the applicant selection process. Enhance applicant and staff experience by eliminating paper and reducing bottlenecks. Generate email notifications, maintain applicant history, track applicant skills, and more.



- Track applicants by step/hurdle
- Generate e-mail and hard copy notifications
- Maintain detailed applicant history
- Track applicant skills
- Capture applicant notes, dispositions, and attachments
- Applicant can check status and self-schedule online



Test Statistics, Analysis, and Scheduling

Analyze results, perform pass point analysis, check for adverse impact, view applicant flow, mean and standard deviation, item analysis, item discrimination, reliability, standard error of measurement, and more.

- Scoring, test statistics, pass-point and item analysis
- Online test item bank
- Test locations & dates
- Written, oral panel, and performance test scheduling
- Applicant self-scheduling
- Manage raters, proctors, and rosters
- Scantron and other OMR sheet processing

Eligible Lists and Online Referrals

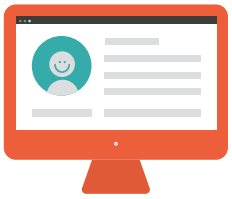
Generate and manage your weighted eligible list, including configurable scoring rules and additional points processing to rank and refer applicants.

- Eligible list weighted and ranked scores
- Additional points (i.e. veteran's preference, promo, etc.)
- Selective certifications
- Multiple eligible lists (i.e RIF, transfer, etc.)
- Custom referral rules
- Eligible list snapshots
- Online certification of applicants to hiring managers

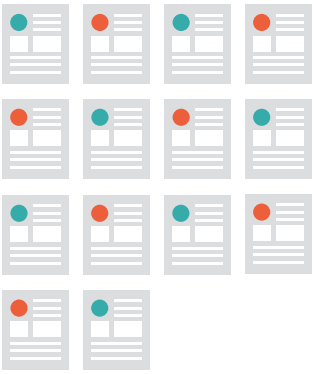
GOVERNMENTJOBS.COM

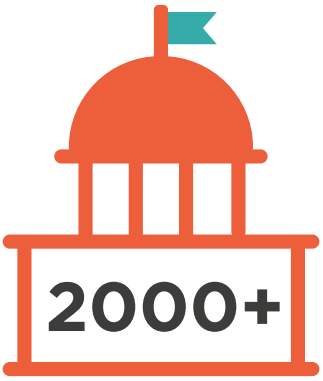
GovernmentJobs.com is largest, most-comprehensive career search engine for the public sector.

GovernmentJobs.com is the only government sector job board created from the world's foremost fully integrated recruitment, selection and applicant tracking system called NEOGOV Insight, designed specifically for public sector employers.



19.5 MILLION
applicants with profiles





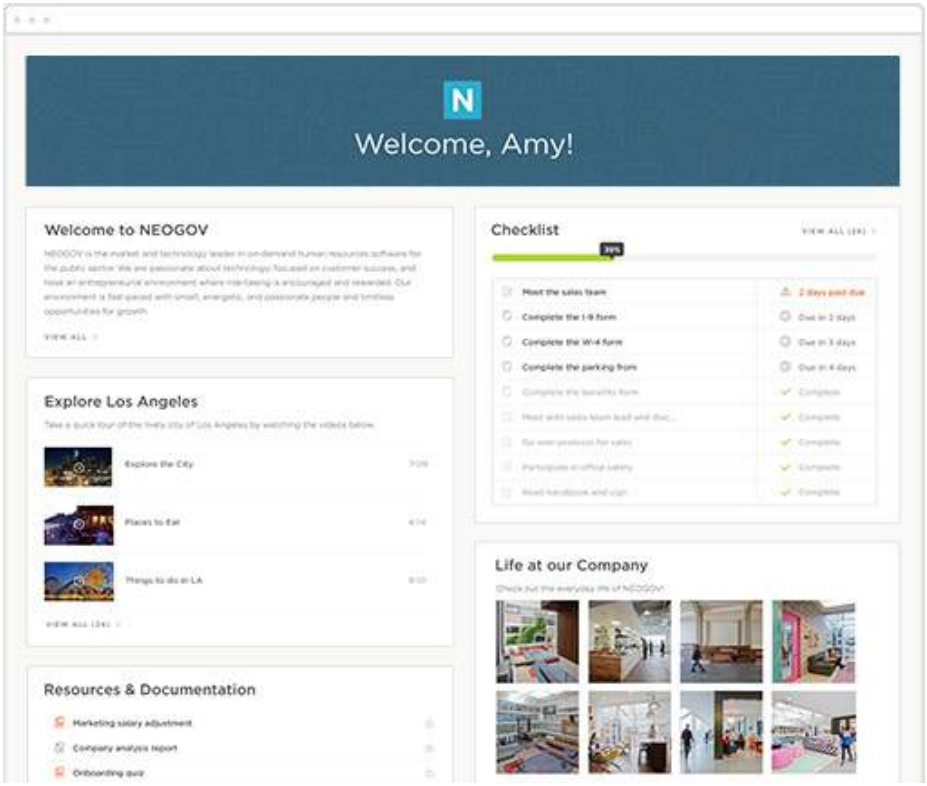
government agencies that use GovernmentJobs.com

300,000+
jobs posted annually

14.5 MILLION
applications submitted annually

4.5 MILLION
users per month on GovernmentJobs.com

Onboard



Our onboarding software ensures day-one readiness for new employees, ratchets up productivity, and helps you keep your hires longer.

Boost Productivity
New hires can complete the onboarding checklist before their start date. That way, they arrive ready and excited to work.

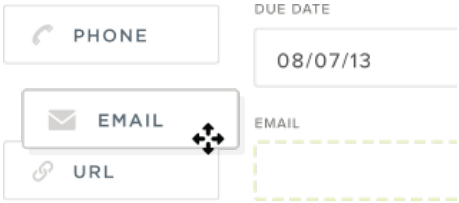
Increase Job Satisfaction & Retention
Start employees off with a smile on their face and help them get integrated right off the bat.

Keep in Compliance
Let employees complete forms through a welcoming online portal. Provide clarity with policies and procedures.

ONBOARD FEATURES

I-9 & W-4 Forms

New hires complete I9 and W4 forms online in minutes. Employees can sign forms using a mouse, allowing them to complete their new hire checklist online prior to day one.

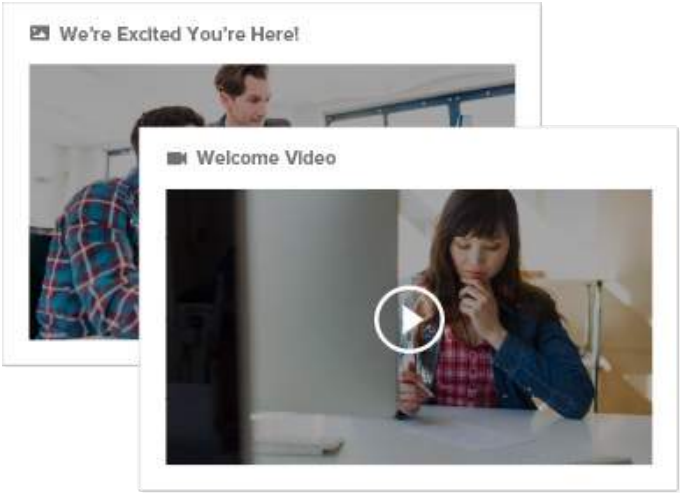


Online Forms

With Onboard, you can assign forms to specific employees, groups, and departments. Set up your required fields and approval routing, and you are done.

Digital Signatures

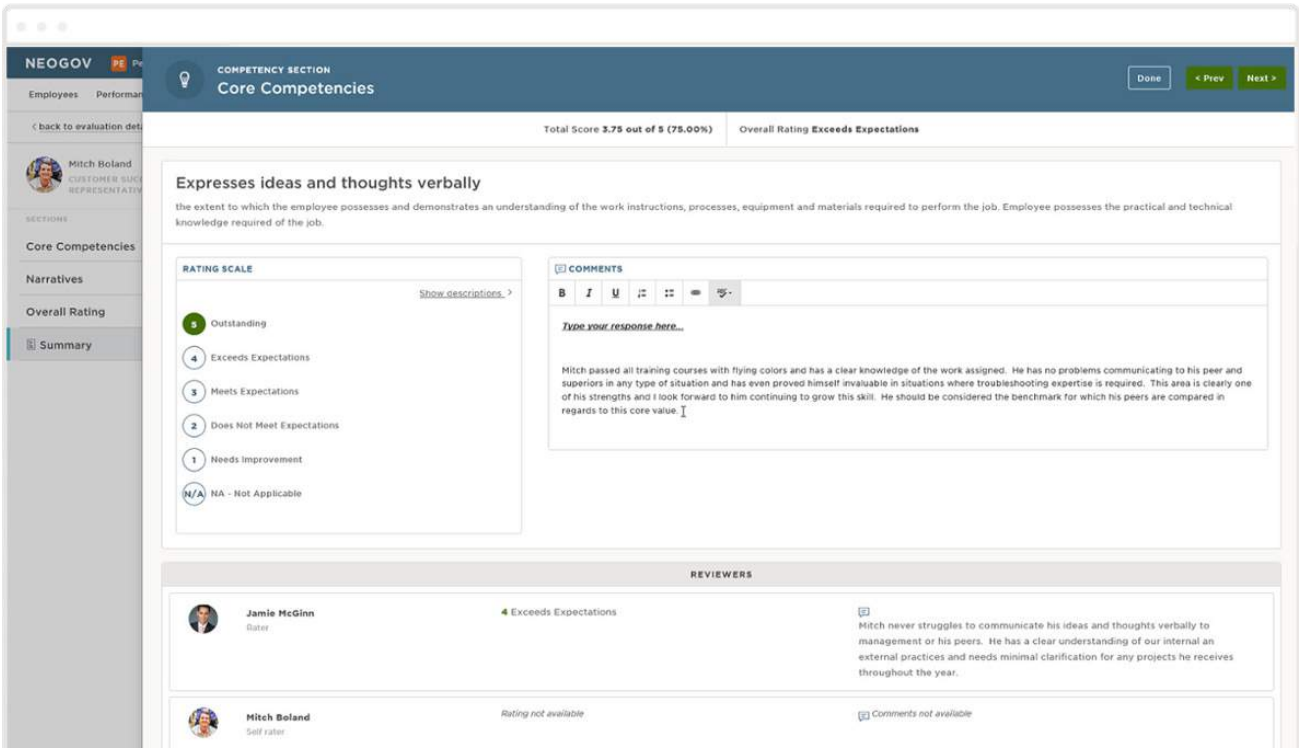
Signatures look just like wet signatures because employees can use their hand and mouse to sign any online form. Additionally, new employees have their own access accounts with unique credentials for strengthened authentication and security.



New Hire Self Service Portal

Configure your new hire portal with interactive social collaboration, questions and answers, documents, trainings, and videos. Communicate your organization's mission and values, and relevant training information to new hires while they are going through the onboarding process.

Perform



Our performance management system establishes a sense of purpose for employees by identifying and promoting their strengths.

Give Work Real Meaning
Give employees the opportunity to do their best every day. With increased engagement, employees' work drives team success.

Save Managers Valuable Time
Document feedback with frequent check-ins. Praise good performance when it happens and correct issues early.

Provide Clear Goals
Measure goals regularly to keep employees accountable. Increase transparency of expectations and alignment to organizational initiatives.

PERFORM FEATURES

Online Performance Evaluation Forms

Automate year-end and probationary employee appraisals and allow your HR team to replace manual systems.

Reports And Dashboards

Analyze employee performance data to identify skill gaps and optimize employee development. Track progress on measured organizational alignment and progress against goals.

Manage Competencies

Identify competency and skill gaps within your organization using one-on-one and/or 360 feedback, self-ratings, and competency models. Generate individual development plans and recommend trainings based on an employee's competency scores.

Organizational Charts

Visualize your workforce on the automatically generated organizational chart.

Automated Workflow

Approvals, notifications, and to-do actions are displayed in the form of any activity stream.

Manage Goals

Align individual and team objectives with organizational strategy and manage employee performance and career goals. Powerful goal tools are included to ensure each employee is working on the "right things" to move the organization forward.

TESTIMONIALS

NEOGOV is helping companies like yours decrease hard dollar costs, reduce staff effort, and streamline human resources processes.

YVETTE MARTINEZ
City and County of Denver, CO

NEOGOV has allowed us to use our resources in other areas that are more strategic focused and are related to the business needs rather than administrative.

SHERAE MORESCO
Santa Clara County, CA

Santa Clara County is now doing a lot more strategic planning with departments because we are not sitting back at the office processing papers all the time. NEOGOV is improving time to hire and getting better qualified candidates.

LISA NEAGLE
City of Goodyear, AZ

I would say that not only the administrative cost have been reduced, our time alone as recruitment specialists has been reduced in the screening process and the certification process. We now can engage in other functions of our position.

DEBBIE NISHIYAMA
State of Hawaii

With our old system only 54% of applicants were applying online. Within the first three months of using NEOGOV, we have 95% of applicants applying online.

CONTACT

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sales@neogov.com

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@NEOGOV

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: NeoGov Performance Management System
AGENDA DATE: 11/26/2019

DATE PREPARED: 11/14/2019
PREPARED BY: Stephanie Rooks

AMOUNT: $11,595
GL ACCOUNT #: 100-1540-521200
FUNDING SOURCE: HR Professional Services
BUDGETED ITEM? Yes

PURPOSE: The purpose of this item is to present the purchase agreement with NeoGov for their electronic Performance Management System. This item was approved in the Fiscal Year 2020 budget.

BACKGROUND:

Currently the City's performance management system is inefficient and paper intensive. This electronic system will enable supervisors to track employee performance throughout the year. This system tracks progress, due dates and includes notifications to supervisors on status of evaluations. As administrators, the HR staff will be able to monitor the progress as well as reviewing Goals to ensure that they are SMART.

This allow the to streamline the performance management process.

STAFF RECOMMENDATION: Approval of the purchase agreement with NeoGov.

IMPACT: By implementing this system the City will have a more efficient performance Management Process

MOTION: Make a motion to allow the City Manager to sign the purchase agreement with NeoGov for the electronic performance management system in an amount not to exceed 11,595.00

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Learning Management System
AGENDA DATE: 11/26/2019

DATE PREPARED: 11/14/2019
PREPARED BY: Stephanie Rooks

AMOUNT: $13,288
GL ACCOUNT #: 100-1540-521200
FUNDING SOURCE: Human Resources Professional Services
BUDGETED ITEM? Yes

PURPOSE: The purpose of this item is to present the purchase agreement with NeoGov for the electronic Learning Management System. This item was approved in the fiscal year 2020 budget.

BACKGROUND: Currently the City has a manual system for tracking employee training. This system has a library of many required annual training topics. As well as other courses of interest such as Excel, Word etc. The system will automatically send notifications to employees that hold licenses or certifications of their renewal dates and track CEUs.

By ensuring that all employees have completed the required annual training (harassment, EEO) we will reduce the exposure to legal ramifications of not training employees.

STAFF RECOMMENDATION: Approval of the purchase agreement with NeoGov for the Learning Management System.

IMPACT: By purchasing this system we protect the City from legal recourse due lack of training.

MOTION: Make a motion to allow the City Manager to sign the purchase agreement with NeoGov for the Learning Management System in an amount not to exceed $13,288.

NEOGOV

Learning Management System

NEOGOV OVERVIEW

1,500+

Customers using NEOGOV for talent management.

96%

NEOGOV customer retention rate.

250k+

Users maximizing talent using NEOGOV's talent management system.

2M+

Courses completed using NEOGOV's learning management system.

200M

Citizens served by NEOGOV.

19+

Years of experience helping organizations reach their talent management goals.

GREAT PLACE TO WORK® CERTIFIED 2017 USA

Inc. 500

GovTech 100 Company 2018

ELGL CONNECT.COMMUNICATE.EDUCATE

Deloitte. Technology Fast 500™

ABOUT NEOGOV

NEOGOV provides a high quality and easy-to-use talent management system to service the public sector market.

Serving over 1,500 organizations, the company's system supports organizations through the entire employee lifecycle, automating recruitment, onboarding, training, and the performance evaluation process.

Customers say NEOGOV helps them:

- Save time and money
- Reduce paper processes
- Improve regulatory requirement compliance
- Increase employee productivity and engagement
- Provide better services to citizens

Outside of the system itself, what I like most about NEOGOV is the camaraderie and collaboration between agencies.

MALISSA DANCE
City of High Point, NC

NEOGOV OVERVIEW

Mission

NEOGOV's mission is to build the highest quality and easiest-to-use talent management system to service the public sector market.

Products

GovernmentJobs.com

The largest public sector specific job board in the US. Get better applicants, hire faster, and save on advertising.

Insight

Applicant tracking software that helps you recruit and hire the best candidates.

Onboard

Onboarding software that ensures day-one readiness for new employees, accelerates productivity, and helps you keep your hires longer.

Perform

Performance management software that nurtures communication and establishes a sense of purpose for employees by identifying and promoting their strengths.

Learn

Learning management software that increases the productivity, safety, and retention of your workforce with engaging training.

LEARNING MANAGEMENT SYSTEM

LEARN

Learning management software that increases the productivity, safety, and retention of your workforce with engaging training.

Our learning management system makes training your workforce easy. With NEOGOV's Learn you can train employees throughout the entire employee lifecycle, increase productivity, and create a culture of learning.

Learn delivers workplace training that is available to learners at any time, at any place, and at the learner's pace. Our online training catalog includes hundreds of off-the-shelf courses.

The online products and services they provide are invaluable for fulfilling our diverse and disperse training needs, as well as being affordable, and cost-effective.

TRACY D. GALLO
Director of Workforce Development, Recruitment Services
& Employee Wellness, State of Vermont

A LEARNING MANAGEMENT SYSTEM THAT MAKES TRAINING EASY

Simplify Training

Roll out courses with ease. Assign engaging training from a library of 300+ courses. Track progress and completion of both online and classroom courses. It's that easy.

Increase Engagement

Engage employees with content that can be easily uploaded. Maximize the learning experience with customized courses that your employees will use and enjoy.

Reduce Risk

Reduce risk and liability claims with consistent, trackable courses available to your workforce. Store results and completions. Generate the reports you need to show compliance.

DESIGNED FOR YOU AND YOUR WORKFORCE

Cohesive Talent Management

Train employees throughout the entire employee lifecycle. Offer courses on lawful hiring. Deliver training during onboarding. Assign courses based on skill gaps.

Productive Employees

Deliver content from a rich catalog of public sector and higher education courses. Motivate employees with courses on law enforcement, campus safety, computer skills, and more.

Culture of Learning

Create a workforce of curious information seekers that want to learn and apply their knowledge. Nurture a learning mindset that helps employees reach their full potential.

FEATURES THAT MAKE TRAINING EASY

Learn offers training for thousands of organizations, allowing the seamless delivery of not only online courses, but also classroom/instructor-led training, and surveys. Learn includes an extensive library of online courses including health and safety, employment practices and liability, professional development, campus compliance, law enforcement, cyber security, and much more.

Classroom Management. Create, organize, display, and hold instructor-led events, then capture all training in one place. Our system manages instructors, locations, class size, registrations, wait lists, group enrollment, and more.

Course-Building Tool. Provides administrators with a tool to create online training courses and quizzes utilizing readily-available content development tools such as MS PowerPoint, MS Word, Adobe Acrobat, or links to any online Web service, website or online video. Content objects can be accompanied by a test/quiz that can be taken following the viewing of the content.

Dashboard metrics. Allow HR and managers to easily view important information about learners' course progress. Empower managers to facilitate and manage training and develop employees. Save HR time by delegating training responsibilities to managers.

Course catalog. Learn comes with over 300 courses plus the ability to create your own. Use quality content created by SMEs while saving time on course creation with an easy-to-use tool.

The Learner's Experience

- Register, browse courses, and enroll
- Track course progress and transcripts
- Complete courses, obtain certifications, apply new knowledge

The Admin Experience

Learn simplifies class creation and administration, taking you step-by-step through the process:

- Create online and classroom courses easily
- Select learners from hierarchical groups and enroll those learners into classes
- Credit learners for courses that will then appear on their transcripts
- Run reports on course progress, class enrollments, and time spent in courses

Self-enrollment. Employees can self-enroll in courses, allowing them to apply new knowledge, increase performance, and reduce barriers to learn.

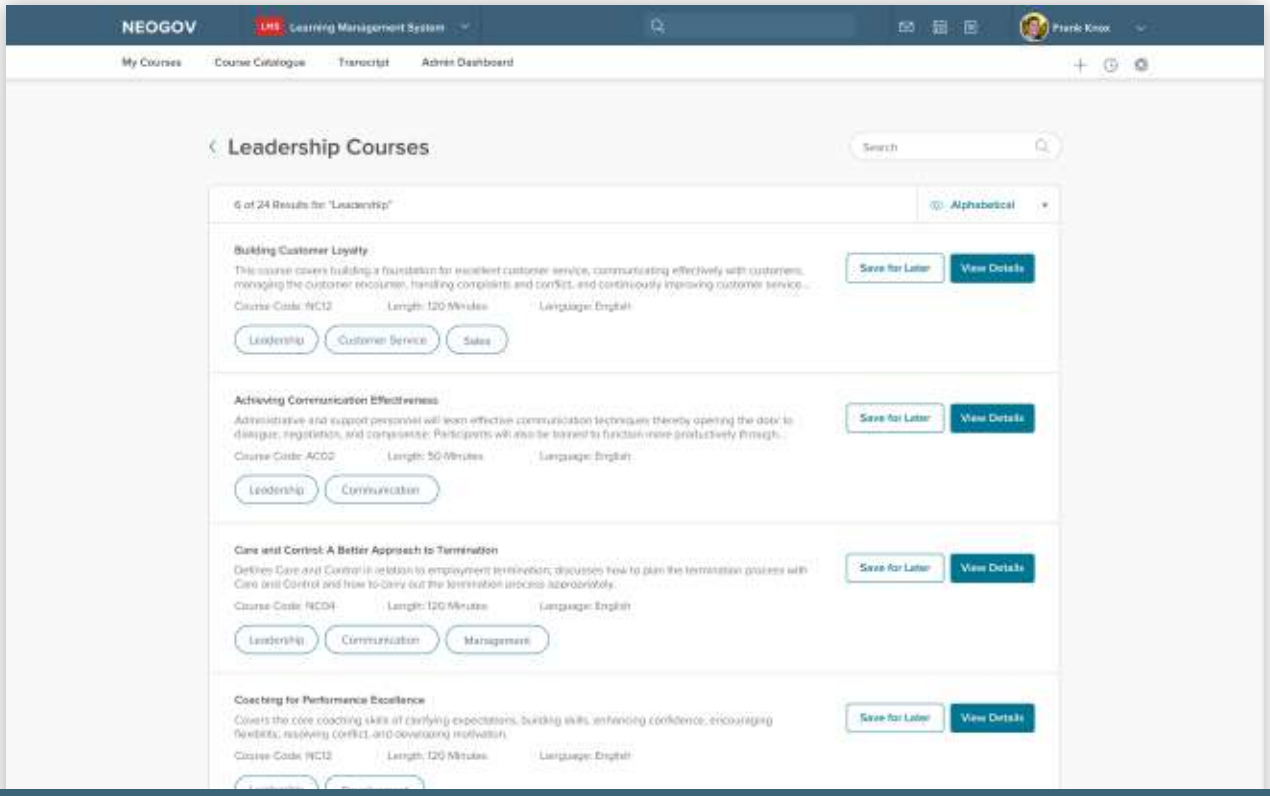
Approvals. Seamlessly manage the process of approving whether or not an employee should be able to take a course they are trying to enroll in.

Recurring enrollments. Employees and HR don't need to worry about remembering when they need to take regularly-occurring compliance courses; Learn can enroll them automatically and send a reminder of upcoming courses that are due.

Certificates & transcripts. Customize course completion certificates, recognizing employees and building confidence and morale. Easily find the courses an employee has completed.

Reporting. Reports are available for HR, managers, and employees to view the status of course enrollment, completion, overdue courses, and more. Save time sifting through data with reports that display the information you need to make strategic decisions.

Email notifications. Keep learners engaged with email notifications that notify users about course enrollment, waitlist status, and overdue tasks. Easily help users stay up to date with information and complete courses faster.



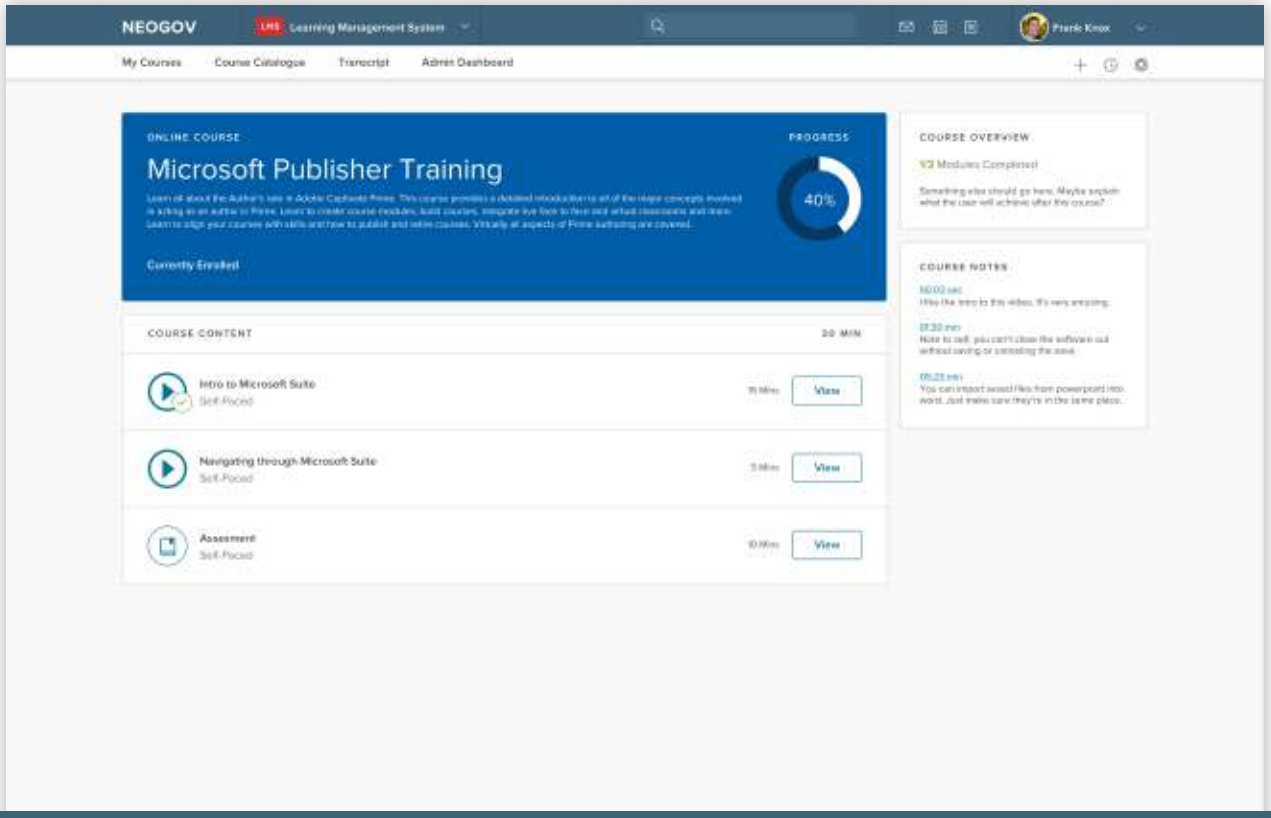
Quizzes. Post-course assessments can be set up, ensuring employees are properly trained and equipped with adequate knowledge to perform their best. Shuffle questions, build a library of questions, and set a passing score for each course.

Certification Track. Set training tracks using designated online and classroom courses. Create tracks for individual employees, groups of users, or by position, department, or job function.

Survey Management. Administrators have an efficient and convenient method of assessing their learners' thoughts and opinions, whether related to an online course they've taken or a classroom course they attended.

One of the biggest challenges for municipal employers is making certain every single employee has all the tools, skills and knowledge to do the job safely and competently. Web-based training focuses on the individual. The employee can control the learning process. I think every municipality could use this extraordinary training advantage.

DICK RANDAZZO
Perma Senior Loss Control Consultant



Name	Category
Accident Incident Investigation	Health & Safety
Active Shooter Response for Higher Education	Campus Safety
Active Shooter Response for K-12 Employees	Campus Safety
Active Shooter Response for the Workplace	Health & Safety
Aggressive Driving and Road Rage	Driver Safety
Alcohol Abuse Prevention for Higher Education Students	Campus Safety
Americans with Disabilities Act & ADA Amendments Act	Employment Liability
Americans with Disabilities Act & ADA Amendments Act for Supervisors	Employment Liability
Americans with Disabilities Act and ADA Amendments Act for Higher Education	Campus Safety
Americans with Disabilities Act for K-12 Employees	Campus Safety
Anti-Bias Policing: Part 1	Law Enforcement
Anti-Bias Policing: Part 2	Law Enforcement
Anti-Money Laundering	Employment Liability

Appropriate Touch	Child Safety
Aquatic Safety	Health & Safety
Arc Flash Safety	Health & Safety
Asbestos Awareness	Health & Safety
Avoiding Collisions	Driver Safety
Avoiding Collisions While Backing & Parking	Driver Safety
Avoiding the Crush Zone	Health & Safety
Back Safety	Health & Safety
Backhoe Safety with Trackhoe Supplement	Driver Safety
Basic Industrial Safety	Health & Safety
Before and After School Program	Child Safety
Behavior-Based Safety Training	Health & Safety
Below 100	Law Enforcement
Below 100 Tenets: Remember, Complacency Kills!	Law Enforcement
Below 100 Tenets: Watch Your Speed	Law Enforcement
Below 100 Tenets: Wear Your Belt	Law Enforcement

Below 100 Tenets: Wear Your Vest	Law Enforcement
Below 100 Tenets: What's Important Now?	Law Enforcement
Bloodborne Pathogens	Health & Safety
Bloodborne Pathogens for all Employees	Health & Safety
Bloodborne Pathogens for Campus Law Enforcement	Campus Safety
Bloodborne Pathogens for Healthcare Professionals	Health & Safety
Bloodborne Pathogens for Law Enforcement Officers	Law Enforcement
Bulldozer Safety	Driver Safety
Bullying Prevention at Camp	Health & Safety
Bullying Prevention for Higher Education Faculty	Campus Safety
Bullying Prevention for Higher Education Staff	Campus Safety
Bullying Prevention for Higher Education Student Employees	Campus Safety
Bullying Prevention for Higher Education Students	Campus Safety
Camp Aquatics Safety	Child Safety
Campus Safety for Students	Campus Safety

Carcinogen Safety	Health & Safety
Child Abuse and Prevention	Campus Safety
Child Abuse Awareness and Prevention for K-12 Employees	Campus Safety
Child Sexual Abuse Prevention at Camp	Health & Safety
Community Policing, Part I	Law Enforcement
Community Policing, Part II	Law Enforcement
Complying with HIPAA for Business Associates	CyberSecurity
Complying with HIPAA for Covered Entities	CyberSecurity
Complying with HIPAA for Hybrid Entities	CyberSecurity
Compressed Gas Safety	Health & Safety
Confined Space Entry	Health & Safety
Crossing Guard Training	Health & Safety
Day Camp Supervision	Child Safety
De-Escalation and Communication, Part I	Law Enforcement
De-Escalation and Communication, Part II	Law Enforcement

Decontamination in Industrial Environments	Health & Safety
Defensive Driving	Driver Safety
Defensive Driving for Passenger Vans	Driver Safety
Defensive Driving Refresher	Driver Safety
Discipline and Discharge	Employment Liability
Diversity Benefits for all Employers	Human Capital
Diversity Benefits for K-12 Employees	Campus Safety
DOT Hazardous Materials	Health & Safety
DOT Hazardous Materials Transportation	Health & Safety
DOT Security Training	Health & Safety
DOT Shipper Training	Health & Safety
Driving Around Animals	Driver Safety
Driving in Adverse Weather	Driver Safety
Driving While Impaired	Driver Safety
Driving with Distractions	Driver Safety

Dump Truck Safety	Driver Safety
EEO Laws and Discrimination Prevention	Employment Liability
EEO Laws and Discrimination Prevention for Higher Education	Campus Safety
EEO Laws and Discrimination Prevention: Higher Education Supervisor Supplement	Campus Safety
EEO Laws Supervisor Supplement	Employment Liability
Effective Law Enforcement Communication	Law Enforcement
Electrical Safety	Health & Safety
Email in the Workplace	Employment Liability
Emergency and Disaster Preparedness	Health & Safety
Emergency Communication in the Workplace	Health & Safety
Emergency Evacuation & Egress Safety	Health & Safety
Emergency Response in the Workplace	Health & Safety
Emergency Response: Incidental Chemical Releases	Health & Safety
Employee Safety Awareness	Health & Safety
Environmental Regulations Overview	Health & Safety
Ergonomics for Supervisors	Health & Safety

Ethical Decision Making	Human Capital
Ethics in the Workplace	Employment Liability
Eye and Face Protection	Health & Safety
Fall Protection	Health & Safety
False Arrests and Arrest Liability for Law Enforcement	Law Enforcement
Family and Medical Leave Act	Employment Liability
FERPA for Higher Education	Campus Safety
FERPA for K-12 Employees	Campus Safety
Fire & Explosion Hazards	Health & Safety
Fire Prevention	Health & Safety
Firearms Safety	Law Enforcement
First Aid & CPR Academic Training	Health & Safety
Flagger Safety	Health & Safety
Flagger Safety-CO	Health & Safety
Flagger Safety-Gated CO	Health & Safety
Food Safety Training	Health & Safety

Forklift Safety	Health & Safety
Forming Effective Safety Committees	Health & Safety
General Ergonomics	Health & Safety
Guide to Consensual Encounters	Law Enforcement
Guide to Interviewing	Employment Liability
Hand and Finger Safety	Health & Safety
Hand and Power Tool Safety	Health & Safety
Hazard Communication - The New GHS Standards	Health & Safety
Hazard Recognition	Driver Safety
Hearing Conservation	Health & Safety
Hiring High Quality Diverse Candidates	Human Capital
Hoisting and Rigging	Health & Safety
Honoring Holiday Traditions	Human Capital
Hydrogen Sulfide Safety Awareness	Health & Safety

Indoor Air Quality	Health & Safety
Indoor Crane and Sling Safety	Health & Safety
Information Security and Privacy Awareness	Employment Liability
Information Systems and Data Security Awareness	Employment Liability
Injury Prevention in Youth Sports	Child Safety
Internet Usage and Blogging in the Workplace	Employment Liability
Intersections: Turning & Right of Way	Driver Safety
Introduction to OSHA	Health & Safety
Job Safety Analysis	Health & Safety
Job Safety Analysis for Supervisors	Health & Safety
Laboratory Radiation Safety	Health & Safety
Laboratory Safety	Health & Safety
Ladder and Scaffolding Safety	Health & Safety
Ladder Safety	Health & Safety
Landscape Safety	Health & Safety

Lane Use	Driver Safety
Law Enforcement Ethics	Law Enforcement
Lawful Hiring	Employment Liability
Lead Safety Awareness	Health & Safety
Light Trucks: Avoiding Collisions	Driver Safety
Light Trucks: Backing Safety	Driver Safety
Light Trucks: Driving Hazards	Driver Safety
Light Trucks: Ergonomics	Driver Safety
Light Trucks: Handling Extreme Conditions	Driver Safety
Light Trucks: Trailering	Driver Safety
Lockout/Tagout Training	Health & Safety
Machine Guarding	Health & Safety
Managing Speed	Driver Safety
Managing the Multigenerational Workforce	Human Capital

Materials Handling and Storage	Health & Safety
New Employee Safety Orientation	Health & Safety
Occupational Disease Prevention for Firefighters	Health & Safety
Off-Duty Conduct	Law Enforcement
Office Safety	Health & Safety
Officer Safety and Tactics for Chemical and Bomb Threat Response	Law Enforcement
Operating Safety Committees	Health & Safety
OSHA Investigation/Inspection	Health & Safety
OSHA Investigations and Inspections	Health & Safety
PCI Security Standards at the Point of Sale	CyberSecurity
PCI Security Standards for IT and Back Office	CyberSecurity
PCI Security Standards for Managers	CyberSecurity
PCI Security Standards on the Phone and Online	CyberSecurity

Performance Evaluation	Employment Liability
Personal Protective Equipment	Health & Safety
Personnel Guidelines for Law Enforcement (Part 1)	Law Enforcement
Personnel Guidelines for Law Enforcement (Part 2)	Law Enforcement
Playground Safety	Health & Safety
Playground Supervision	Health & Safety
Pollution Prevention	Health & Safety
Powered Industrial Truck Safety	Health & Safety
Practicing Hand Hygiene	Health & Safety
Preventing Phishing	CyberSecurity
Preventing Slips, Trips, and Falls	Health & Safety
Preventing Slips, Trips, and Falls for Firefighters	Health & Safety
Preventing Slips, Trips, and Falls for Law Enforcement Officers	Law Enforcement
Preventing Strains and Sprains	Health & Safety

Privacy Awareness	CyberSecurity
Proactive Approaches to Chemical and Biological Threats	Health & Safety
Process Safety Management	Health & Safety
Reasonable Suspicion for Drug and Alcohol Testing: Signs and Symptoms of Alcohol Misuse	Health & Safety
Reasonable Suspicion for Drug and Alcohol Testing: Signs and Symptoms of Drug Use	Health & Safety
Reasonable Suspicion for Drug and Alcohol Testing: The Role of the Supervisor	Health & Safety
Records Management	CyberSecurity
Resident Camp Supervision	Child Safety
Respiratory Protection	Health & Safety
Responding to Domestic Abuse Calls	Law Enforcement
Responsible Use of Social Media	CyberSecurity
Retaliation Awareness and Avoidance	Campus Safety
Road Grader Safety	Driver Safety

Safe Patient Handling	Health & Safety
Safety Awareness for Seasonal Employees	Health & Safety
Safety Data Sheets	Health & Safety
Safety in Local Government: Part 1	Health & Safety
School Bus Safety: Bullying on the Bus	Campus Safety
School Bus Safety: Emergency Operations	Campus Safety
School Bus Safety: Loading & Unloading	Campus Safety
School Bus Safety: Safe Bus Operation	Campus Safety
School Bus Safety: Transporting Students with Special Needs	Campus Safety
Security Awareness	CyberSecurity
Security Awareness with Privacy Principles	CyberSecurity
Sexual Harassment Prevention for Connecticut	Employment Liability
Sexual Harassment Prevention for Employees	Employment Liability
Sexual Harassment Prevention for Faculty	Campus Safety
Sexual Harassment Prevention for Higher Education Staff	Campus Safety
Sexual Harassment Prevention for K-12 Employees	Campus Safety
Sexual Harassment Prevention for Student Employees	Campus Safety

Sexual Harassment Prevention for Supervisors	Employment Liability
Sexual Harassment Prevention for Supervisors - California AB1825	Employment Liability
Sexual Harassment Prevention: Supervisor Supplement	Employment Liability
Shallow Water Blackout	Health & Safety
Site Control	Health & Safety
Situational Awareness and Ambush Precautions for Law Enforcement	Law Enforcement
Slips, Trips, and Falls	Health & Safety
Slower is Faster: Survival Skills for Law Enforcement Drivers	Law Enforcement
Snow Plow Safety	Driver Safety
Space and Time Management	Driver Safety
Spill Prevention and Control	Health & Safety
Street Sweeper Safety	Driver Safety
Stress Management at Work and Elsewhere	Health & Safety
Stress Management for Law Enforcement	Law Enforcement

Stress Management for Public Safety Telecommunicators	Health & Safety
Student Empower	Campus Safety
Substance Abuse & the Drug-Free Workplace Act	Employment Liability
Supervisor Safety Awareness Program	Health & Safety
Survival Driving - Emergencies and Natural Disasters	Driver Safety
Survival Driving - Urban Driving	Driver Safety
Tailgate Topics - Avoiding Accidents	Driver Safety
Tailgate Topics - Buckle Up	Driver Safety
Tailgate Topics - Distracted Driving: Drop it & Drive	Driver Safety
Tailgate Topics - Driving Defensively	Driver Safety
Tailgate Topics - Drowsy Driving	Driver Safety
Tailgate Topics - Emotional Driving	Driver Safety
Tailgate Topics - Hang Up and Drive: Cell Phones + Driving	Driver Safety
Tailgate Topics - Intersections	Driver Safety
Tailgate Topics - Look Back: Mirror, Mirror on the Car	Driver Safety
Tailgate Topics - Safe Following	Driver Safety
Tailgate Topics - Winter Driving	Driver Safety

Team Building Across Cultures	Human Capital
The Clery Act and Campus Security Authorities	Campus Safety
The Power of Respectful Language	Human Capital
The Professional Lifeguard	Health & Safety
Title IX, VAWA, & Clery Act for Faculty & Staff	Campus Safety
Title VI for Higher Education Faculty and Staff	Campus Safety
Title VI for K-12 Employees	Campus Safety
Title VI of the Civil Rights Act of 1964	Employment Liability
Toxicology Training	Health & Safety
Transition to Respect	Employment Liability
Transitional Duty - Improving Your Return to Work Program	Health & Safety
Transitional Duty | Improving Your Return to Work Program	Health & Safety
Trenching and Excavation Safety	Health & Safety
Trip and Transportation Safety	Health & Safety
Turning Hazards	Driver Safety

Uncovering Implicit Bias	Employment Liability
Unlawful Harassment Prevention	Employment Liability
Unlawful Harassment Prevention - Higher Education Faculty - Supervisor Supplement	Campus Safety
Unlawful Harassment Prevention - Higher Education Staff - Supervisor Supplement	Campus Safety
Unlawful Harassment Prevention - Supervisor Supplement	Campus Safety
Unlawful Harassment Prevention for Higher Education Staff	Campus Safety
Use of Force: An Overview	Law Enforcement
Use of Force: Community Policing and Community Perceptions	Law Enforcement
Use of Force: Decision Making and Judgment	Law Enforcement
Use of Force: Ethical Considerations	Law Enforcement
Use of Force: Liability and Reasonableness	Law Enforcement
Vehicle Care and Maintenance	Driver Safety
Wage and Hour Law for Supervisors	Employment Liability
Waste Management	Health & Safety

Welding Cutting and Brazing Safety	Health & Safety
Winter Driving Safety	Driver Safety
Work Zone Safety	Health & Safety
Working in Extreme Temperatures	Health & Safety
Working Outdoors in Warm Weather	Health & Safety
Working Outdoors in Warm Weather for Camp Employees	Health & Safety
Workplace Bullying and Violence Prevention	Employment Liability
Workplace Ergonomics	Health & Safety
Creating a Total Service Experience	Human Capital
Coaching to Develop Motivation	Human Capital
Defining Coaching	Human Capital
Listening Skills	Human Capital
Understanding Skills	Human Capital
Defining Useful Workplace Feedback	Human Capital
The Role of Customer Service	Human Capital
Providing Service with Heart	Human Capital
Conveying Information	Human Capital

Focusing on the Customer	Human Capital
The Role of the Supervisor	Human Capital
The Responsibilities of a Manager	Human Capital
Advanced QuickBooks (2016)	Business Skills
Basic Business Finance Principles	Business Skills
Brain Bites - Email Management	Business Skills
Brain Bites - Organizing Your Files	Business Skills
Brain Bites - Staying Safe Online	Business Skills
Brain Bites - Time Management	Business Skills
Brain Bites - Using Windows 10	Business Skills
Excel - Introduction to Power Pivot	Business Skills
Excel for Mac Basics	Business Skills
Excel: Creating Dashboards	Business Skills
Excel: Data Analysis with Pivot Tables	Business Skills
G Suite Essentials (2016)	Business Skills
Get It Done - Managing Emails	Business Skills
Get It Done Sharing Calendars	Business Skills
Gmail 2015	Business Skills
Intro to SharePoint	Business Skills

Mastering Access 2013	Business Skills
Mastering Access 2016 - Basics	Business Skills
Mastering Access 2016 - Intermediate	Business Skills
Mastering Adobe Acrobat DC Essentials (2016)	Business Skills
Mastering Excel 2010	Business Skills
Mastering Excel 2013	Business Skills
Mastering Excel 2013 - Basics	Business Skills
Mastering Excel 2013 - Intermediate	Business Skills
Mastering Excel 2013 - Advanced	Business Skills
Mastering Excel 2016	Business Skills

Mastering Excel 2016 - Basics	Business Skills
Mastering Excel 2016 - Intermediate	Business Skills
Mastering Excel 2016 - Advanced	Business Skills
Mastering Microsoft Project: Part 1- Creating a Project	Business Skills
Mastering Microsoft Project: Part 2- Managing a Project (2016)	Business Skills
Mastering Microsoft Teams	Business Skills
Mastering Office 365 (2017)	Business Skills
Mastering OneNote 2013	Business Skills
Mastering OneNote 2016	Business Skills
Mastering Outlook 2013	Business Skills
Mastering Outlook 2013 - Basics	Business Skills
Mastering Outlook 2013 - Advanced	Business Skills

Mastering Outlook 2016	Business Skills
Mastering Outlook 2016 - Basics	Business Skills
Mastering Outlook 2016 - Advanced	Business Skills
Mastering PowerPoint 2010	Business Skills
Mastering PowerPoint 2013	Business Skills
Mastering PowerPoint 2016	Business Skills
Mastering PowerPoint 2016 - Basics	Business Skills
Mastering PowerPoint 2016 - Advanced	Business Skills
Mastering QuickBooks Online	Business Skills
Mastering QuickBooks Online (2018)	Business Skills
Mastering Word 2010	Business Skills
Mastering Word 2013	Business Skills
Mastering Word 2013 - Basics	Business Skills
Mastering Word 2013 - Intermediate	Business Skills
Mastering Word 2013 - Advanced	Business Skills
Mastering Word 2016	Business Skills
Mastering Word 2016 - Basics	Business Skills

Mastering Word 2016 - Intermediate	Business Skills
Mastering Word 2016 - Advanced	Business Skills
Microsoft Form Essentials	Business Skills
Microsoft Lync	Business Skills
Microsoft Office 365 Groups Essentials	Business Skills
Microsoft Office 365 Planner Essentials	Business Skills
Microsoft Sway	Business Skills
Microsoft To-Do Essentials	Business Skills
Migrating from Office 2003 to Office 2013	Business Skills
Network Essentials: CompTIA Network Plus	Business Skills
Office 365 Essentials 2017	Business Skills
OneDrive Essentials	Business Skills
Outlook Online Essentials 2017	Business Skills
Project Management Fundamentals	Business Skills
QuickBooks	Business Skills
Secrets Of The Web	Business Skills
Skype for Business Essentials	Business Skills
What's New in Adobe CC 2015 (Multimedia)	Business Skills

What's New in Excel 2013?	Business Skills
What's New in Office 2016?	Business Skills
What's New in PowerPoint?	Business Skills
What's New in QuickBooks 2014	Business Skills
What's New in Word 2013?	Business Skills
Windows 10	Business Skills
Windows 8 Essentials	Business Skills
Windows 8.1 Essentials	Business Skills
Power Up PowerPoint	Business Skills
Power Up Powerpoint	Business Skills
Practicing Hand Hygiene: Medical Professionals	Health & Safety
Practicing Hand Hygiene: Child Care Providers	Health & Safety
Practicing Hand Hygiene: Food Service Professionals	Health & Safety

Description
Workplace accidents occur each and every day. Accident investigations determine how and why a information gained through an investigation, a similar or even a more disastrous accident may be p reasons for conducting an accident/incident investigation, introduce the six- step accident/incident safety programs can be improved to prevent reoccurrences.
An active shooter on campus is a nightmare situation for any college or university. This course cov with post-event trauma. It instills the importance of acting quickly for survival.
An active shooter on campus is a nightmare situation for any school. This course covers the basic event trauma. It instills the importance of acting quickly for survival.
An active shooter in the workplace is a nightmare situation. This course covers the basics of active trauma. It instills the importance of acting quickly for survival.
Road rage can become a deadly event. This course will help you to identify the difference betweer behavior, and understand the importance of maintaining your composure.
Alcohol and drug abuse is a serious concern on campuses. While many students think negative ef abuse has an impact on their daily lives, safety, and futures. This course discusses the dangers ar signs of a problem are, and how to get help.
The Americans with Disabilities Act (ADA) prohibits workplace discrimination against people with p modifies the ADA, reconfirming the group of people who will be covered should be interpreted broa when cases go to court. From a comprehensive explanation of the amended Act to necessary acc supervisors to navigate the legal dangers that arise when disability issues are mishandled in the w
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The Americans with Disabilities Act prohibits workplace discrimination against people with physica modifies the ADA, reconfirming the group of people who will be covered should be interpreted broa when cases go to court. This course prepares supervisors to navigate the legal dangers that arise
Our organization values the diversity of and contributions made by people with disabilities in our w is of utmost importance.
Members of the public must feel that police in their area are acting, and reacting, in a fair and impa gender, socioeconomic status, etc. In order for there to be that trust, law enforcement officers mus members of the public. This course represents just a start to more unbiased way of thinking, reacti
Members of the public must feel that police in their area are acting, and reacting, in a fair and impa gender, socioeconomic status, etc. In order for there to be that trust, law enforcement officers mus members of the public. This course represents just a start to more unbiased way of thinking, reacti
Many organizations especially those that provide wire transfers, money order or checks, currency targets of money laundering. Ensuring compliance with federal anti-money laundering laws and pr course explains how to recognize signs of potential money laundering and how to comply with con

Keeping children safe from child sexual abuse means only touching children in appropriate ways a touch. Children who know which touches are appropriate or inappropriate are better able to protec appropriately interact with children and how to teach them about appropriate touch.
Every year 3,000 to 4,000 people drown in the U.S., with most of those occurring during the summ counselor you have a crucially important role in protecting kids during swim time this summer. This and explains how counselors can work together to make swim time safe all summer long.
This course covers the safety issues related to arc flashes and blasts. Topics include safety in avo proper PPE, and lockout/tagout procedures. The course provides an overview of OSHA Standards Association (NFPA) Standard 70E.
This course covers health hazards and protective measures related to asbestos. Topics include lo for signs and labels, circumstances where employees may risk asbestos exposure, exposure prev OSHA's required medical program. This course covers OSHA standard 29 CFR 1910.1001.
This course covers the causes of rear-end collisions and how to avoid them, the precautions you s passing, right of way rules and how to navigate intersections without incident, and how to avoid ac
The space behind your vehicle can be just as dangerous as the space in the front. Because of this and know what is around you â€“ in every direction and in all situations. This course covers the da back up and park safely, and how to protect yourself from backing and parking collisions.
Don't get caught in the crush zone! Too many accidents involve workers who are caught between devastating. This course will raise awareness about some of the most common Crush Zone hazar
How important is back health? Protecting your back can save you time, money, and pain. This cou include safe lifting steps, common back injuries,and an ergonomic overview.
Whether you are new backhoe operator or a veteran, this course will equip you to identify the diffe practices to inspect and operate your backhoe, ensure the safety of the workers and worksite whe and principles when using large excavators or trackhoes.
This awareness level course covers industrial safety fundamentals covered under OSHA 29 CFR communication, bloodborne pathogens, lockout-tagout, confined space entry, personal protective protection. The course also provides and overview of OSHA 29 CFR 1903.1.
You play an important role as a before or after school supervisor to keep children safe. Before and training will prepare you for the before/after school environment and teach you proper supervise, b
This course covers the concepts of behavior-based safety as well as methods and techniques use of safety policies, the supervisor's responsibilities, the purpose of OSHA's Industrial Safety Standa CFR 1903.1) is used to keep workers safe.
The Below 100 Program is designed to drastically reduce law enforcement Line of Duty Deaths. It enforcement that contribute to the greatest number of Line of Duty Deaths, but are in large part pre program and discusses each of the five Tenets.
Of all the threats law enforcement officers face, perhaps none is more dangerous than complacen risk. This course is an in-depth examination of the fifth tenet of the Below 100 initiative: Remembe
As law enforcement officers, we are expected to respond or pursue in a quick and expedient manr limited to those times when it is necessary. Making the decision to speed when it is not warranted sworn to protect in danger. This course is an in-depth examination of the second tenet of the Belo
We already know that traffic accidents account for the vast majority of law enforcement Line of Du 39% of officers killed in traffic accidents were not wearing their seatbelt. This course is an in-depth Wear Your Seatbelt.

One of the responses law enforcement officers use to justify not wearing a vest is that they will gra protected by body armor sitting in the passenger seat, waiting to be put on if the moment arose. Th the Below 100 initiative: Wear Your Vest.
Rapidly changing situations you encounter while on duty require thoughtful reactions. By regularly your safety, ensuring a safe return home after each shift by being mentally prepared for any situati examination of the first tenet of the Below 100 initiative: Whatâ€™s Important Now.
This course provides information to minimize the health risks to workers exposed to blood and oth definition of bloodborne pathogens, symptoms of the diseases they cause, and modes of transmis engineering controls, work practices, and personal protection equipment; decontamination and dis related to exposure incidents.
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Bulldozer operator course that covers bulldozer parts, safety structures, basic maintenance and in procedures.
Bullying is a growing problem that cannot be ignored. This course will teach you what bullying is, w and prevent bullying.
Bullying does not need to be tolerated as part of the education experience, and schools can take a Studies have shown that a strong anti-bullying program does help prevent bullying. This course co effects, and the dangers of failing to prevent bullying.
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Aquatic safety is everyone's responsibility. This training will teach non-lifeguard camp staff how to shows a video from a surveillance camera of a real drowning and provides learnings on how to ke
Many students are away from home for the first time, living in new cities and with roommates, and students on methods to protect themselves against physical violence, bullying, and property and ic

This course covers recognition, management, usage, and control of carcinogens. Topics include c requirements, the carcinogenic risk assessment process, and methods of carcinogenic hazard cor
Recent high-profile cases have emphasized the need for all Higher Education employees to be tra trains education employees how to recognize and report suspected child maltreatment. It also exp potential civil and criminal penalties for failure to report.
Recent high-profile cases have emphasized the need for all employees to be trained on properly r employees how to recognize and report suspected child maltreatment. It also explains when they criminal penalties for failure to report.
Child sexual abuse is a risk at your camp. Protecting campers is one of your most important challe identify red flags warning signs of abuse and methods to protect campers from peer-to-peer sexua
Community Policing is a two-part course that takes what you already know about community polici manner, so that you can take what you learn and apply it in the real world. Part I defines what com components it consists of: problem solving, community partnerships, and organizational transform
Community Policing is a two-part course that takes what you already know about community polici manner, so that you can take what you learn and apply it in the real world. Part II evaluates and ac community policing, and then assists you in developing a community policing action plan.
The goal of this course is to help business associates comply with the general HIPAA training requ HITECH act. This course explains the importance of HIPAA, outlines the legal requirements relate handling of such information.
The goal of this course is to help individuals within your organization refresh their knowledge and those contained in the recent ARRA HITECH act. The ARRA stimulus bill altered a covered entityâ compliance. Employee training is required under the rule.
The goal of this course is to help individuals within hybrid entities refresh their knowledge and com contained in the recent ARRA HITECH act. The ARRA stimulus bill altered a hybrid entityâ€™s re compliance. Employee training is required under the rule.
This course covers how employers and employees can work safely with compressed gases by cor them. Topics include physical properties of widely used compressed gases; inspection of cylinders compressed gases; safety relief devices for compressed gas containers; basic hazard recognition The course provides an overview of OSHA's 29 CFR 1910.101.
This course covers information about working safely in confined spaces and hazardous atmospher definitions and identification of hazards related to confined spaces and hazardous atmospheres; d requirements, and point-of-entry permits. This course provides an overview of OSHA's 29 CFR 19
Street Smart is Street Safe discusses the basic principles School Crossing Guards need to protect part of an initial training program as well as a refresher course for experienced crossing guards.
The day camp environment has many unique challenges to supervise campers. This training conv campers and offers solutions for supervising small and large groups of children at day camp.
This training is spread over two one-hour courses. Part I will address Managing and Controlling Ot Managing and Controlling Your Own Emotions and Behaviors. The goal of this training is NOT to t but to equip you to assess human reactions in yourself and in others so that you can determine wh escalation techniques so you can leverage communication to gain compliance.
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This course covers major factors affecting permeation of contaminants, steps in creating a decont and equipment, testing decontamination method effectiveness, and emergency decontamination s CFR 1910.120.
This course, intended for experienced drivers, covers the risks inherent in driving and offers concr course covers vehicle protection systems, rules of the road, how to deal effectively with hazardous
This course, intended for experienced drivers, covers the risks inherent in driving and offers concr course covers vehicle protection systems, rules of the road, how to deal effectively with hazardous
This course covers driving techniques to reduce the likelihood of involvement in a motor vehicle ac recognition of accident prevention methods, the impact of drinking and driving, and vehicle safety
This interactive course provides supervisors with specific, practical information regarding the disci provides supervisors with guidelines that lay the groundwork for proper employee discipline.
The course provides a solid foundation in diversity and inclusion thought and practice. Real world diversity in the workplace. The course's practical approach empowers Learners to recognize their everyday tasks while reinforcing unlawful harassment prevention and sexual harassment preventio
From an organizational perspective, what we have done in the past may no longer work in the futu and how it impacts the workplace.
This course, designed for drivers carrying hazardous materials, covers the basic requirements of t include the parts of the HAZMAT table, hazard classifications and divisions, HAZMAT shipping pa placarding, proper loading of hazardous material, compatibility with other transported materials, ar
This course, designed for drivers carrying hazardous materials, covers the basic requirements of t include the parts of the HAZMAT table, hazard classifications and divisions, HAZMAT shipping pa placarding, proper loading of hazardous material, compatibility with other transported materials, ar
This course covers the Department of Transportation's Security Requirements rule for companies include requirements of the rule, ways to evaluate potential threats to security, the Department of transporting hazardous substances, and responding to possible security threats.
This course, designed for shippers of hazardous materials, covers the Department of Transportati hazardous materials (HAZMAT). Topics include the parts of the HAZMAT table, hazard classificati requirements, marking, labeling, and placarding. U.S. Department of Tranportation Hazardous Ma
Animals on the roadways are often unexpected, unpredictable, and erratic, leading to dangerous d animals around. As a driver, you should prepare to encounter animals when you are operating a v vehicle collisions, common risk factors associated with animal vehicle collisions, and practical stra
While we cannot control the weather, we can learn how to prepare for and safely react to rain, sno with inclement weather, reacting appropriately to hazardous weather conditions, and implementing
Driving is an activity that requires both mental and physical alertness. Yet a surprising amount of d attentiveness by driving while impaired. They put themselves, and those they share the road with, impairments, the risks associated with driving impaired, and common sense strategies for safe dri
Every year, thousands of people are injured or killed nationwide in accidents involving a distracted 700,000 people are driving while manipulating electronic devices. This course covers the types of distractions, and common sense solutions to practice attentive driving.

This course focuses on the safe work practices of dump truck operation It covers performing safety operating the various controls and safety features found on a dump truck, avoid injury by exercisin and safely load and unload the contents of your dump truck.
This course introduces and explains the equal employment opportunity (EEO) laws, covers categc into prohibited employment practices to help keep your organization on the right legal track.
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The EEO Laws and Discrimination Prevention Supplement is designed for supervisory employees have completed EEO Laws and Discrimination Prevention.
The EEO Laws and Discrimination Prevention Supplement is designed for supervisory employees have completed EEO Laws and Discrimination Prevention.
As a law enforcement officer, it is important that you have a good understanding of law enforceme job communication that could happen while on duty, so it is important to talk with your supervisor t how to handle them effectively.
This course covers defining □□□unqualified workers□□□ and □□□qualified workers electricity, how electricity impacts the human body, how to recognize electrical hazarc This course provides an overview of OSHA's Subpart S 29 CFR 1910.302 through 1910.399.
This course reviews an email usage policy and provides guidelines for crafting precise and purpos employees with the best practices for professional and effective email communication -- and show use. This course provides the basis for an effective email usage policy for your organization.
This course provides instruction on emergency response, safety, reporting, and evacuation of com threat, or other emergency.
Are you ready for an emergency? Communication plays a primary role in the workplace. If an ever have such negative results, imagine the consequences of miscommunication during an emergency during an emergency, how to effectively report an emergency, and how to overcome communicati
This course, designed for employees and supervisors, covers how to develop, communicate, train situation. Topics include means of egress, OSHA’s physical requirements for exit routes, employe egress hazards, and safe housekeeping practices. OSHA: 29 CFR 1910.36-38
Are you ready for an emergency? When you go to work, are you prepared for your day to get turne on giving you the basic skills to react and adapt to emergencies, including understanding the basic and the psychological effects of stress.
This course covers preparation for chemical releases and threats of releases that are not specifica covers acting safely when chemical releases and threatened releases are limited in quantity, expo hazards when handled properly. Topics include recognition of a release, risks associated with a re course provides an overview of OSHA's 29 CFR1910.1200.
Our newest Online University course discusses what employees can do to promote a positive safe covered include hazard identification, coaching fellow employees to work safely, reporting and inve activities.
This course covers the history, purpose, and mission of the key regulatory agencies: OSHA, EPA, occupational safety and health work practices and standards, including the Toxic Substances Con Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CER The course provides an overview of the EPS's 40 CFR.
This course, designed for supervisors of workers in jobs that put them at risk for musculoskeletal d incident occurs. The course uses OSHA’s DRAFT Ergonomics Standard and the NIOSH manual, ‘ signs and symptoms of work-related MSDs. It also classifies the most common MSDs, identifies w ergonomics programs and the roles of the employee and employer.

Every day, you make thousands of decisions. In fact, some estimate you make around 35,000 dec ones. Others are not so easy. Learn about what it takes to make ethical decisions on the job, inclu guideline, how to dissect tough ethical dilemmas, and how ethical decision making benefit you.
This course equips employees with the information, training and problem-solving skills they'll need isn't popular.
This course covers types of personal protective equipment used to protect the eyes and face, whe selection, use, and maintenance of personal protective equipment in the workplace. Topics include and the proper care, useful life, and disposal of PPE. OSHA: 29 CFR 1910 Subpart I
This course covers basic fall protection principles. Topics include fall hazards in work areas, fall pr role of the employee in fall protection plans and safety monitoring systems, equipment limitations i equipment, materials handling and storage, and erection of overhead protection. The course provi and 1926 Subparts E, L, M, P, and X.
Whether it be a consensual encounter, investigative stop, or an arrest, every time an officer interac claims that can be brought against them. This course examines the types of situations that can pro and offers suggestions to help protect officer safety and remain under the color of the law.
The Family and Medical Leave Act is a legal minefield where one mistake from an untrained super complex law with far-reaching implications if it isn't applied correctly. This course informs supervis their responsibilities throughout the process, from pre-leave to post-leave.
This course teaches you how to comply with the law and how to identify and report problematic sit FERPA sets minimum standards for privacy of student information.
This course teaches you how to comply with the law and how to identify and report problematic sit FERPA sets minimum standards for privacy of student information.
This course covers principles of fire and explosion hazards in industrial environments. Topics inclu principles, and safe handling and proper storage of potentially flammable or explosive materials. T 1910.38 and 29 CFR 1926 Subparts E and F.
This course covers basic fire safety principles, the recognition and prevention of potential fire haza extinguisher operation and maintenance. Topics include those required by the OSHA Workplace F employers to provide proper exits, fire fighting equipment, and employee training to prevent fire, de covers OSHA 29 CFR 1910.38 and 29 CFR 1926 Subparts E and F.
This course will ask you to step into the roles of various law enforcement personnel, calling attenti in, and the rules that can help you decide your best course of action in regards to Basic Firearm Sa
This course covers basic First Aid and CPR practices in the workplace though does not provide ce emergency situations such as bleeding, shock, burns, eye injuries, heart attack, fractures, and exp employees the confidence to face emergency and first aid situations, knowing where their respons Subpart K; 29 CFR 1910.151 Subpart K
Flagging is an extremely dangerous job. This course aims to prepare flaggers for work zone funda protocol. Topics include flagger responsibilities and signals, use and definitions of traffic control de
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Over 76 million people in the United States get food-borne illnesses each year. Food-borne illness so it is incredibly important that the food your program gives to people is safe. This course will teac safer for your clients and guests.

This forklift safety course provides the necessary academic training required to become a qualifiec forklift operation and safety practices, general preventive maintenance practices, and safe refuelin provided and good habits are illustrated. This course mainly covers OSHA 29 CFR 1910.178.
An active joint employee-management safety committee is one of the most effective means to con introduces managers to best practices in establishing and maintaining an effective safety committe evaluating and improving safety committees.
This course addresses the key components of an ergonomics program identified by CAL/OSHA in "Elements of Ergonomics Program." It includes information regarding the risk factors, signs, and s
The complexities of interacting with the public for a law enforcement officer are immeasurable. Thi of interactions that law enforcement officers have with the public; reviews constitutional controls of protect officer safety and remain under the color of the law.
This course focuses specifically on lawfully interviewing. Organizations encounter many legal chal few guidelines in the applicant interviewing process. This course includes clear guidelines, glossar
This course covers safety precautions required to prevent industrial hand and finger injuries. Topic hazards of mechanical and hand tools, safe practices, engineering and administrative controls to i equipment, and the use of personal protective equipment and machine guards. The course provid 1910.138(a) and (b); 29 CFR 1926 Subpart I; 29 CFR 1910.212; and 29 CFR 1910 Subpart I.
There are several types of power tools based on the power source they use: electric, pneumatic, li commonly used in industry and at home. This course will provide an understanding of the potentia that will minimize or eliminate these hazards. (OSHA's 29 CFR 1926 Subpart I and 29 CFR 1910 S
This course covers OSHA's Hazard Communication Standard (HAZCOM), 29 CRF 1910.1200, wh are identified, labeled, handled, used, and disposed of properly. Topics include chemical states, e federal agencies that regulate workplace chemicals. The goal of the course is to prevent or minimi minimize their accidental release in the work environment. This course covers the 2012 changes t
As drivers, we are constantly exposed to hazards. Completing our journey safely is relative to our subjected to. This course will help you recognize and respond to hazards, use your mirror and hea hazards.
Hearing is a gift that you should protect from loud noise at work. Upon successful completion of th hearing, recognize the different causes of hearing impairment, identify the purpose of OSHA's Hea procedures for audiometric testing, specify the purpose of hearing protectors and the advantages proper fitting, use, and care of hearing protection.
A diverse workforce is the reality of today's global economy. This course focuses on the goal of hi where to recruit, applicant screening techniques, common pitfalls to be avoided and how to keep t roadmap to the whys and hows of increasing and retaining any organization's diverse workforce.
This course covers the safety issues related to moving large, heavy loads in manufacturing and c types of cranes and derricks, hoists, elevators, conveyors, aerial lifts (1926.556), trucks, booms, a vessels. This course provides an overview of OSHA's 29 CFR 1926.550-556 and 1926.605.
This course focuses on different views on holidays and how to deal with celebrations in the workpl honoring holiday traditions, participants learn how to celebrate diverse perspectives and create a v
Applies to anyone who may have an occupational exposure to hydrogen sulfide (H2S). This cours compound can be found – both in nature and as a result of industrial activity. The course offers de ways to reduce risk, and what to do if exposure exceeds standards.

This course covers tools needed to prevent and correct indoor air quality (IAQ) problems in buildin health effects of poor air quality, hazards, toxicology, and integration of IAQ-related activities using American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE) Standa
This course covers the safety issues related to moving large, heavy loads in manufacturing and co the manufacturer's role, required supervisory skills, inspections of cranes and slings, basic operat handling, attaching, and moving loads. OSHA: 29 CFR 1926.550-556, and 1926.605
For Government Agencies - Managing information effectively is important for an organization's suc compliance. This course covers legal aspects of data protection and how to handle data appropria
Managing information effectively is important for an organization's successful development, but it i aspects of data protection and how to handle data appropriately in light of their legal obligations.
Young athletes have their entire lives ahead of them to win, but you have to make sure that they d and factors create a likelihood for injury, you learn how to prevent injury. This course aims to help injuries and keep young athletes safe.
This course provides training and best practices on professional and effective internet-related com pitfalls of improper or haphazard online activity and instructs employees how to avoid inappropriat
Imagine how simple it would be to go anywhere if we could just travel from Point A to Point B in a s rarity. Instead, as we get in our vehicles to head to wherever we are going, we face corners, turns, operating your vehicle in a manner that minimizes the inherent dangers of intersections, yielding th roundabouts and turns.
An overview of OSHA's role in the prevention and elimination of work related illnesses and injuries Federal Regulations, reporting and record keeping, employer and employee rights and responsibil
This course covers the benefits of participating in a company safety program and safe work practic place hazards. Topics include assessment tools, job safety analysis (JSA), JSA control methods, v areas. OSHA: 29 CFR 1910 Subparts D, E, and G
This course, designed for Job Safety Analysis supervisors, covers safe work practices and the pro Topics include safe work practices programs that eliminate or minimize the potential for injury from (JSA), JSA control methods, workplace inspections, and housekeeping practices for work areas. C
This course covers working safely with radioactive materials in a laboratory setting. Topics include characteristics, and examples of emitters of radiation; hazardous effects to tissue; measuring expo exposure; and decontamination procedures. U.S. Nuclear Regulatory Commission (USNRC) 10 C
This course, designed for workers in industrial, clinical, and academic laboratory settings, covers g Topics include Chemical Hygiene Plans in the workplace, the purpose of a Material Safety Data Sl hazards, and general emergency guidelines to be followed in the laboratory. OSHA: 29 CFR 1910
This course covers how to recognize, control or minimize the hazards associated with ladders and scaffold hazards; construction, use, placement, care, and handling of ladders; important safety fea and scaffolding; fall protection devices; and electrical hazard safety guidelines. This course provid and 1926.454 Subpart L.
This course covers how to recognize, control or minimize the hazards associated with ladders use use, placement, care, and handling of ladders; important safety features; correct procedures for er course provides and overview of OSHA's 29 CFR 1926.1060 Subpart X.
This course offers a look at the basic safety needs for landscape workers, emergency response, ti review core safety guidelines that everyone on your crew should be aware of. During this course, v wear and taking proper weather precautions, avoid injury while working with chemicals and electri aid response.

Driving is truly a social event. Other motorists expect you to drive safely with their well-being in mi being in mind. Our expectations that other drivers will drive in the correct lane, in the correct direct strongest examples of those social expectations. This course covers correct lane usage, merging,

Ethics encompasses a number of issues for law enforcement officers and every officer, at some p course, through the use of scenarios, shows law enforcement officers how to make the best decisi

Lawful Hiring is designed for supervisors. It is so easy for a supervisor to unwittingly make a mista organization. The course is designed to help supervisors make knowledgeable choices and find th hiring process, avoiding legal and personnel problems.

This course covers hazards related to lead exposure, the purpose and elements of a Medical Surv and respirator use. Topics include sources of lead exposure, health effects, and controls and work 1910.1025

Nine hundred thousand people were injured and another 12,602 were killed in light truck crashes i could have been prevented. In this course, you will learn how to avoid collisions, especially the co of collisions, stopping distances, following distance, and distractions. 20 minutes

According to the National Safety Council, one of every four vehicle accidents can be blamed on p crowded metropolitan areas, backing is always a potentially dangerous maneuver for light truck dr collisions. Topics include making wise choices, backing techniques, and using spotters. 20 minute

Driving without collisions is a goal of every light truck driver. Unfortunately, hazards of the road ma will learn how to deal effectively with your blind spots, changing weather conditions, traffic, pedestr

Your job as a light truck driver may involve loading, unloading, and moving your truck's cargo. The injury. Back injuries are the leading cause of lost days from work. This course will help you to avoi lifting, use of hand trucks, and proper stacking techniques. 20 minutes

Driving safely in the best of conditions is a challenge in itself for light truck drivers. Add to the chall wind) and extreme conditions (brake or tire failure, mountain driving, animals in the road), and the learn steering, braking, and skid recovery techniques that will help you drive effectively in extreme

Driving a light truck that is towing a trailer takes an additional set of skills and knowledge. This cou truck and trailer are properly prepared. It also describes tips for driving, backing, driving in challeng minutes

Records show that 120 people are killed every year when a machine or piece of equipment is une course covers OSHA's lockout/tagout regulation 29 CFR 1910.147, The Control of Hazardous Ene The regulation protects 7 million workers and is estimated to prevent 60,000 injuries and 120 fatali

This course covers the purpose and requirements of a machine guarding program, machine guard that require guarding. The course provides an overview of OSHA's 29 CFR 1910.212.

Speeding is defined as, driving too fast for conditions, or exceeding the posted speed limit. Of cou between driving above the posted speed limit and driving too fast for conditions. Both are not only safe and excessive speeds, the conditions that require a reduction in speed, and tips for safe drivi

There are 4 generations in today's workforce, and managing and working with these generations v challenges. Managers of all ages need to understand the general attitudes common to each gener groups. This course explores these differences and the reasons they have developed, helping sup

This course covers drum handling and hazards associated with handling drums and containers; ha cylinders; hazards associated with handling acetylene, oxygen, and hydrogen; how to detect leaks selection, use, and inspection of slings; and safe lifting, handling, and moving procedures.OSHA: 2
New employees are at a higher risk for being involved in a job-related accident. It is estimated that on a new job. This course compiles key information from many of the web-based safety courses a you might encounter in your new job. For an in-depth look on specific safety issues, please take ea
As a firefighter, it is important to have a good understanding of how to prevent occupational diseas what firefighters can do to reduce their risk of exposure to occupational hazards.
Most law enforcement departments have written policies highlighting expectations when it comes t accountable for their actions even when expectations are not written in policy. Conduct that reflect or off-duty, can lead to discipline or termination. This course discusses how, as a law enforcement higher standards of behavior and accountability.
Each year, employees miss work and potential wages due to work-related injuries or hazards. Wo or following special procedures. It means building safety into your actions and your thinking. It mea training course will help employees and supervisors recognize potential office hazards and learn h Act Section 5A.1).
Danger can take many forms and can be found in any place. A woman found unconscious in her l parking lot under a federal structure. A meth lab in deserted building. Even a booby-trapped apartr threats, bomb-making, bomb threats, and homicide and suicide bombers will be better prepared to can encounter.
An active joint employee-management safety committee is one of the most effective means to con introduces employees to the benefits of working effectively and efficiently on a company safety co
This course, designed for managers, supervisors, safety professionals, human resources professi properly respond to OSHA inspections. Topics include planning, preparation, training, follow-up, a regulations. OSHA: 29 CFR 1904
This course, designed for managers, supervisors, safety professionals, human resources professi properly respond to OSHA inspections. Topics include planning, preparation, training, follow-up, a regulations. OSHA: 29 CFR 1904
To comply with PCI Data Security Standard audit requirements (Req. 12.6.1), organizations are re Security Standards courses will help you meet this need and educate employees on how to effecti gathered at the point of sale (POS). The goal is to create informed employees who make better da your risk.
To comply with PCI Data Security Standard audit requirements (Req. 12.6.1), organizations are re Security Standards courses will help you meet this need and educate employees on how to effecti IT department and/or in the Back Office. The goal is to create informed IT and Back Office employ your risk.
To comply with PCI Data Security Standard audit requirements (Req. 12.6.1), organizations are re Security Standards courses will help you meet this need and educate those who managers others information handled by their direct reports.
To comply with PCI Data Security Standard audit requirements (Req. 12.6.1), organizations are re Security Standards courses will help you meet this need and educate employees on how to effecti gathered over the phone and online. The goal is to create informed employees who make better d

This course focuses on teaching supervisors on how to provide and deliver a lawful employee perf process and not just a one-time event, and this course provides the basis for introducing an effecti
This course covers types of personal protective equipment (PPE), when personal protective equip of personal protective equipment in the workplace. Topics include how to don, doff, adjust, and we and disposal of PPE.
An officer is given great authority, in exchange for his or her oath to protect the community respons expectations are outlined in your departmentâ€™s personnel policies, but the importance of follow part course covers several topics related to personnel issues.
An officer is given great authority, in exchange for his or her oath to protect the community respons expectations are outlined in your departmentâ€™s personnel policies, but the importance of follow part course covers several topics related to personnel issues.
Each year, over 200,000 children are treated for playground-related injuries. These injuries occurr materials. They could have been prevented. This course will show you how to identify potential haz are safe for all children.
Playground time is not break time, it's a time when a fall can ruin a child's experience. This course then cover the strategies you can use to prevent them from occurring.
This course, designed for employees in general industry, covers pollution prevention. Topics inclu programs, regulatory requirements related to pollution prevention, classes of waste generators, po prevention practice. The course provides an overview of the EPA Pollution Prevention Act of 1990
This course is designed for those who work around or with power-propelled trucks (forklifts) used t covers health and safety concerns associated with the use and maintenance of power-propelled tr 1910.178.
Germs are the disease and infection producing microscopic agents that live everywhere. You canâ Germs responsible for the common cold, as well as some of the nastier ones like Salmonella, E. c and those you come into contact with, very, very sick. This course covers proper hand hygiene, wh order to prevent the spread of disease-causing germs.
Are your employees still falling for phishing schemes? Phishing remains the single biggest threat t take the bait, itâ€™s time you addressed the problem with training that directly targets the kinds of people identify the ways that scammers attempt to get into their system and it offers practical advic devices.
With great mobility comes great responsibility- namely watching where you are going and scanning second leading cause of workplace injuries and the fourth leading cause of workplace fatalities. Th hazards; learn how to avoid them; and know how to react if employees find themselves on the rec
With great mobility comes great responsibility- namely watching where you are going and scanning second leading cause of workplace injuries and the fourth leading cause of workplace fatalities. Th hazards; learn how to avoid them; and know how to react if they find themselves on the receiving e
With great mobility comes great responsibility- namely watching where you are going and scanning second leading cause of workplace injuries and the fourth leading cause of workplace fatalities. Th trip, and fall hazards; learn how to avoid them; and know how to react if they find themselves on th
Physical activity puts stress on the body that can cause injuries to muscles and ligaments. Risks e aware of steps your can take to reduce injury risk.

With the rapid increase in online activity and information accessibility, customers, employees, and about how personal information will be stored and used. This course provides an overview of basi Identifiable Information (PII) and proprietary business information.
This course offers a practical approach to safe practices regarding potential threats from chemical plague, tularemia, and others. Topics include fallacies, company plans, properties of malicious age after an incident, governmental agencies, and notification procedures for public leaders. OSHA Ac Recommendations for Handling Suspicious Letters or Packages; CDC Guidelines for State Health Biological and Chemical Terrorism: Strategic Plan for Preparedness and Response
This course, designed for employees, contractors, and contract employees who work at industrial potential health and safety implications. Topics include the prevention and minimization of conseq flammable, or explosive Highly Hazardous Chemicals (HHC) from an industrial process. OSHA 29 2.45A CH-1. Process Safety Management of Highly Hazardous Chemicals – Compliance Guidelin CPL 2.94. OSHA Response to Significant Events of Potentially Catastrophic Consequences (1991
Organizations that employ workers tasked with performing safety-sensitive functions are required anti-drug and alcohol policies and programs. This course is designed to help supervisors recogniz workplace.
Organizations that employ workers tasked with performing safety-sensitive functions are required anti-drug and alcohol policies and programs. This course is designed to help supervisors recogniz and symptoms.
Organizations that employ workers tasked with performing safety-sensitive functions are required anti-drug and alcohol policies and programs. This course is designed to inform supervisors of their drug and alcohol testing in the workplace.
This course teaches your employees how to identify and classify business records in order to effec following the best practices identified in this training, your employees will know when to dispose of timely, accurate, and usable.
The day camp environment has many unique challenges to supervise campers. This training conv campers and offers solutions for supervising small and large groups of children at day camp.
This course covers respiratory hazards, protection mechanisms, safe work practices, and use of re contaminants in the work environment. Topics include employer and employee responsibilities; the operation, limitations, and capabilities of respirators; and respirator selection, use, inspection, mair CFR 1910 Subpart I
One in four women will experience domestic violence in her lifetime and one-third of murdered wo provides practical guidelines on how to respond to domestic abuse calls.
Social networking sites such as Twitter, Facebook, and LinkedIn have become increasingly popula online. However, one inappropriate post could bring a range of legal liabilities and unforeseen con organization's success relies on all employees understanding these risks and acting with integrity
Retaliation is any negative action taken in response to a complaint of harassment. Employers and applicants for reporting harassment. This course covers retaliation laws and protections.
This course focuses on the safe work practices of road grader operation. It covers the features an and the some of the road grader's more complex maneuvers.

Healthcare industry employees are continually exposed to injury as a result of lifting, transferring, a problem for a healthcare profession. Research conducted by safety and health professionals has s protect workers from injury, reduce workersï¿½ compensation costs, and improve the quality of ca to provide general guidance about how caregivers can prevent injury as a result of lifting and movi
As a seasonal employee, it is important to have a good overview of safety considerations. Statistic accidents than more experienced workers.
This course covers the purpose of a Safety Data Sheet, type of information found on an SDS, requ Program, and ways to obtain an SDS. OSHA: 29 CFR 1910.1200
This program continues our discussion about the health and safety of public employees. In this pre working around blood, chemicals, and machinery. The course also includes safety lessons on two strains to the back and slip-trip incidents. There are ten questions at the end of the program based
This course aims to equip you, the bus driver with the necessary knowledge needed in keeping stu bus. It includes methods of identification, intervention, and prevention of bullying aboard your bus.
As a school bus driver, one of the most crucial aspects of your job is maintaining the safety of your situations on the bus, and what to do if an emergency does occur. Completing this course will equi an emergency is and how to identify one, utilizing awareness and other techniques to prevent eme an emergency takes place.
This course is designed to equip school bus drivers with the proper procedures for safely loading/u student passengers should follow, proper use of warning light systems, and safely executing turna
This training focuses on the proactive aspects of school bus safety â€“that is, the purposeful steps thrives. This includes Preventative Maintenance, Safe Driving Fundamentals, Defensive Driving, a
Transporting special needs students can be a difficult job. It is a job that requires both physical and comfortable and safe.
This course can act as a foundational component of your security awareness program and help yo practices relate to their individual actions and behaviors. An integrated assessment tracks learner concepts. Realistic examples are presented that add relevance and increase learner comprehensi
This course uses a stimulating and creative approach that engages and challenges the learner. Re examples are presented that add relevance and increase learner comprehension and retention. Th decisions and lower risk. Good data protection practices will strengthen the consumerâ€™s trust in loyalty are essential to maintaining lifetime, profitable customers.
This course instructs learners on sexual harassment prevention in the workplace and provides pra harassment complaints, and includes recent legal and regulatory changes.
This shorter version of Sexual Harassment Prevention is for employees and focuses on sexual har strategies for recognizing, responding to and resolving harassment complaints, and includes recer you understand when your colleagues' - or even your own - conduct might be perceived as unacce
This course instructs faculty on sexual harassment prevention in Higher Education and provides pr resolving harassment complaints, and includes recent legal and regulatory changes.
This course instructs higher education staff on sexual harassment prevention in Higher Education responding to and resolving harassment complaints, and includes recent legal and regulatory char
Sexual Harassment Prevention for K-12 Employees. For ethical and legal reasons, the school is o members about sexual harassment laws and the school's policy.
This course instructs student employees on sexual harassment prevention in Higher Education an and resolving harassment complaints, and includes recent legal and regulatory changes.

This course instructs learners on sexual harassment prevention in the workplace and provides pra harassment complaints, and includes recent legal and regulatory changes.
Designed for supervisors in California, this course defines sexual harassment and outlines the ste respond to sexual harassment in the workplace. This course is required to meet the 2-hour trainin
A supplement to Sexual Harassment Prevention for supervisors, this course provides additional pr
Prolonged and competitive breath holding is a dangerous practice that can lead to shallow water b the loss of consciousness caused by decreased levels of carbon dioxide, created by hyperventilati dangers of shallow water blackout and how to prevent it from happening in your aquatic facilities.
This course describes how site control programs can minimize employee exposure to hazards anc covered in this course include preparation of site maps, work zones, buddy systems, site security, course provides an overview of OSHA's site control measures from General Industry standards, 1
Officers must maintain situational awareness at all times in order to attempt to counteract ambush law enforcement personnel, calling attention to common situations that peace officers find themsel course of action in regards to ambushes.
Slips, trips and falls are the most commonly reported accidents. The resulting injuries can range fr will teach you to identify potential slip, trip and fall hazards and the best practices to prevent slips, images of slip, trip and fall hazards from our customers and recommend how you can fix the probl
Officers spend more time driving than any other aspect of their job. Unfortunately, due to limited tir area. Driver safety training should be a top priority for all law enforcement agencies. Driving relate fatalities. Although real time training is always beneficial, officer driving training doesn't have to be important information officers need to assure they arrive safely to routine and emergency calls.
Snow, sleet, ice, wintry mixâ€"it all happens, and when it does, it can greatly reduce the safety anc can help deal with it all, and as a snow plow operator, youâ€™ll be filling an important role in keep
Each year over 2.5 million rear-end collisions are reported, making them the most common type of covers the factors that cause rear-end collisions, the recommended spaced needed between vehic the receiving end of a rear-end collision.
This course covers safe handling, movement and storage of hazardous materials, as well as spill c locations for and control of spills, containment and confinement, procedures for spill and leak resp methods for solids, liquids and gases, and roles of emergency responders if hazardous materials a CFR 1910 Subpart H.
Our cities and towns are facing a crisis--debris is piling up on the roadways, pollutants are being w air we breathe. A hero is needed to clean things up--and that hero can be you! This course will equ how they work, describe the benefits of street sweeping, and operate a street sweeper in a safe, e
Letâ€™s be real--we all know what stress is. We also know that too much stress can be bad for us stress. But, knowing about stress and how to relieve it is one thing, and actually doing something t This course is your chance to pause your regular activities and worries for a short while, and take your job.
Letâ€™s be real--we all know what stress is. Life tends to have plenty of it. Working in a job like la well. So why take this course? Because knowing about stress is one thing, and actually doing som altogether. In this course weâ€™ll examine the psychological and physiological effects of stress, tl real ways to recognize, control, and relieve stress.

Letâ€™s be real--we all know what stress is. Life tends to have plenty of it, and working in a job lik stress to the mix as well. We also know that too much stress can be bad for us and that there are a this course? Because knowing about stress and how to relieve it is one thing, and actually doing s altogether.
Student Empower is a student-focused solution to address the VAWA / Campus SaVE Act require recommendations in the final draft of the Campus SaVE Act / VAWA regulations.
This course supports a comprehensive Drug & Alcohol-Free Program, along with a written policy, that has the goal of resolving and preventing substance abuse issues from affecting the organizati
Safety awareness is an employee's ability to identify job hazards and take the proper safeguards t Supervisors play a key role in increasing employee safety awareness and preventing accidents. Tl do to increase safety awareness among their employees in order to prevent accidents.
In this course, host and cartoonist Bruce Blitz will expose you to a variety of potentially dangerous life in an emergency.
Think your instincts will keep you safe? It takes more than instincts to stay safe on the road. Join h educational look at driving in the urban environment.
Although you may not be able to control everything that occurs on the road, there are many strateg course provides tactics to avoid accidents on the roadway.
Choosing to buckle up before every trip, no matter the distance, is a quick and easy decision that p everyone in the car to buckle up, including those in the back seat, could save your life, your pocke your seat belt and about state seat belt laws in this course that highlights the importance of buckli
Distractions are anything that takes your attention away from the task at hand. In this case, the tas away from driving, you are not driving. If you do not give your full attention to driving a vehicle, bac to sudden changes can keep you from having an accident. To drive safely, you must pay full atten Peopleï¿½s lives are in your hands.
There is no way to predict how driver behavior will affect driver safety. By remembering that even better prepare yourself for making smarter decisions while driving. Driving defensively and anticipa driversâ€™ harmful decisions.
Although your sleep habits may be the last factor you may figure into good driving, your sleeping b sharing the road with you. This course provides information on how to counteract fatigue on the ro
Drivers must remember the finer points of good driving, including the mental and physical conditio more than 90% of highway crashes. Your ability to drive safely depends not only on what you kno
Although it may seem harmless to talk on your cell phone while driving, nearly 1 out of every 5 mo while driving isn't just a manual and visual distraction, but also a cognitive one. To drive safely, yo focus on the road.
With different crossing and entering movements by both drivers and pedestrians, an intersection is encounter. Dangers are compounded when we add the element of speeding motorists who disreg intersections represent a disproportionate share of the safety problem. About half of all crashes an
Almost all backing accidents are preventable. When a backing accident occurs, the driver typically checking the area or relying solely on mirrors. Safe backing requires a driver to be alert and aware recklessly backing up into a dangerous scenario.
To avoid a collision you need time to react to danger. Establishing a safe following distance create the road.
Winter driving calls for special skills. By allowing yourself extra time on the road and by using thes and warm.

This course explores both the challenges and rewards of internationally diverse workplaces. The c explained, and cultural sensitivity is stressed. Specific team leader tips provide guidance and expe
This course is designed for everyone who is designated as a Campus Security Authority (CSA) un employees, students, and even unpaid volunteers can be a Campus Security Authority, depending responsibilities under the Clery Act to monitor and report campus crime incidents and statistics.
This course focuses on identifying and eliminating disrespectful language choices, as well as how language and hidden stereotypes because creating an organizational culture that prioritizes respe workforce. It's an essential guide to best practices for written and oral communication in the workp
Every year, we investigate 15-20 drowning incidents, with results ranging from overnight hospital s lifeguards were present. The Professional Lifeguard training helps guards understand their respon pool deck. Guards will understand the following key lifeguard attributes upon completion: rescue re scanning and protecting everyone.
The Clery Act requires all higher education institutions to receive training on sexual assault, dating faculty/staff members about sexual assault, domestic and dating violence, and stalking, as well as responsibilities to respond.
Faculty and staff can learn what their legal rights and responsibilities are under Title VI of the Civil prohibits discrimination by programs or institutions receiving federal funding. Violations of Title VI c learn who is protected under the law, what sorts of things could be discriminatory, and how the law
Education employees can learn what their legal rights and responsibilities are under Title VI of the prohibits discrimination by programs or institutions receiving federal funding. Violations of Title VI c learn who is protected under the law, what sorts of things could be discriminatory, and how the law
This training is divided into three short sections that will help acquaint you with Title VI of the Civil SECTION TWO: Complying With Title VI SECTION THREE: Title VI Complaints and Violations
This course, developed in accordance with OSHA regulations created for Hazardous Waste Opera basics of toxicology. Topics include making decisions concerning protection from chemical exposu responses to toxic chemical exposure, and chemical exposure limits. This course covers primarily
Transgender diversity training course that introduces core concepts related to gender identity and gender-diverse workplace, and how to address roadblocks to inclusion.
Injuries and change are two tough challenges. Together, they can create one overwhelming combi requires a long rehabilitation period, and physical limitations that affect what he or she can do. Wit accompanied with a positive distraction that provides a chance to contribute to the organization. Tr investment in your employee.
Injuries and change are two tough challenges. Together, they can create one overwhelming combi requires a long rehabilitation period, and physical limitations that affect what he or she can do. Wit accompanied with a positive distraction that provides a chance to contribute to the organization. Tr investment in your employee.
This course covers health and safety concerns unique to trenching and excavating. Topics include assessment, causes of fatalities, factors to consider before trenching and excavating, and types of
Every summer, incidents and injuries happen on trips. Whether it's a day trip or overnight trip, this adventures to make them memorable, safe and fun.
Turning maneuvers can be very challenging, possibly even scary to some drivers. While there are paths of other vehicles, properly performed, you can reduce the threat of a crash. This course cove in your car, at red lights, and when U-Turns are permitted

Uncovering Implicit Bias encourages employees to reconsider their preconceptions and recognize opportunity to adjust their perspectives and relationships. This course teaches employees what im the workplace, and provides strategies for combating & dislodging implicit bias in hiring and decisi
This course challenges employees to think through the principles behind the harassment laws, the harassment, and the skills they need to help maintain a harassment-free workplace.
This course challenges employees to think through the principles behind the harassment laws, the harassment, and the skills they need to help maintain a harassment-free workplace.
This course provides additional practice with the principles behind the harassment laws, the types and the skills they need to help maintain a harassment-free workplace.
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This course challenges employees to think through the principles behind the harassment laws, the harassment, and the skills they need to help maintain a harassment-free workplace.
Each year, US law enforcement officers complete contacts with over 60 million people. Out of all o threat of use of force by the involved officers. Statistically, the use of force is a minimal part of the enforcement. This course will solidify the student's understanding of the use of force: what it is, ho of.
In today's world, law enforcement officers are being scrutinized like never before, as technology ar interactions between officers and the public. The use of force is an issue on the minds of many co and public perceptions overlap--the ways community perception impacts use of force, appropriate the relationship between community policing and the use of force.
As a law enforcement officer, the proper use of force or other response options requires you to co most appropriate response. Your goal in completing this course is to evaluate the judgment and de impact your decision, incorporating time and non-force techniques into your decision, and guidelin
Statistically, the use of force is a minimal part of an officer's job, but is a crucial and closely monito appropriately or abused, and requires significant initial and ongoing training. This course examines when not to use force, and what should be done after a use of force.
Statistically, the use of force is a minimal part of the job, but is a crucial and closely monitored eler safety, of influencing public opinion, and of potential liability. For all of these reasons, the use of fo the legal side of the use of force: how case law has shaped the idea of reasonableness, what type documenting use of force is crucial.
Before you begin a trip of a few miles or a few thousand miles, you should ensure that you and yo how to conduct a circle of safety inspection, identify the purpose and meaning of warning lights, ar on your vehicle.
This course provides important information related to federal Wage and Hour laws, including the F basics that allow employees to understand the laws and regulations while learning about your unic employees understand the importance of following the rules in this highly litigious area and may as faced with a claim. The course was endorsed by the wage and hour experts at top employment lav
This course covers hazardous waste problems, federal laws which govern waste management, re hazardous waste including generation, transportation, treatment, storage and disposal, recent dev determination tests, generator statuses, and the list of high-priority chemicals (PBT). RCRA (1976,

This course covers potential health and safety concerns unique to welding, cutting, and brazing. T welding and cutting; personal protection equipment (PPE); fire prevention techniques; mechanical significance or with protective coatings. This course provides an overview of OSHA 29 CFR 1910
This course covers safe driving techniques in adverse winter weather conditions. Topics include d drinking and driving, vehicle safety measures, vehicle maintenance, winter weather patterns and a actions to take for breakdowns or accidents.
This course aims to introduce work zone fundamentals to individuals who work in, around, or drive orientation on safety for work zone areas. Topics covered include the importance of safety while w standard work zone areas, types of road signs, basic definitions and general placement of commo external and internal traffic control.
This course has been developed in accordance with OSHA's 29 CFR 1910.120 regarding personn illnesses resulting from hot and cold temperature exposure, first aid measures, steps to avoid illne temperature extremes, and measures to prevent injuries related to temperature extremes.
Working outdoors in the summer can be a great way to enjoy Mother Nature but it has its own set dangers and learn how to prevent problems related to elements of nature like the sun, heat, tick-b training is helpful to anyone who works outdoors in warm climates. Both employers and employee outdoors and the many ways these hazards can be minimized.
Working outdoors in the summer can be a great way to enjoy Mother Nature but it has its own set dangers and learn how to prevent problems related to elements of nature like the sun, heat, tick-b This training is helpful to anyone who works outdoors in warm climates. Both employers and empl working outdoors and the many ways these hazards can be minimized.
This course teaches employees how to recognize, report and defuse situations - involving tense c workplace violence or bullying. This course equips your employees with vital knowledge that could
This course addresses the key components of a healthy ergonomics practice in the workplace. It i symptoms of work-related musculoskeletal disorders (MSD).
This course covers the total service experience and discusses the skills that are needed to develo communication.
This course covers identifying the characteristics of motivated people and the three components o
This course covers defining coaching, assessing the coaching needs of another person, and asse
Listening is one of the most important human behaviors. It is our most frequently used communica by observing signed language, or through any other means. After completing this course, you shou listening, and identify three skills to enhance listening in the workplace.
Understanding is an important aspect of communication. Many people assume that they understar accuracy of their interpretation of what they hear. After completing this course, you should be able understand, and identify two skills to enhance understanding in the workplace.
Workplace feedback is information we provide fellow employees and team members about their a organizational goals. This course covers defining workplace feedback and identifying the characte
Today, with more and more competitors vying for your customers' attention, exceptional customer covers the differences between traditional and exceptional customer service.
This course covers feeling empathy and concern for your customers so you can provide service w
The ability to convey information in a clear and concise way is a core communication skill. For exa when you give instructions, give directions, tell someone what has happened at a meeting, show s this course, you should be able to explain how to use the three steps to conveying information effe

Build active listening skills; understand how tone of voice, body language, and physical surroundin communication; and identify your customer's communication style.
This course covers the benefits, responsibilities, and challenges of being a supervisor.
This course covers the benefits, responsibilities, and challenges of being a manager.
QuickBooks makes basic accounting easy, but to truly take advantage of the power and efficiency advanced features. This course will move you beyond the basics of QuickBooks and teach you ho transactions, and the document center correctly.
Learn the basic accounting and finance concepts you need to be successful in modern business.
More than ever before people rely on email in the workplace, but we dread the amount of time it ta course will give you the skills you need to tame your email mountain and use it as the effective too
On average office workers spend one to two hours per day looking for information. Having an orga more efficient,and this course will show you how to do it
Meet the hackers trying to break into your company, and learn how to recognize the ways they try more.
Everyone is given the same twenty-four hours every day. How you use them is up to you, and in t top experts in time management, including Stephen Covey, Dave Crenshaw, Peter Drucker, and T
Windows 10 introduced many new tools, and updated others, including Cortana, Task View, Virtua mini-course we'll show you how to get around in Windows 10, and how to customize and take adv provides.
Power Pivot is an Excel add-in you can use to perform powerful data analysis and create sophistic volumes of data from various sources, perform information analysis rapidly, and share insights eas know in order to install and start using Power Pivot in Excel.
A spreadsheet guru can work wonders, from organizing lists, to creating multi-layered, interactive r like ROI, budget allocations, tracking expenditures, and more. This course is your first step toward
This course will show you how to use advanced Excel features to turn massive amounts of data in query and display information from your Excel data is a helpful tool for decision making, and this c (Forms, Lookup Functions, Charts, PivotTables, and Slicers) which will do just that.
Pivot Tables are the perfect tool to analyze large amounts of data in Excel. Being able to summar important skill for anyone who uses Excel to store and report on data, and in this course Microsoft PivotTable tools in Excel 2013 and 2016.
G-Suite (aka Google Apps and Google Drive) is more than just cloud-based email. This powerful a illustrate, communicate, collaborate, and organize your work, or your life. In this course, we'll cove
For many people email is a source of stress, when it really should be a valuable productivity tool. practices with the tools in Microsoft Outlook in order to effectively manage your email.
It's a common situation: you're working in an organization or department, and you need to share a company holidays, this course will demonstrate ten different ways you can share a calendar amon online calendars.
Gmail is one of the most often used, under-utilized applications in the world. This course will chang
Microsoft SharePoint has been called one of the most powerful tools for business collab □□□unleashes a suite of capabilities that dramatically improves the way people work[

Microsoft Access lets ordinary users develop powerful apps customized for their business needs.
which anyone can use. In this course experienced Microsoft Access trainer Peggy Ward will walk y
web app, including creating tables, importing external data, using templates, using queries, and im

Microsoft Access lets ordinary users develop powerful apps customized for their business needs. I
Jones will walk you through building your first Microsoft Access database, including creating tables

Microsoft Access lets ordinary users develop powerful apps customized for their business needs.In
Jones will build upon the basics of tables, queries, forms, and reports covered in the Basics course
course will expand your knowledge of Microsoft Access by covering topics such as table relationsh
queries, and more.

You will learn to use Adobe Acrobat Pro DC to convert documents to PDF files, search within PDF
and optimize PDF files.

If you've mastered Microsoft Excel 2010 then you have one of the most practical and valuable skill
work wonders, from organizing lists, to creating multi-layered, interactive reports, to revealing answ
allocations, tracking expenditures, and more. This course is your path to first learning, then even m

If you've mastered Microsoft Excel 2013 then you have one of the most practical and valuable skill
work wonders, from organizing lists, to creating multi-layered, interactive reports, to revealing answ
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Note: This course covers all the objectives required in the Microsoft Office Specialist exam 77-727

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77-727

This course covers the critical knowledge and skills a project manager needs to create a project pl
In other words, if your manager assigns you to lead a project, this course will enable you to draft a
supervisor (and others) for review and approval.

This course covers the skills a project manager needs in order to manage a project plan created w
work, and costs to creating reports, and including advanced topics such as sharing resources and
need to know in order to manage your projects using Microsoft Project.

The ability for teams to work together productively is perhaps the most important function in any bu
Teams application. From file sharing and co-editing to video calls, persistent chat, screen sharing,
stay in touch and get work done with your colleagues and partners.

Office 365 is far more than classic Microsoft Office. Easy, collaborative tools like OneDrive, Group
apps to form a powerful productivity-boosting tool, and in this course we'll show you how to tap into

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you through everything you need to know to be efficient with Microsoft's incredibly popular note-tal

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through everything you need to know to be efficient with Microsoft's incredibly popular note-taking

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Microsoft Word: Hands-down the most powerful document creation tool on the planet. Used by mi
properly. Learn more about Microsoft Word 2016

Microsoft Word: Hands-down the most powerful document creation tool on the planet. Used by m
properly. In this basics course produced by Microsoft Certified Trainer Christina Tankersley we'll s
the power of Microsoft Word.

Easily create online forms, surveys, and quizzes, and view the results as they come in with Micros
In this course we'll take a close look at all the features and benefits of this new Office 365 tool!

Collaboration is the art of making 1 + 1 equal more than 2, coworkers sharing ideas, working throu
is an important part of any successful business. How do you do that with today's distributed workf

Microsoft Office has no shortage of ways for groups to work together. From simple spreadsheet sh
collaboration platforms like SharePoint, Microsoft has provided plenty of tools to help people work

The new Planner tool in Office 365 is a powerful team management tool, providing features compa
the high price tag, in fact it's included free with most Office 365 Business plans.

For everyone who ever struggled to create an engaging presentation with PowerPoint, rejoice! Mic
visually appealing, interactive presentations and this course will walk you through getting started w

The new Microsoft To-Do app is a simple tool with big benefits. Accessible from your phone, table
tasks into multiple To-Do lists, and use the My Day feature to focus your attention on the most imp

In this course experienced Microsoft professionals Christina Tankersley and Barbara Evers help t
layout works, where to find the tools and functions users are looking for, and how to make the new
experience with the older version.

Network Essentials is designed to give an experienced Level 1 tech a good foundation in networki
newest CompTIA Network Plus certification (Exam N10-006).

Office 365 is far more than classic Microsoft Office. Easy, collaborative online tools combine with
boosting tool, and in this course we'll show you the basics of everything Office 365 has to offer!

Both OneDrive (the free, personal version) and OneDrive for Business (the corporate version inclu
you easily access your documents and files from any device, anytime, and securely share them wi

Sometimes you need a quick way to get to your □□□stuff□□□ no matter where you are
(OWA), is a convenient and powerful way to access your email, calendar, and contacts (P
you will learn the main features and benefits of using Outlook Online from Office 365.
Outlook Online from your company as well.

If you're getting started with project management, you'll want to familiarize yourself with generally a
Management guru Christina Tankersley will show you all the basics you need to know in order to e

Do you feel like you don't have time to learn how to use some advanced tools and functions in Qui
gathering or inputting data into QuickBooks? If we could show you how to perform in 30 seconds t
you be interested? This course is loaded with those time-saving lessons that can change the way

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Skype for Business is an incredibly powerful communications tool, used for everything from simple
can even replace a business's phone system.

Adobe Certified Expert Amy Roberts takes us through all the new features and updates in Adobe C
Stock, and Audition, with quick looks at new mobile collaboration tools Adobe Hue, Premiere Clip,

This course includes eight easy-to-understand modules that show how to take advantage of the ne accessible to new users, and increase the usefulness of savvy users alike. Take this course and y people make use of spreadsheets!

Microsoft Office 2016 is an evolutionary improvement that refines dozens of features and adds a fe Farr explore the improvements to Microsoft Office in 2016.

After years of development and improvements Microsoft released PowerPoint 2013: a new versior options.

QuickBooks 2014 is an incremental but significant upgrade over 2013, with several new features a

Collaborating, reviewing, and commenting on documents just became easier. Access to document environment, requires more accessibility options than ever before. Word 2013 are sure to have a s application.

When Microsoft released Windows 8 they surprised a lot of PC owners. The interface and basic fu operating system. Windows 10 combines the best features of Windows 8 with a more traditional na benefits.

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Most Presentations Are Filled With Bullet Point Lists, Thick Paragraphs Of Text, And Th
Up The Monotony □□□ but you can do better than that! This course shows you ways to t
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Taught by presentation skills guru Kelly Vandever and TEDx speaker Dr Rebecca Heiss, Pc
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This course is developed specifically for medical professionals. Germs are the disease and infectio can't see them, but they exist on literally every surface. This course covers proper hand hygiene, v order to prevent the spread of disease-causing germs.

This course is developed specifically for child care providers. Germs are the disease and infection can't see them, but they exist on literally every surface. This course covers proper hand hygiene, v order to prevent the spread of disease-causing germs.

This course is developed specifically for food service professionals. Germs are the disease and int You can't see them, but they exist on literally every surface. This course covers proper hand hygie in order to prevent the spread of disease-causing germs.

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Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Parks, Recreation & Leisure Services Software
AGENDA DATE: November 26, 2019

DATE PREPARED: November 14, 2019
PREPARED BY: Vicki D. Coleman, AICP, Director

AMOUNT: $4,750 – Annual Subscription; Credit Card Fees
GL ACCOUNT #: 100-6120- 521300 and 100-6120-523970
FUNDING SOURCE: Recreation Budget
BUDGETED ITEM? Yes

PURPOSE: The Parks, Recreation, and Leisure Services department requests approval of a software vendor.

BACKGROUND: The department evaluated software solutions for its recreation services operations. Recreation software will allow the department to provide online registration for recreation activities. A brief summary of the unit pricing for the two most responsive bidders.

				Electronic Payment Fees	
	Annual Fee	Escalating Fee		Payment Gateways	E-Checks
Capture Point	$4,750	No		2.6% and .25	1% and .25
Civic Rec	$7,500	Yes - 4th Yr, 3% Annually		3% and .30	

Both vendors include additional costs for staff training, portal setup and GIS data integration costs as well. Capture Pointe was the lowest bidder for total recurring and one-time setup cost.

STAFF RECOMMENDATION: Approval of CapturePointe as the software provider.

IMPACT: Implementing software will provide greater operational efficiency within the department.

MOTION: To approve CapturePointe as the vendor to provide recreation software for parks, recreation & leisure service

CommunityPass

Recreation Management Software

Price Quote & Agreement of Services for Villa Rica City Parks and Recreation

CITY OF VILLA RICA

Date: 11/19/19

Submitted to:
Vicki Coleman
Director of Parks and Recreation
Villa Rica City Parks & Recreation
646 Industrial Blvd.
Villa Rica, GA, 30180
Phone: (678) 459-7011
Email: vcoleman@villarica.org

Submitted by:
Capturepoint, LLC
141 Dayton St
Suite 204
Ridgewood, NJ 07450
Phone: (201) 689-2323
Fax: (201) 689-2123
www.communitypass.net

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Introduction Letter

Dear Vicki,

Thank you for considering Capturepoint as a software provider for Villa Rica City Parks & Recreation. Our company provides a carefully constructed, comprehensive combination of products and professional services that can be expanded to cover not only the recreation needs for program, membership, facilities and point of sale, but also for well-honed training, implementation and customer support services.

CommunityPass, is our fully-hosted, flagship software product. The system processes over $100 million in registration and membership transactions annually across more than 1.5 million registrants. The core CommunityPass includes a wide range of features including online registration, payment processing, financial, statistical and demographic reporting, administrator console, public registration, message center, calendar, exports to financial reporting systems, eligibility, and much more. It is a modular system whereby the Client purchases only those modules that they need to run their business. CommunityPass and its modules were all built in-house by Capturepoint so each module integrates seamlessly into the core product.

Our community-based approach allows an unlimited number of organizations within a community to participate in a single, shared data platform, while ensuring each organization can operate and manage its own data and payment collection autonomously. Residents enjoy the simplicity of conducting all their community transactions via a single login and password, whether they are registering for town soccer, joining the local pool, or signing up for facility permits. Administrators benefit from reduced paperwork, easy payment collection, and increased productivity.

Our business model, which is based in part on annual usage and part on software subscription, requires that we pay attention not just to our Clients' initial requirements, but to their ongoing needs as our profitability is based on maintaining a high rate of renewals. The result is a strong, personal investment in our Clients' ongoing success. We have a great track record and are looking forward to the opportunity to share our success with you.

Tim Bracken
Sales Director
Capturepoint, LLC
201-689-2323 x202
tbracken@capturepoint.com

Qualifications

Experience

Incorporated in 1999, Capturepoint provides software that makes it easy for residents to participate within their communities and affordable for organizations to operate. We design, deploy and support CommunityPass, our flagship, cloud-based recreation management software that provide online access to municipal, educational, independent sports clubs and non-profit organizations.

Company Name	Capturepoint, a Togetherwork Company
Proposed Role	Prime (no subcontractors)
Legal Status of Business	LLC
Number of Employees	23 direct, 400+ company wide
Number of Locations	1
Ownership	Capturepoint is an LLC
Length of Time in Business	Since 1999
Providing Hosted Software	Since 2003

History

Joseph Oriente left the corporate world to start a database marketing company in 1999 called Capturepoint. He physically based the company in the community where he lived in Ridgewood, New Jersey – a bedroom community just outside of New York City. In the aftermath of 9/11, the Capturepoint team went to town hall to offer any help they could using technology, since many Ridgewood residents worked in the financial district. Within a couple of days, Capturepoint built the town a content management system to communicate with residents to give them timely updates regarding the news.

Months later and partially as a result of the site's visibility, the local recreation department and five sports groups asked Capturepoint to build a community-based recreation registration system. It took about 8-12 months to build the first version of CommunityPass that was launched in early 2003. Today 375+ organizations in 200+ communities in 26 states use CommunityPass.

Products

The CommunityPass software suite offers administrators a comprehensive and integrated set of tools that includes program, membership and reservation data-management combined with online registration, in-depth reports, data export, e-commerce, and powerful e-marketing. Products are easy-to-use and most clients can be up and running within one to three months of purchase. All Clients purchase CommunityPass, used for managing programs and activities. Our software is modular, so you only purchase additional modules if and when you need them.

Services

All Capturepoint clients engage in and find immeasurable value in the broad range of services, custom solutions and capabilities that we offer. Service categories include Implementation Management, Consulting, Customization, Maintenance and Training. Outside of our standard product suite, custom application development and prototyping are also available.

People
In our world, data is everything, yet it is the people that work to develop our technologies and products to support our clients and to support our employees that make the difference. Capturepoint employs 23 direct, 400 company wide. We pride ourselves in our low attrition, which enables us to provide our Clients with a knowledgeable, experienced staff.

Best Practices
Capturepoint strives to follow industry best practices. Our solutions were designed by members of the Ridgewood Community to facilitate collaboration between government, schools and independent community organizations. Enabling separate groups within a community to present a common online presence fosters a higher level of confidence in the services being offered and provides opportunities for tremendous administrative cost savings that extend beyond government into many other aspects of community life. Oh, we're nice people to work with too.

Number and types of CommunityPass customers:
- 375+ organizations using the software
- 55% are municipal organizations
- 25% are school districts, community schools, or parent-teacher organizations
- 20% are private, not for profit, individual sports, or corporate organizations

Capturepoint is the best candidate to provide your organization with services
Capturepoint is the only provider that offers a fully integrated, community-wide system with payment processing. CommunityPass, the suite of cloud-based registration management products, becomes part of community life, offering residents an easy way to leverage community activities and programs. It serves as a community's 24-hour online hub, communicating important information, developing social bonds between residents, and creating greater community awareness.

CommunityPass is designed to support any combination of organizations, activities and programs, and to accommodate multiple accounts, registration processes and merchant accounts. The software provides organizations with the ability to implement an easy-to-use, web delivered, community-based, online registration system and share common information about registrants across authorized agencies, while providing a high degree of autonomy, privacy and confidentiality. Since the system is 100% cloud-based, neither administrators nor end users need to purchase hardware or install software.

The software, suitable for many types of organizations within the same community, captures and sorts client data, connects relevant content and registers individuals in the appropriate activities. CommunityPass simplifies registration administration by automating the setup, data entry and follow-up processes, while providing an intuitive and user-friendly registration experience.

Software Built for Parks & Recreation Organizations
Capturepoint solutions were designed specifically for parks and recreation departments and independent sports groups. The software is family based for the residents, meaning all family information is safeguarded in one family account.

The system address specific needs of the industry including features such as eligibility requirements, in town/out of town registration, walk in or phone in registrations, discounts, vouchers, and membership types, to name a few.

Management Team & Staff

Qualifications of the management team, as well as other employees who will be managing and performing the services under this contract. The management team does not typically split time between roles. Developers are trained to complete both new development initiatives and customer support. Typically, developers are assigned one role, but may switch between development and support, if necessary.

- *Joseph Oriente, President & Founder*. Joe established Capturepoint in 1999 after serving as Senior Vice President of Database Operations at Draft Worldwide. Prior to that, Joe managed the development of Simon & Schuster's first sales and marketing data warehouse. Joe brings over fifteen years of experience designing and developing successful large-scale marketing databases for clients like Pearson Education, IBM, United HealthCare, Avis Rent-A-Car and Astra Pharmaceuticals. Joe holds a business degree from Valley Forge Military College and a Computer Science degree from Ithaca College.

- *Tim Bracken, Sales*. Tim oversees all sales for CommunityPass. He holds a Political Science degree from the University of Delaware (1989), where he also competed for 4 years on the lacrosse team. Tim spent the first decade of his career in a variety of sales position with companies such as AT&T Wireless, Sprint and Standard & Poor's. He transitioned into the Internet software industry in 2002, leveraging his knowledge in the wireless data communications. His deep experience in sales management, account management, sales operations and marketing are all integral to his current role at CommunityPass. Joined Capturepoint in 2000 as a sales manager for our custom application development business. He rejoined in 2014 taking over CommunityPass sales.

- *Kevin Burke, Product.* After receiving his BA from Villanova University, Kevin spent the first 9 years of his career as a consultant or product manager at Accenture, Dealogic and Morgan Stanley. He spent the next 6 years with Active as a product and marketing manager giving him broad insight into the recreation management software space. Kevin joined Capturepoint in 2015.

- *Mary Coyle, Senior Consultant, Implementations*. Mary joined Capturepoint in 2005 with over 15 years' experience from Dun & Bradstreet, Draft Worldwide and Arthur Anderson, Mary has held senior level roles in Product Management and Marketing Operations. She has an MBA from University of Texas at Austin and a Finance degree from University of Illinois.

- *Phil Rogers, Senior Consultant, Sales & Marketing*. Phil helped found Capturepoint in 1999 with over 15 years' experience in production, creative direction, systems architecture, and web systems development. He began his career by developing digital imaging capabilities for American Color, one of the North America's premier pre-press service providers. Phil also helped create Simon & Schuster's corporate digital archive system. He holds an Economics degree from Pace University.

- *Lisa Sands, Operations & Marketing.* Lisa has over 15 years' experience in the Media, Software and Financial Services industries. She started her career as a commodities and equities option market specialist at Merrill Lynch. As a Business Development & Strategy Director at Reuters Media, she helped relaunch Reuters.com as a global news/information site and developed the global media strategy. She earned an MBA from NYU Stern School of Business, an MA from NYU Arthur L. Carter Journalism Institute, and a Finance degree from Lehigh University. Joined Capturepoint in 2005.

The following staff will be assigned to the implementation:

Mary Coyle, Senior Consultant, Implementations. Mary joined Capturepoint in 2005 with over 15 years' experience from Dun & Bradstreet, Draft Worldwide and Arthur Anderson, Mary has held senior level roles in Product Management and Marketing Operations. She has an MBA from University of Texas at Austin and a Finance degree from University of Illinois.

Position in the company	Consultant
Years at Capturepoint	Since 2005
Length of time in position	4 years
Project position and responsibilities	Responsible for gathering client requirements, orchestrating solutions, running implementation meetings
Hours dedicated to project onsite	None, unless the Client purchases on site consulting days
Hours dedicated to the project remotely	1-2 hours weekly during the implementation phase
Education	MBA
Previous work experience at Capturepoint	CommunityPass customer service, design, product development
Technical skills and qualifications for the project	CommunityPass trained user. Has been the product manager for CommunityPass for nearly 10 years.

*Donna Delargy, Trainer***.** Donna is a former administrator of one of Capturepoint's clients. She ran the CommunityPass administration for a local New Jersey pool and PTA and supported her organization's end users. As a result, Donna has a unique perspective of understanding client needs and knows how to navigate CommunityPass.

Position in the company	Trainer
Years at Capturepoint	Since 2015
Length of time in position	2 years
Project position and responsibilities	Responsible for client training/customer support
Hours dedicated to project onsite	If the Client purchases on site training, then the trainer will be on site to complete the training hours
Hours dedicated to the project remotely	If the Client selects web based training, then the trainer will be available for the training sessions purchased
Education	College graduate
Previous work experience at Capturepoint	Former Capturepoint Customer Administrator
Technical skills and qualifications for the project	CommunityPass trained user. Has been servicing CommunityPass end users for 4 years, as a former client.

*Joyce Sponholz, Implementation Manager***.** Joyce's experience in Administration and Human Resources makes her an invaluable asset to the Capturepoint family. She is responsible for assisting clients with new account setup and providing implementation support for new clients. Joyce determines when client requests require technical support and ensures that those requests are processed through the Capturepoint ticketing system and deliver results that are in-line with client expectations.

Position in the company	Implementation Manager

Years at Capturepoint	Since 2011
Length of time in position	3 years
Project position and responsibilities	Responsible for project management of the implementation
Hours dedicated to project onsite	None
Hours dedicated to the project remotely	1-3/week, as needed
Education	College graduate
Previous work experience at Capturepoint	Capturepoint Customer Service Rep, Office Administrator
Technical skills and qualifications for the project	CommunityPass trained user. Has been servicing CommunityPass customers for 4 years.

References

Over 375+ organizations in 200+ communities in 26 states use CommunityPass software. We have experienced substantial growth over the past several years, while maintaining highly satisfied clients – with a 99% annual renewal rate.

We would encourage you to contact our references to see how our clients have gained efficiencies and streamlined operations using Capturepoint software. We have provided contact information for the following clients:

Graham City, NC

- *Address*: 201 South Main Street, Graham, NC 27253
- *Contact*: Kristen Herndon
- *Title*: CPRP, CPO – Program Supervisor
- *Email*: kherndon@cityofgraham.com
- *Phone*: (336) 513-5510
- *Client Since*: 2016
- *Currently Using*: CommunityPass, POS, Reservation Manager

Oconee County, GA

- *Address*: PO Box 1527, Watkinsville, GA 30677
- *Contact*: Lisa Davol
- *Title*: Recreation Director
- *Email*: ldavol@oconee.ga.us
- *Phone*: 706-769-3965
- *Client Since*: 2014
- *Currently Using*: CommunityPass, Gate Check, Membership Manager, POS, League Manager, After Care Manager, Digital Attendance Manager

Panama City Beach, FL

- *Address*: 16200 Panama City Beach Parkway, Panama City, FL 32413
- *Contact*: Cheryl Joyner
- *Title*: Parks Administration Supervisor
- *Email*: cjoyner@pcbgov.com
- *Phone*: (850)-233-5045)
- *Client Since*: 2016
- *Currently Using*: CommunityPass, Gate Check, Membership Manager, POS, League Manager, Additional Merchant

Support & Services

We know that your business relies on our business 24/7, and we take that responsibility seriously. Capturepoint's friendly, knowledgeable and experienced professionals are available to support the planning, implementation, and optimization of your Capturepoint products and provide you with the greatest value from your investment. Regardless of whether you are creating your first registration system, replacing an existing system, or customizing your application, we have the appropriate service offerings for your organization.

Training & Webinars

CommunityPass Training can help you to learn new skills and get the most from your software – while avoiding issues that could affect productivity. Your organization can train or retrain just one person or an entire staff either on-site or remotely. All of the training offerings are designed for hands-on learning and combine just the right mix of technology background and hands-on exercises to keep you on track. The maximum amount of practical information is delivered in the shortest amount of time to minimize your or your staff's downtime or out-of-office time. Capturepoint provides free, scheduled webinars that serve as "refresher courses" or introductions to new features and functionality. See *Agreement of Services, #12* for details.

Support

We value and solicit your feedback. Our goal is to foster an environment where our clients feel comfortable calling us to ask questions about CommunityPass, tell us what they think, what works, and what can be improved, so that we can develop and expand our product and services offering. That's why we encourage you to call or email as often as you like without incurring any fees or penalties. Our support is designed to allow your organization to operate self-sufficiently; however, we understand that there are times when you just want to talk to somebody…and we are here for you.

Self-Service Support

Available to all clients, Capturepoint's easy-to-use, secure online customer support center is your gateway to a wide range of reference information and online support tools available 24-hours a day. *CommunityPass Help & Training* is a searchable knowledge center of rich support articles, help topics, training guides and the Ticket Management System, a console to view and manage tickets. Within the *CommunityPass Help & Training* console, you will find:

Item	Description
Help	Use Search to find answers to questions; locate documentation for Getting Started, Set Up, and Using CommunityPass, as well as an Index and Glossary. Inline help provides links on every page of CommunityPass to the relevant help section.
Training	Locate Start-Up Guides, Reference Guides and Training Manuals/Videos.
Support	View tickets via our Ticket Management System. Submit requests online in order to state your question or problem in your own words. .
Webinars	Free monthly webinars are provided on a wide range of subjects

Account Support

When you actually need to talk to someone, your Customer Service Representative is the primary point of contact for all support issues. He or she reviews the status of tickets, evaluates the information you provide during initial response, provides relief for non-technical issues and product usage, and

investigates potential solutions or answers. Account Support is included with your Capturepoint license:

Item	Description
24x7 Severity Level 1 support1	Unlimited support, 24/7, 365 days a year.
9x5 Telephone Support Severity Level 2	Unlimited telephone support available 9 a.m. to 5 p.m. EST, Monday through Friday.
24x7 Email Support Severity Level 2	Unlimited email support available 24x7.
Bug Fixes	Remediation of defects or failures within the system.

1. Severity Level 1. The site is wholly or substantially inoperable or interrupted.
2. Severity Level 2. The site experiences a minor error and the impact to normal activities is minimal.

Capturepoint will have the ability to log into our software as any user from any Internet enabled location, providing us with extensive options for quickly reproducing and resolving issues, should any occur. Account Support ***does not*** include workstation, hardware, network support, training or other services.

Technical Support
Technical Support includes analyzing and resolving issues with the system by a technical resource that cannot otherwise be solved by a Customer Service representative. Initial analysis and recommendations is included with your Capturepoint license. Relief for a problem may be a billable service.

End-User Support
Capturepoint provides an online console for you to update your organization's customer service information (i.e. name, phone, email); so that your end users can contact your organization with inquiries. Capturepoint will route all end-user calls to your console. Capturepoint will not accept support requests directly from your end users – all support requests must come through your designated contacts.

Sample Project Plan

We estimate it may take at least 30-120 days for a complete rollout, depending upon how much, if any, customization is required. We encourage most clients who require multiple organizations or multiple products to consider a phased rollout for the services. In order for Capturepoint to meet its obligations described here, the Client must also adhere to the Client Obligations in *the Agreement of Services, #15* to meet an on time launch. Capturepoint approaches each implementation systematically. The process is:

- *Welcome to Capturepoint Notification*. Once the Client has selected Capturepoint to provide services, we send a welcome package to:
  - Provide appropriate Start-Up Guides.
  - Request Client documentation (e.g. program catalogs, signup forms, rosters, legal copy and any reports currently in use) prior to the first Kickoff Meeting.
  - Suggest Client representatives to attend the Kickoff Meeting (e.g. Recreation Director, IT, Finance).
  - Arrange a time for this meeting.

  Timing – Within 2 business days of our receipt of the signed contract.

- *Kickoff Meeting*. During the Kickoff Meeting(s), we introduce the members of our team, which includes a dedicated Implementation Manager and CommunityPass Consultant. The Implementation Manager will be the primary point of contact during the implementation phases. The Kickoff Meeting is typically held by conference call. Kickoff Meeting discussion items include:
  - Introduce Client and Capturepoint representatives.
  - Designate the new customer's primary point of contact for the Implementation.
  - Understand timelines and/or define project phases.
  - Review implementation sheet, where Capturepoint interviews Client to identify any missing information (e.g. E-commerce plans, new requirements, reporting).

- Discuss customization, if purchased.
- Provide access to online CommunityPass Help & Training.

Timing – Within 10 business days of our receipt of the signed contract.

- *Account/Organization Setup*. Capturepoint sets up the Account and Organization(s) related to that account.

- *Create Tickets/Plan*. After the Kickoff Meeting, Capturepoint finalizes the project plan and submits tickets required for implementation through our Ticket Management System. It is at this point that the new customer is given access to the Ticket Management System and trained on how to create tickets and check the status of existing tickets.

- *Discovery*. After the Kickoff, Capturepoint will set up a series of "Requirements Gathering" meetings to ensure we've captured all the custom e-commerce, program, content, reporting and configuration requirements.

  Duration – 1 to 3 Weeks

- *Training*. Depending on the services purchased, Capturepoint will provide either web-based or on-site training. Training is intended to be "train-the-trainer" sessions. See below for additional details.

  Timing – Training can happen any time after data migration (if any) and customization are completed and after the customer's e-commerce has been set up.

- *Testing/Environment*. Testing is a critical part of the implementation. We test all aspects of the system prior to launch. Capturepoint will test the e-commerce process to ensure users are able to complete online transactions. If customization is required, Capturepoint will test the functionality. Your Implementation Manager will walk you through the testing phase and help you test the system.

  Duration – 1 – 3 Weeks

- *Launch of CommunityPass*. For multi-product purchases, CommunityPass, our flagship product, is always the first product implemented and launched. An on-site Consultant is available for the launch for a fee.

- *Continue Implementation Management (if necessary)*. In a multi-product or multi-phase launch, the Client may choose to launch different products or departments at a different time. Implementation Management process continues.

- *Post-Launch Managed Support Commences*. If purchased, Post-Launch Managed Support is designed to accommodate unexpected issues that occurs post implementation. Your organization receives access to a dedicated Consultant who organizes weekly status meetings and manages follow up tasks for a specified time period. Post-Launch Managed Support commences after completion of CommunityPass training. Required for phased rollouts, which includes multi-product or enterprise implementations. All support requests must be submitted in writing by the client. Client must delegate one "Super User" to facilitate support requests. Post-Launch Managed Support cannot be rolled over or pro-rated.

Price Quote

Software Fees

Item	Implementation (One-Time)	Subscription (Annual)	Item Total
- Web-Based Training (6 sessions)	$1,500.00	$ -	$1,500.00
- Implementation Management	$2,000.00	$ -	$2,000.00
- Custom price procedure for 3 tier pricing/Geocoding	$1,000.00	$ -	$1,000.00
- CommunityPass Recreation[1]	$0.00	$ 4,750.00	$4,750.00
Total	**$4,500.00**	**$4,750.00**	**$9,250.00**

1. See Agreement for Services #9 and #10 for incremental payment processing fees. The following link itemizes the features included with the **"Recreation" package**/solution. https://www.communitypass.net/recreation-pricing/

OPTIONAL – System integration fees.

Item	Implementation (One-Time)	Item Total	Please initial to accept options
- Geocode automation via portal service/provider	$3,000.00	$3,000.00	
- Financial report for Cassell (custom file format)	$1,250.00	$1,250.00	
- Export API for financials (from CommunityPass)[2]	$1,750.00	$1,750.00	
Total	**$6,000.00**	**$6,000.00**	

2. Requires financial report for Cassell.

Point of Contact	
Client Name & Account Number	City of Villa Rica Parks and Recreation; VI27720
Agreement of Services Version	Version 4B
Point of Contact Name Title Address Phone Email	 Vicki Coleman Director of Parks and Recreation 646 Industrial Blvd., Villa Rica, GA 30180 (678) 459-7011 vcoleman@villarica.org

APPROVALS:

The signatures below, or the submission of payment or a purchase order, constitute agreement to the terms of this Agreement and the terms outlined in Appendices A, B and C. *Please sign and send back to Capturepoint for countersignature either by mail, fax or email/scan (photos are not accepted). Our fax number is 201-689-2123*.

For City of Villa Rica:

Name: _____

Title: _____

Signature: _____

Date: _____

For Capturepoint:

Name: _____

Title: _____

Signature: _____

Date: _____

Agreement of Services

Client:	City of Villa Rica Parks and Recreation	***Account #:***	VI27720
Contact:	Vicki Coleman, Director of Parks and Recreation	***Version:***	4.0

The agreement ("Agreement") begins on the later of the dates it is signed ("Effective Date"), between Capturepoint LLC d/b/a Capturepoint ("Capturepoint"), with principal offices at 141 Dayton Street, Suite 204, in Ridgewood, NJ, 07450 and City of Villa Rica ("Client"), with its principal place of business located at 646 Industrial Blvd., Villa Rica, GA 30180.

1. *Services*. Capturepoint will provide software and services ("Services") as defined in the Price Quote and described in Appendix A – Capturepoint Services Description, which is incorporated herein by this reference as defined herein. All services "checked" in Appendix A are included as Services to be provided by Capturepoint for the fees specified in the Price Quote. Capturepoint's performance shall be in a competent and professional manner equal to high quality performance by a professional services company.

2. *Excluded Services*. Excluded Services are i) Enhancements, which are system wide change requests submitted by the Client and ii) Customization, which are changes that impact only the Client's system. Customization is defined as custom eligibility, custom pricing, custom reports, custom validations, public site design, or other customized product features. Excluded Services are subject to additional fees and not included in the standard Services.

3. *Services Fees*. Fees for Services are either i) Annual Subscription or ii) One-Time, which are based on estimates. Should the hours required for Professional Services exceed the estimates provided, Capturepoint will provide written documentation including a detailed explanation of the variance and providing a new estimate for Client approval.

4. *CommunityPass*. CommunityPass is a Service and its Annual Subscription fee is based on the number of i) Organizations and ii) Transactions completed as defined in the Price Quote. An Organization is an individual entity that operates autonomously. A Transaction is each purchase of a program/product, refund or payment and does not include transfers or withdrawals that do not generate an additional charge or refund. A CommunityPass subscription does not include any additional Services.

5. *Subscription Start Date*. The Subscription Start Date is i) the date the 12-month subscription commences and ii) occurs 30 days after the Effective Date or after the first training session is completed, whichever occurs first. Subscription fees are invoiced annually, beginning 30 days after the initial contract is signed.

6. *Renewal Date.* The Renewal Date is the first day of the month of the original Subscription Start Date in the following year.

7. *Ownership*. Client owns all content and registration data ("Files") generated via the Services. Should the contract between Capturepoint and Client be terminated for whatever reason, Capturepoint will provide all Client Files promptly to the appropriate individual at the Client upon request. Capturepoint shall retain all right, title and interest in and to its software, copyrights, trademarks, service marks, logo and trade names worldwide ("Intellectual Property"). The Intellectual Property is licensed, not sold. The Intellectual Property is protected by copyright and other intellectual property laws and treaties. Client shall use the Intellectual Property only as provided, and shall not alter the Intellectual Property in any way, or act or permit action in any way that would impair Capturepoint's rights in its Intellectual Property. Client acknowledges that the use of the Intellectual Property shall not create any right, title or interest in or to such Intellectual Property.

8. *Support Services*. By signing the Agreement for Services, Client agrees to the support terms and conditions as defined in Appendix B – Capturepoint Support.

9. *Payment Processing Fees*. Payment Processing Fees are included in this Agreement. Capturepoint charges a 2.6% payment processing fee plus $.25/transaction fee for Visa, Mastercard and Discover. Capturepoint charges a 3.6% payment processing fee plus $.25/transaction fee for American Express. Capturepoint charges a 1% payment processing fee for E-Check plus $.25/transaction fee. E-Check is an electronic payment funded by the buyer's bank account. Capturepoint payment processing fees will be collected automatically once per month; debited from the Client's approved bank account. A $35 Insufficient funds fees will be charged per attempt if Client does not hold sufficient funds in their approved bank account to cover their Payment Processing Fees per debit.

10. *Payment Processing Terms and Conditions*. Capturepoint will provide payment processing services as defined in https://www.communitypass.net/payment-terms-and-conditions/, which is incorporated herein by this reference as defined herein.

11. *Additional Merchant Accounts.* This Agreement is for use of Services with one (1) merchant account, which services one (1) Organization. One merchant account includes one (1) Card Present (used for in-person use) account and one (1) Card Not Present (used for online use) account. Subscriptions requiring more than one merchant account are subject to an additional annual Service Fee. Clients that do not implement Card Present and Card Not Present accounts simultaneously are subject to additional One-Time fees.

12. *Training*. Training is session based and is priced/Service. It is intended to be "train-the-trainer" sessions. i) The Client is responsible for coordinating the trainee(s) to attend training; ii) trainees will train the entire Client's staff; iii) For On-Site CommunityPass training, Capturepoint will train up to five (5) people/Service at no additional cost; iv) Staff will be trained at a location designated by the Client; v) Each trainee will have access to a computer and the Internet, so that multiple users can be

trained simultaneously; vi) Capturepoint will provide access to meeting software during Web-based training; vii) Travel & Expenses for On-Site training are priced separately; viii) Additional Web-based retraining is recommended per year to handle any retraining or staff turnover. If any of the above conditions are not met, the price of training may be altered.

13. *Price Quote.* The Price Quote is specifically incorporated by this reference and sets forth all fees due and payable from Client for the Services described herein. The Price Quote is valid for 90 days from the Date of this Agreement.

14. *Wait Charge*. Capturepoint may invoke a $100/day wait charge if Client does not provide the items listed in Section 15 prior to the implementation start date. Capturepoint will notify Client in writing when this charge is invoked.

15. *Client Obligations*. The following are responsibilities that Capturepoint expects of its customers.

a. *Designated Contact*. Client will provide a single, primary point of contact that will serve as a subject matter expert to quickly resolve issues that arise during the implementation and throughout Term of service.

b. *Chargebacks*. Client agrees that any disputes between Client and a Cardholder relating to a transaction funded directly to the Client shall be settled between Client and the Cardholder directly. Client understands that such disputes can result in a Cardholder issued "Chargeback" to Client. A Chargeback occurs when a merchant issues credit to a cardholder's account. Chargeback(s) can be avoided by settling disputes with the Cardholder directly or issuing a refunded transaction. Such chargeback disputes may require Client to provide a copy of the signed credit card receipt

c. *Hardware Purchase.* Any hardware required for this implementation must be purchased, installed and tested by the Client. Capturepoint bears no responsibility for acquiring hardware. Capturepoint does not directly guarantee or warranty any hardware equipment purchased through Capturepoint or from another vendor. Any equipment purchased through Capturepoint is non-refundable. Hardware quote is valid for 90 days from the date on this Agreement of Services or December 31st of the current year, whichever comes first.

d. *Hardware Integration and Support*. Hardware including, but not limited to, bar code scanners, web cameras, touch screens, ID printers, credit card swipes and door lock systems purchased from other sources may not have the required programming to work with the Services. Capturepoint does not provide hardware programming or maintenance, and does not guarantee or warranty hardware purchased via Capturepoint or elsewhere will work with Capturepoint Services.

e. *Policies*. Client is responsible for providing policy information pertaining to their specific rules of operation, such as, Code of Conduct, Internet, Refund and Privacy Policy. The Privacy Policy is posted on the Public Site. The Privacy Policy automatically defaults to Capturepoint's Privacy Policy if the Client does not supply one. The Capturepoint Terms of Use is posted on the Administrator Site. All administrators of the Services must comply with the Terms of Use. Failure to comply with the Terms of Use policy may result in the suspension or termination of Services.

f. *Internet Service*. Client is responsible for the purchase and set up of their Internet service, which is required for the use of Services. Capturepoint does not provide Internet service connection support or maintenance. For the best performance of Services, Capturepoint recommends using a broad-band Internet connection capable of upload and download speeds of at least 1MB per second. Capturepoint supports the following browsers: Microsoft Internet Explorer 9, Microsoft Edge (v14 or later), Mozilla Firefox (v53 or later), Google Chrome (v58 or later), Safari (v10.1 or later) and Opera (v45 or later).

g. *Bank Account*. Client will provide a valid Bank Account and routing number to Capturepoint to debit Fees via ACH electronic banking. Should the Bank Account change, Client must notify Capturepoint in writing immediately or risk 1) delay receipt of Registration Fees and 2) being subject to Insufficient Funds Fees for non-payment of Service Fees.

h. *User Roles*. Client is responsible for creating, approving or de-permissioning user roles. Client should have a transition plan for administrators that join or leave the organization. Capturepoint does not create or approve user roles, unless Client provides written approval of the changes. User roles may not be deleted.

i. *Setup*. Client is responsible for organizing and entering their content, which, includes but is not limited to, catalog, facility, memberships and financial information, unless Client purchases the Program Setup or Reservation Manager Setup Service.

j. *Online Gaming/Gambling*. Client is responsible for complying with their state gaming authority's laws and regulations regarding online gaming. Gaming may include, but is not limited to, raffles, contests, 50/50s, etc. Failure to comply with the state law may result in suspension or termination of the Service.

16. *Cloud Computing*. Capturepoint uses web-based software that users access from any computer with an Internet connection. The software is hosted by and resides on Capturepoint servers. The software can integrate with the following hardware items, which if using must be purchased, installed and tested, prior to using the Services: Cash drawer, Receipt Printer, Digital Camera/Web Cam, Bar Code Scanner, Photo ID Printer, and Door Lock Systems.

17. *Security*. Capturepoint uses advanced technology for Internet security. When you access our site, Secure Socket Layer (SSL) technology protects your information using both server authentication and data encryption, ensuring that your data is safe, secure, and available only to registered users ("Users") in your organization. Client data will be inaccessible to unauthorized visitors.

Capturepoint provides each Client's User with a unique user name and password that must be entered each time a User logs on. Capturepoint issues a session cookie ("Cookie") only to record encrypted authentication information for the duration of a specific session. The session Cookie does not include either the username or password of the user. Capturepoint does not use Cookies to store other confidential user and session information, but instead implements more advanced security methods based on dynamic data and encoded session IDs.

Capturepoint products are hosted in a secure server environment that uses a firewall and other advanced technology to prevent interference or access from outside intruders.

18. *Overtime charges*. Work performed outside of the Regular Service Hours, at the specific request of the Client, are subject to overtime charges. Should the Client request overtime hours, both Client and Capturepoint should provide written approval of the overtime hours. Upon completion of the work, Capturepoint will provide written documentation, of the overtime hours worked.

19. *Payment*. Capturepoint will invoice Client for One-Time Implementation Fees incurred upon execution of this Agreement. Capturepoint will invoice for the Annual Subscription fees on the Subscription Start Date. On the Renewal Date, Capturepoint will submit one annual invoice to the Client. Payment is due within thirty (30) days of Client's receipt of each invoice. Should any invoice remain unpaid for more than thirty (30) days, interest shall be paid at a rate of 1.5% per month.

20. *Receipt of Payment*. Receipt of payment by cash, check, cashier's check, money order or other means or receipt of a Purchase Order by the Client confirms acceptance of the Terms & Conditions as defined in the Agreement of Services and serves as approval of the Terms & Conditions in lieu of Client signature.

21. *Term*. This agreement shall have a term of twelve (12) months commencing on the Subscription Start Date, unless terminated as provided in Section 22. This Agreement will automatically renew for additional (12) month terms.

22. *Termination*. Either party may, upon giving thirty (30) days written notice identifying specifically the basis for such notice, terminate this Agreement. In the event this Agreement is terminated, Client shall pay Capturepoint for all Services rendered and expenses incurred prior to the date of termination. Capturepoint will not pro-rate or return funds for the current subscription period.

23. *W9.* Capturepoint's current year W9 is located in Appendix C.

24. *Exclusions*. The Agreement does not include any additional Services that are not set forth in this Agreement. Additional requirements will be documented and agreed to prior to the execution of this Agreement.

25. *Warranty*. Capturepoint warrants that its Services will be performed in a good and workmanlike manner. Capturepoint shall re-perform any work not in compliance with this warranty brought to its attention within a reasonable time (not to exceed sixty (60) days), after that work is performed. Except as represented in this Agreement, all Services are provided "AS IS." THE PRECEDING IS CAPTUREPOINT'S ONLY EXPRESS WARRANTY CONCERNING THE SERVICES AND IS MADE EXPRESSLY IN LIEU OF ALL OTHER WARRANTIES AND REPRESENTATIONS, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY, INFORMATIONAL CONTENT, SYSTEMS INTEGRATION, NON-INFRINGEMENT, INTERFERENCE WITH ENJOYMENT OR OTHERWISE.

26. *Indemnification*. Client shall indemnify and hold Capturepoint harmless from third party claims arising out of its use of the Services.

27. *Limitation of Liability*. The sole liability of either party to the other (whether in contract, tort, negligence, strict liability in tort, by statute or otherwise) for any claim in any manner related to this Agreement shall in no event in the aggregate exceed, in the case of Capturepoint's liability, the fees received by Capturepoint for the Services giving rise to the liability, or, in the case of Client, the total fees payable to Capturepoint. In no event shall either party be liable for consequential, incidental, indirect, special or punitive loss, damage or expenses (including lost profits). Any action by either party must be brought within two (2) years after the cause of action arose.

28. *Integration*. This Agreement and its attached appendices constitutes the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior agreements and understandings of the parties in connection herewith, and not covenant, representation or condition not expressed in this Agreement shall affect, or be effective, to interpret, change expand or restrict the express provisions of this Agreement.

29. *Modification of Agreement by Writing*. This Agreement may not be modified, amended, waived, extended, changed, discharged, assigned or terminated orally or by any act or failure to act on the part of either party. This Agreement may be modified, amended, waived, extended, changed, discharged, assigned or terminated only by an agreement in writing signed by both parties.

30. *Assignment*. Neither party may assign this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed.

31. *Notice*. Any notice or other communication provided under this Agreement shall be in writing and shall be effective either when delivered personally to the other party, or five (5) days following deposit of such notice or communication into the United States mail (certified mail, return receipt requested, or first class postage), facsimile (with delivery confirmation) e-mail to the point of contact at the email address set forth in this Agreement, or overnight delivery services (with delivery confirmation), addressed to such party at the address set forth in this Agreement. Either party may designate a different address by notice to the other given in accordance with this Agreement.

32. *Force Majeure*. Neither party will be liable for any delays or failures to perform due to causes beyond that party's control.

33. *Branding*. Client shall not use Capturepoint's name outside Client's organization without Capturepoint's express written consent, which may be withheld by Capturepoint in its sole discretion.

34. *Waiver*. No delay on the part of either party to this Agreement in exercising any right, power of privilege under this Agreement shall operate as a waiver of any such right, power or privilege.

35. *Governing Law*. This Agreement shall be governed by and construed in accordance with the laws of New Jersey, without giving effect to conflict of law rules.

36. *Agreement Execution*. This Amendment may be executed simultaneously in counterparts, and by PDF or other electronic transmission, each of which counterparts shall be deemed an original, but all of which together shall constitute one and the same instrument, provided that all

such counterparts, in the aggregate, shall contain the signatures of all parties hereto.

APPENDIX A – Capturepoint Services Description

Capturepoint Products
Capturepoint is comprehensive cloud-based software that provides online data collection, payment, and reporting to cover all aspects of administration. For product descriptions, visit https://www.communitypass.net/recreation-pricing/

CommunityPass Packages

- ☐ *CommunityPass Essentials*
- ☐ *CommunityPass Membership*
- ☒ *CommunityPass Recreation*
- ☐ *CommunityPass Enterprise*
- ☐ *CommunityPass School*

A La Carte Features

- ☐ *After Care*
- ☐ *Bonds*
- ☐ *Digital Attendance (1 Site). *Requires After Care.*
- ☐ *Facility Rentals (Permits)*
- ☐ *Gateway Support*
- ☐ *Instructor Site*
- ☐ *League & Scheduling*
- ☐ *Pass Fulfillment*
- ☐ *Student Manager*
- ☐ *Ticket Redemption*

Capturepoint Professional Services
Capturepoint's experienced professionals are available to support the planning, implementation, and optimization of Capturepoint Services. For service descriptions, visit http://communitypass.net/features/index.html.

CommunityPass Set Up Service

- ☒ *CommunityPass Setup*. Activation of a CommunityPass subscription, E-Commerce, creation and testing of 1 administrator account, setting of account-specific defaults and Webinar Training.
  - ☐ *CommunityPass Essentials*
  - ☐ *CommunityPass Membership*
  - ☒ *CommunityPass Recreation*
  - ☐ *CommunityPass Enterprise*
  - ☐ *CommunityPass School*

Training Services

- ☐ *On-Site Training*. Training includes syllabus, training materials and training site. Training is session based and priced per Service. Training is a "train-the-trainer" service. Refer to Agreement of Services Section 12 for terms and conditions.
- ☒ *Web-Based Training*. Training includes syllabus and training materials. Training is session based and is priced per Service. Training is a "train-the-trainer" service. Refer to Agreement of Services Section 12 for terms and conditions.

Sessions Included:

- ☒ *CommunityPass Setup*. Core training course to set up content, users and programs. Admins should take this course before starting a CommunityPass deployment or when taking over an existing deployment.
- ☒ *CommunityPass Customer Management*. Core training course that focuses on managing an organization's front desk, including processing registrations, payments, refunds, transfers and withdrawals.
- ☒ *CommunityPass Reporting*. Core training course that shows how to run standard and ad hoc reports.
- ☐ *CommunityPass Q&A*. For A "freestyle" 2-hour session lets the trainer help execute what was learned in the Setup and Front Desk sessions. The trainer can assist with program entry, new user setup, setting eligibility and capacity rules or any other item covered in the Setup and Front Desk sessions.

Feature Training Sessions:

- ☐ *After Care*
- ☐ *Digital Attendance*
- ☒ *Facilities Setup*
- ☒ *Facilities Customer Management*
- ☒ *Instructor Site*
- ☒ *Leagues & Scheduling*
- ☐ *Memberships, ID Scanning & POS*
- ☐ *Pass Fulfillment*
- ☐ *Ticket Redemption*

Consulting Services

☐ *Business Analysis & Consulting.* Identify custom requirements, configurations, reporting, etc. through a series of meetings led by a Consultant. Includes time for documentation.

☒ *Customization*. Customize eligibility rules, reports, public site design, or other product features or Enhancements to meet the unique needs the Client.

☐ *Data Entry*. Capturepoint will enter catalog data into CommunityPass.

☐ *Data Migration*. Migrate your membership database from spreadsheets or a prior system. Capturepoint will merge like records, purge duplicates and upload a clean membership list. Data migration process dependent on the organization's current installation of software. Migration includes individual/account meta-data, membership ID data and current member status. Family Upload of no more than one year of family data from existing client database to Capturepoint. Financial and transactional history is not included.

☒ *E-Commerce Integration*. Connection of CommunityPass to Client merchant bank and transaction testing. All monies will deposit into one merchant account, unless the client purchased Additional Merchant Accounts.

☐ *Facilities Set Up*. Capturepoint facilities analysis collects, organizes and imports existing facility information into the Scheduler.

☒ *Implementation Management*. Implementation Management identifies all of the areas where CommunityPass will impact existing workflow, policies, procedures and marketing, enabling Capturepoint to suggest the optimal approach to implementing Capturepoint products. A Capturepoint Consultant manages the implementation and organizes up to six (6) weekly status meetings.

☐ *Program Set Up*. Capturepoint analyzes, organizes and enters catalog and brochures into the system.

☐ *Report Analysis & Design.* A Capturepoint Consultant analyzes your existing reports and makes recommendations whether your organization needs 1) pre-built, 2) custom, or 3) Report Builder reports.

☐ *Post-Launch Managed Support*. Post-Launch Managed Support is designed to accommodate unexpected issues that occurs post implementation. Your organization receives access to a Capturepoint Consultant who organizes weekly status meetings and manages follow up tasks for a specified time period. Rollout Management commences after completion of CommunityPass training. *Required for phased rollouts, which includes multi-product or enterprise implementations.*

☐ *Student Upload Service*. Provide the development and customization to upload your Student Information System (SIS) into CommunityPass. Capturepoint 1) loads the student database, 2) creates family accounts and 3) prepares letters to send to users.

☐ *Systems Integration*. Capturepoint offers three options for systems integration. All three options include the creation of a custom file format that would align with the upload requirements of the software.

APPENDIX B – CAPTUREPOINT SUPPORT

1. *Service Hours*. Regular Service Hours are Monday - Friday, 9:00am - 5:00pm ET. Emergency Hours are 24/7.

2. *Severity Levels*. There are two types of service levels:
   a. *Severity Level 1*. The site is wholly or substantially inoperable or interrupted.
   b. *Severity Level 2*. The site experiences a minor error and the impact to normal activities is minimal, including bugs and enhancements.

3. *Support*. "Support" is included with your Capturepoint Subscription and includes: 1) Severity Level 1 support 24X7 2) Severity Level 2 support during Regular Service Hours 3) access to CommunityPass Help & Training, 4) access to the Ticket Management System (TMS), 5) bug fixes, 6) analysis and resolution of issues with the system by a Capturepoint Technical Resource that cannot otherwise be solved by a Customer Service representative. Initial analysis and recommendations is included with your Capturepoint license. Relief for a problem may be a billable service. Support ***does not*** include Training or Professional Services.

4. *Response Times*. Capturepoint will attempt to resolve issues as quickly as possible; however, we make no guarantees or representations, either expressed or implied, regarding resolution time of any issue. If the issue is categorized as Severity Level 1, we will work on it until it is resolved, provided the issue is within the scope of our control. If a Severity Level 2 alert occurs outside of Regular Service Hours, on weekends, or on a holiday, resolution may not occur until the next business day. If we cannot reach the Designated Contact, as defined as the Client's primary contact, outside of Regular Service Hours and such contact is needed to rectify your issue, Capturepoint may not be able to provide support.

5. *Tickets*. "Tickets" are requests for Support. Each incoming request will be assigned a number, which must be referenced in the subject of all correspondence. Severity Level 1 Tickets take prioritization over all other Tickets, unless otherwise advised by the Client.

6. *Ticket Management System "TMS"*. All requests for Support requiring a Ticket are submitted via TMS, Capturepoint's proprietary system. Acknowledgements, status updates and closure documentation will be transmitted through TMS. TMS is available 24/7 and monitored regularly by Capturepoint support staff.

7. *Ticket Process Flow*. To maintain organization and communication with Client, Capturepoint will perform the following tasks for each new or changed Support request.

   a. *Receipt of request*: All Support requests by either telephone or email are routed to a Customer Service Representative who verifies the contact information. Designated Contacts may be required to approve Support requests submitted by other members of the Client's organization. Requests will be addressed in the order received. Capturepoint does not accept Support requests via text messaging, website or fax.

   b. *Problem Triage*. Analyze request and investigate potential solutions or answers. Capturepoint will: 1) solve your request immediately, 2) research your request and provide a response, or 3) open a Ticket. If a Ticket is opened, Capturepoint will assess and record time estimates for each request and assign a Severity Level.

   c. *Relief*: Relief is the answer to the request or, in the case of a product defect, a temporary fix, a workaround (configuration changes, temporarily turning off non-critical product functionality) or an action plan to get the software up and running. Once Relief is provided, Capturepoint may downgrade the severity of the Ticket. Relief provided to the problem may also be the solution that the Client confirms resolves the issue and the Ticket will be closed. Relief for a problem may be a billable service. Clients will be notified if the solution to fix the issue is billable prior to starting any Ticket work.

   d. *Ticket Resolution*. If Relief is delivered and it has not resolved the problem, Capturepoint will continue research until Ticket resolution is found and delivered and confirms that it resolves the problem, at which time the Ticket will be closed. Ticket Resolution as related to the Ticket, is defined as a permanent solution to the problem. A permanent solution may be available as a fix and for some Tickets a permanent solution may be available in the next release. Also, custom fixes or work-arounds may be developed to circumvent a product defect that will not be included in future releases; in such Tickets, these fixes and workarounds will be considered a permanent resolution by Capturepoint.

8. *Enhancements*. Enhancements are system wide change requests submitted by the Designated Contact via TMS. If approved, Capturepoint will prioritize the enhancement within the product development cycle. Completion of the enhancement will vary based on its complexity and development priorities. Expediting an approved enhancement request may be a billable service.

9. *Capturepoint Responsibilities*. The following are responsibilities that Capturepoint expects of its Clients will perform. In some cases, Capturepoint may require Client to engage in billable services.

   a. *Ticket Management*. Capturepoint will use commercially reasonable efforts to manage and address the Client's Ticket based on the Severity Level and its complexity. All Ticket Management targets and delivery timelines are goals and not commitments, and the actual timing may vary.

   b. *Bug Fixes*. Capturepoint will remedy defects or failures within the system. Capturepoint will prioritize bugs based on critical impact to the system and use commercially reasonable efforts to remedy bugs in a timely manner. Bug fixes do

not include problems caused by Client negligence, abuse or misapplication; use of Capturepoint products other than as is specified in the product documentation or other Tickets beyond the control of Capturepoint. Capturepoint makes no representation or warranty that all bugs will be fixed.

c. *Availability of Product*. Company will strive to achieve 100% availability of Service, except for scheduled maintenance windows, which Company will perform outside of Regular Service Hours, when possible. Company will notify Client in advance of scheduled maintenance. Company technical support will be available for Severity Level 1 issue resolution 24 hours a day, 7 days a week. Lack of accessibility to the Services because of problems outside the control of Company, as described in this Agreement for Services, will not be counted against this availability requirement.

d. *Replication of Client problems*. Capturepoint makes every effort to duplicate Client problems. There are times, however, when a Customer Service Representative is unable to replicate the issue. When this happens, Capturepoint gathers all pertinent information before escalating an issue. The Customer Service Representatives have direct access to Technical Support Representatives, who analyze issues and makes recommendations for solving the problem, which may require billable services. Capturepoint works together as a team to bring timely resolution to Client reported problems and strive to maintain a high level of Client satisfaction.

e. *Materials*. All support materials are maintained electronically and can be accessed through CommunityPass Help & Training. Capturepoint does not provide paper copies of its support materials.

f. *Consulting*. At times, a Consultant may be required to resolve a problem or evaluate a business issue. The need for a Consultant is evaluated on a case-by-case basis by Capturepoint management. Dispatching a Consultant, either, on site or remotely, will occur once a signed agreement has been entered into between the Client and Capturepoint. This agreement shall be detailed within a statement of work and is a billable service.

g. *Message Manager*. Message Manager is a bulk email delivery tool that transmits multiple email messages within a single batch. Bulk email messages are delivered through a separate engine than transactional email messages such as receipts, outstanding payment notices and tuition reminders are processed on a first come first served basis. As a result, bulk email delivery may not occur immediately after the request has been submitted. Capturepoint makes every effort to ensure that messages are delivered; however, there are many reasons outside of Capturepoint's control that may prevent bulk email messages from being delivered (e.g. spam filters.)

h. *Asset Storage*. Capturepoint stores all Client Assets (i.e. images, documents, forms) in Amazon CloudFront. Capturepoint adheres to all Terms & Condition stipulated by Amazon CloudFront hosting agreement, which can be found at https://aws.amazon.com/partners/terms-and-conditions/.

Customer Service Representatives will not:

i. Guide Client through step-by-step implementations or provide remote implementation assistance for Capturepoint products.

j. Perform ticket work outside Client's Support contract.

k. Support of any software other than the specified line of Capturepoint Services.

l. Support of hardware or third-party products. However, Capturepoint will make a reasonable effort to help you get a resolution to your hardware or third-party vendor problem within standard resolution time goals. The Ticket is kept open until the resolution is delivered or it is determined that Capturepoint cannot control the hardware or third party issue, at which time we will inform the Client that Capturepoint is not able to resolve the issue and the Ticket is closed.

m. Assistance with problems caused by Client negligence, abuse or misapplication; use of Capturepoint products other than as is specified in the product documentation or other causes beyond the control of Capturepoint; any other problem that is excluded under Capturepoint's standard support terms or problems caused by any unsupported hardware and/or software.

10. *Client Responsibilities*. The following are responsibilities that Capturepoint expects of its Clients. To ensure that the problem or question is resolved as promptly as possible, the Client should meet these responsibilities before requesting Support.

    a. *Requirements Definition & Ticket Prioritization*. Client is responsible for describing system changes or enhancements in a Ticket ("Requirements Definition"), setting Ticket priorities and managing the Ticket list for Capturepoint. Only Tickets that are "Not Started" may be prioritized. Once a Ticket is "In Progress," the Client can no longer prioritize the Ticket. If Capturepoint defines requirements, the time spent defining requirements may be a billable service.

    b. Provide Capturepoint with timely responses and any information reasonably needed to address a Ticket.

    c. Thoroughly review all product documentation before contacting Support for assistance. Check self-service resources on CommunityPass Help & Training. Capturepoint strongly encourages Client to make use of these resources and provide feedback on areas where we can expand and improve value.

d. Client should use reasonable efforts to isolate, document and report errors to Support.

e. *Severity Level 1 Request*. If the Client is experiencing a Severity Level 1 issue, call Capturepoint. Do not send emails for Severity 1 issue. Client should abide by the Severity Level 1 terms. Abuse or misuse of the terms more than three times will result in fees and overtime penalties, time and a half of the consulting rate for time spent analyzing and researching the problem.

f. Capturepoint will not accept Support requests directly from Client's end users. It is the Client's responsibility to service your customer calls and inquiries. A console is available for Client's to update contact information for end users.

g. Capturepoint will support all Administrative Users of CommunityPass. However, Client should assign a Designated Contact as the primary contact. Typically the Organization Administrator is the Designated Contact. A Designated Contact needs to have a basic understanding and access to expertise in the tasks related to administering and trouble-shooting CommunityPass. Capturepoint encourages organizations to filter all support requests through the Designated Contact, as Capturepoint will typically require approval and feedback from the Designated Contact prior to resolving Tickets and questions.

h. *Asset Upload*. Client may only upload Assets which the Client has all necessary copyright and other rights. If the Client uploads an Asset, anyone with access to that Asset may view and download copies of the Asset. Client is solely responsible for how the Client shares Assets and who may access Your Assets that the Client shares. Client may not upload Assets (a) that contain defamatory, threatening, abusive, pornographic, or otherwise objectionable material, (b) that advocate bigotry, hatred, or illegal discrimination, or (c) if sharing those files violates any law, any intellectual property, publicity, privacy, or other right of others, or any license or other agreement by which the Client is bound.

11. *Changes to Capturepoint Support*. Capturepoint reserves the right to amend our support policies and will notify Client in writing of any changes.

APPENDIX C – W9

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Capturepoint, LLC

2 Business name/disregarded entity name, if different from above
Capturepoint

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☑ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
PO Box 2487

Requester's name and address (optional)

6 City, state, and ZIP code
Columbus, GA 31902

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number
[ ][ ][ ] – [ ][ ] – [ ][ ][ ][ ]

or

Employer identification number
[2][2] – [3][6][6][6][2][6][9]

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ Steve Sands Date ▶ 5/22/2019

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

Cat. No. 10231X Form **W-9** (Rev. 10-2018)

APPENDIX D – Technical FAQs

Features	Description
Application / Security	
Is this a hosted system?	CommunityPass is 100% cloud-based system, requiring no hardware or software purchase. No stand-alone version is available.
What is the database structure of the software system?	Microsoft SQL Server 2014 Enterprise, running in a clustered / SAN environment.
Describe the security (database level, application level, internet level, physical level).	*Database Level* ♦ Password encryption. *Application Level* ♦ Administrator assigned, role-based security. *Internet Level* ♦ SSL. *Physical Level* ♦ Data stored at Equinix IBX center. ♦ Load balanced web-server farm. ♦ Clustered database. ♦ High availability network.
What internet browsers are supported?	IE v11+, Safari v9+(Mac), Chrome v51+ and Firefox v47+
What client operating systems are supported?	All Windows, Mac, iOS, Google and Android systems.
What desktop platforms are supported?	All browser enabled operating systems. CommunityPass runs on all currently supported browsers.
What is the network configuration?	Internet access is required. Workstations must have an internet connection and currently supported browser.
What types of multiple environments – number and types supported and how they are utilized through implementation and post go-live	CommunityPass subscribers have access to a testing/sandbox environment as well as the live production environment.
What is the methodology of future software development?	Capturepoint employs an Agile software development methodology to blend and prioritize reported bugs, requested enhancements and new product concepts into a release schedule which coincides with our client' seasonal activities.
What type of programming do you use?	Object Oriented.
What language do you program in?	Adobe ColdFusion 2016 and SQL Server 2014.
What is the history and dependability of software development?	♦ 1st production release: Q1 2003. ♦ Subsequent releases (each quarter since 2005).
Describe the help functionality.	Embedded help files. Printable format (PDF).
What is the process required for application integration?	CommunityPass provides a web service-based API for data integration with 3rd party applications.
What kind of integration to your application is supported?	CommunityPass provides data export web services using REST API. Automated data import options are also available as part of CommunityPass.

What is the update frequency?	CommunityPass is updated weekly with minor updates, monthly for major updates and quarterly for new releases.
What is the scheduled maintenance window?	Maintenance that requires downtime is typically scheduled in advance after 12am EST. Major releases occur quarterly.
Describe system scalability, either up or down	Clustered database solution with hot fail-over. Load balanced web servers. Redundant switches, routers and firewall.
How is system monitored? What proactive steps are taken to avoid system problems?	Solarwinds Orion software and third party operations support OS and application server updates and equipment downgrade schedules are maintained.
What type of security audits does the datacenter perform (i.e. PCI Compliance)? How often?	CommunityPass uses SecurityMetrics to ensure CommunityPass is up-to-date with PCI compliance standards. Our compliance certificate from SecurityMetrics is prominently displayed on the footer of all of our sites. PCI Compliance completed quarterly. SecurityMetrics provides monitoring of the CommunityPass website to identify and help Capturepoint resolve any potential security holes. Click here for more information. Capturepoint is Level 3 PCI Compliant.
How is data protected from attacks?	The firewall is configured with surge protection, Denial of Service attack defense and other features to protect against unauthorized access to our network. Equinix, our colocation provider, enforces strict adherence to rack access policy. Lightpath, our primary bandwidth provider, extends the protection of our firewall with IP traffic monitoring services.
Discuss your data security methodology within a global hosted solution.	CommunityPass operates with four levels of protection: 1) Tier 3 Internet service provider, who monitors at a high-level for illicit or malicious traffic; 2) firewall that locks down accessibility to CommunityPass system resources and provides lower-level monitoring for attacks or attempted infiltrations; 3) SSL is in place at all times to ensure no data is passed within CommunityPass in clear text; and 4) that security data is encrypted at all times.
How often are backups performed and where are they stored?	Backups are performed nightly. Backup schedule includes 7 days, five weeks, 12 months. Copied offsite. Hourly transaction file backups for database.
Describe the disaster recovery process.	Offsite backups restored at another Verizon location.
Is there a fail over site where data is replicated? Where and who owns it?	Any other Equinix location.
Describe the certification for the data center.	Our Equinix data center adheres to the following standards and certifications. HIPAA, ISO 27001 NIST 800-53/FISMA PCI DSS SOC 1 Type II SOC 2 Type II. https://www.equinix.com/services/data-centers-colocation/standards-compliance#/
How is one client's data separated from other clients?	CommunityPass can be implemented in a shared, partitioned data model (standard) or as a stand-alone model, which enables physical separation of customer data.
Security Administration and user set-up	Security is managed by Organization Administrator. CommunityPass has three tiers of security: Profile (determines general access to core CommunityPass features), Role (controls which users have access to each module) and Permission (determines which users have

	access to individual functions within each module).
What are compatible browsers?	CommunityPass supports Microsoft Internet Explorer versions 7.0 or higher and Firefox Mozilla 3.0 and higher and Safari v5 or higher. *From first page:* IE v11+, Safari v9+(Mac), Chrome v51+ and Firefox v47+
Can the application be customized?	CommunityPass is highly customizable. Many features can be customized through our client administration tools. Additional customization can be performed by Capturepoint. Custom fees may apply.
Data	
Who owns the data?	Client owns all their data; Capturepoint designs, develops, tests, deploys, documents and supports the CommunityPass application. Capturepoint owns the Intellectual Property of the software as defined in the Agreement of Services.
Can data be migrated from other systems?	Capturepoint can convert and import transactional, family, individual, program, schedule and membership data from existing systems into CommunityPass. The process requires that our customer provide data in a specific format for import. In cases where individuals have not yet been grouped by household, Capturepoint will apply a house-holding algorithm to create groupings.
Can the data be encrypted during the transmission process?	Provides the ability to encrypt the data in transmission and at rest. Select data (e.g. passwords) are stored as encrypted values.
In what format is the data available?	Web, Excel, PDF and via Web Service.
Is the data downloadable?	All data may be exported via Excel.
What are the data storage limitations?	None; Capturepoint will store 10 years of data.
What is the process to have data restored?	Request submitted through the Ticket Management System.
Can customers request data extracts?	Data extracts are available at any time.
APIs	
What type of API technology is used?	CommunityPass employs REST API technology.
Describe the API in detail	Export APIs provide the ability to format any data within CommunityPass into a tabular, hierarchical or XML file structure and automate scheduling and delivery of data to 3rd party applications.
Experience	
Do you host all your clients and for how long?	Capturepoint hosts all our clients, some for over 13 years.
What experience do you have in the industry?	Capturepoint has developed and supported cloud-based software for over 16 years.
Infrastructure	
Where is the hosting site located?	Hosting site is located in Carteret, NJ at a Premier Equinix IBX. Click here for more information.
What is the network bandwidth and carrier?	100mbps via Lightpath.
Is any hosting outside the U.S.	No
Does the hosting center have multiple internet pathways?	Yes
Does Capturepoint allow the hosting center	Data may *not* be used by a third party for marketing-related

to use third- party marketing?	purposes.
What are the limitations in your hosted option as compared to the on premise option?	Direct data access via ODBC. CP provides web services for automating data transfers as an alternative.
Is the environment shared or dedicated?	Shared
Support	
What is the standard Service Level Agreements (SLA) used in your contract? What happens if the SLA falls below specified target?	Capturepoint guarantees access to your organization's information and the ability for your residents to register 24/7, except during service maintenance periods.
Is full application support available with your hosted service?	Yes
Are patches/upgrades to the application and servers included in your hosting services	Yes. Updates and bug fixes are included in the annual subscription. New modules are available for purchase.
Can the vendor provide high availability on a 24X7 schedule?	Yes
Can the vendor provide 99.9% uptime after exclusion of scheduled maintenance and hardware failure?	Yes

CivicPlus
302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #: Q-05031-1
Date: 9/4/2019 2:09 PM
Expires On: 12/3/2019
Product: CivicRec

Ship To
Vicki D Coleman
Villa Rica GA - CivicRec

Bill To
Villa Rica GA - CivicRec

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Craig Roach	x	roach@civicplus.com		Net 30

Exhibit A.1 - Statement of Work

QTY	Product Name	DESCRIPTION	TOTAL
1.00	CivicRec Premium	Premium Package -Project Coordination -Branded Public Portal -Help Center Access -Access to Live Project Support -Named Implementation Consultant	$3,700.00
4.00	Virtual Training (Half Day Block)	Training (Virtual) - half day, up to 4 hours	$2,500.00
1.00	Virtual Consulting (Half Day Block)	Consulting (Virtual) - half day, up to 4 hours	$625.00
1.00	CivicRec Annual Fee	CivicRec Annual Fee	$7,500.00
1.00	Approved Payment Gateway	Approved Payment Gateway	$2,500.00
1.00	Approved Payment Gateway Annual Fee	Approved Payment Gateway Annual Fee	$0.00
1.00	CivicRec GIS Integration	GIS Integration - Integrate with GIS software to continually provide updated address information into the new system. ArcGIS from ESRI is only option. We do not support other GIS options.	$2,500.00
		TOTAL:	$19,325.00

Total Days of Quote:365

One Time Costs	$11,825.00
Recurring Costs	$7,500.00

* Recurring Costs stated herein are based upon the number of days stated above.
Upon renewal of this SOW, the Recurring Costs will reflect a 365 day calendar year.

1. Performance and payment under this SOW shall be subject to the terms & conditions of the Agreement by and between Client and CivicPlus, to which this Statement of Work (SOW) is hereby attached.

2. This SOW shall remain in effect for an initial term of one year (12 months) from signing. In the event that neither party gives 60 days' notice to terminate prior to the end of the initial or any subsequent renewal term, this Agreement will automatically renew for an additional 1-year Renewal Term.

3. The Total First Year Fees (total of One-Time Costs and Recurring Cost)shall be invoiced as follows:

a. Upon signing of this SOW – one half of the Total First Year Fees;

b. The earlier of 6 months from signing or upon completed implementation of the CivicRec Recreation Management Software – the remaining half of the Total First Year Fees.

4. Renewal Term Annual Services Fees (Recurring Costs) shall be invoiced on the date of signature of relevant calendar years beginning with the second year of service. Annual services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in Year 3 of service.

5. The Client's Annual Services Fees agreed upon herein are based on Client processing up to $500,000.00 of revenue per year ("Predicted Processing Volume"). Starting with the first renewal year of this SOW, CivicPlus reserves the right (but not the obligation) to audit Client once every 12 months to determine Client's actual processing volume ("Actual Processing Volume"). In the event Client's Actual Processing Volume exceeds the Predicted Processing Volume, CivicPlus will notify client within 30 days of the audit of the Actual Processing Volume and the applicable increase in the Annual Fees resulting from such Actual Processing Volume. The increase in the Annual Fees shall be implemented the first of the month following the notice.

6. All amounts owed to CivicPlus hereunder are fully-earned upon provision of the Services Provided, as described in Addendum 1, and are not subject to withholding or off-set in any manner whatsoever, such amounts are non-refundable upon payment subject only to a clear demonstration of an accounting error. Client expressly acknowledges and agrees that Client is familiar with the proposed Services Provided and CivicPlus' billing process.

7. For the purposes of obtaining merchant account services through CP Pay, Client may utilize the designated merchant account for CivicRec through an integrated partnership with OpenEdge ("CP Pay Merchant"). In the event Client chooses CP Pay Merchant, Client will enter into a merchant account agreement with OpenEdge. Such agreement's terms and conditions will solely enure to the benefit and obligation of Client; CivicPlus shall not be a party to such agreement. In the event Client chooses CP Pay Merchant, CivicPlus will facilitate Client and CP Pay Merchant communication for contracting purposes and shall integrate the CP Pay Merchant account processor at no charge to Client. Client agrees to comply with all terms and conditions of the resulting merchant account agreement and pay all fees required to maintain the services. If Client desires to use an integrated merchant account processor gateway besides the designated CP Pay Merchant, an integration fee will be included in Client's implementation fees. Client agrees to comply with all terms and conditions of the resulting merchant account agreement and pay all fees required to maintain the services. Client acknowledges that the fees set forth in this SOW do not include any transaction, processing or other fees imposed by Client's merchant account processor. Client is fully responsible for their relationship with their selected processor. In no event will CivicPlus: (i) take part in negotiations, (ii) pay any fees incumbent on the Client or merchant account, or (iii) acquire any liability for the performance of services of any chosen merchant account processor, including CP Pay Merchant.

8. When Client uses CP Pay, then Client may take online credit card payments for certain services or products they provide via the Client websites supported by CivicPlus. As such, through CP Pay, CivicPlus facilitates an automated process for redirecting credit card payments to Client's chosen payment gateways / merchant account processors. For card payments, CivicPlus will redirect any payments processing to the Client's merchant account processor gateway, and the merchant account processor gateway presents the payment form page and processes the card payment. CivicPlus

does not transmit, process or store cardholder data and does not present the payment form. CivicPlus implements and maintains PCI compliant controls for the system components and applications that provide the redirection services only.

Acceptance

We, the undersigned, agreeing to the conditions specified in this document, understand and authorize the provision of services outlined in this Agreement.

Client		CivicPlus	
By:		By:	
Name:		Name:	
Title:		Title:	
Date:		Date:	

Addendum 1 to Exhibit A.1 – Services Provided

Services provided by CivicPlus to the Client under this agreement include the following:

Access: CivicPlus hereby grants a nonexclusive license during the term of the Agreement for the Client to access, use and display the CivicPlus item(s) listed in the SOW in accordance with the terms of the Agreement. Excluding occasional maintenance, the Software shall be available 24 hours per day, seven days per week with a guaranteed uptime of 99%. The Portal is accessible via the public Internet from any device with an Internet connection and browser. .

Documentation: All CivicPlus startup and user's guides are maintained electronically in the system and can be accessed through the "Help Center" from within CivicPlus. CivicPlus does not provide paper copies of its guides and help files.

Data Backups: CivicPlus currently performs backups daily of all of its data (6:00 AM). In case of emergency, CivicPlus may restore data to the point of the previous backup.

Enhancements: New features will be added throughout the term of this Agreement. Client will have full access to all of these new features without additional charge. Client is also encouraged to submit change requests as they see opportunities for improvement. CivicPlus will attempt to implement any and all changes that improve the value of CivicPlus to all of our Clients at no charge. Notwithstanding the foregoing, all custom work will be estimated and agreed upon in writing by the parties hereto prior to work start.

Client Support: CivicPlus shall provide an online utility for problem reports and change requests. Client may also reach CivicPlus by phone at 1-800-335-1863 between the hours of 7:00 AM and 7:00 PM Central Standard Time, Monday through Friday and excluding national holidays. E-mail support is also available at support@CivicPlus.com. Non-emergency after-hours support may be subject to additional fees. Emergencies will be handled as soon as possible. Enhancement requests will be queued based on priority and implemented on a schedule. CivicPlus shall have sole and absolute discretion as to whether support requests exceed reasonable use or exceed the scope of services outlined in this Agreement.

Data: In the event Client no longer wishes to use CivicPlus, CivicPlus will export Client data based on a requested format (in most cases). If the data exporting request is initiated by Client, additional fees may apply. All work will be estimated and agreed upon in writing by the parties hereto prior to work start.

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization URL

Street Address

Address 2

City State Postal Code

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact E-Mail

Phone Ext. Fax

Billing Address

Address 2

City State Postal Code

Tax ID # Sales Tax Exempt #

Billing Terms Account Rep

Info Required on Invoice (PO or Job #)

Contract Contact Email

Phone Ext. Fax

Project Contact Email

Phone Ext. Fax

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: Expansion of scope of work for the Water Treatment Plant rehabilitation project identified as Addendum # 7 to Water Treatment Plant Improvements Proposal dated March 19, 2018 by Carter & Sloope Engineers.

AGENDA DATE: November 26, 2019

DATE PREPARED: November 14, 2019
PREPARED BY: Pete Zorbanos

AMOUNT: $745,000.00
GL ACCOUNT #: 505-4420-542500
FUNDING SOURCE: GEFA Loan
BUDGETED ITEM? No

PURPOSE: To provide additional engineering services associated with the revised project scope.

BACKGROUND: The water treatment plant rehabilitation scope of work has expanded to incorporate other treatment processes and components beyond those originally identified to encompass the overall needs for the present and what is projected for the future.

STAFF RECOMMENDATION: Staff recommends engaging Carter & Sloope for additional engineering services identified as Addendum #7 to Water Treatment Plant Improvements Proposal dated March 19, 2018 by Carter & Sloope Engineers in the total adjusted agreement amount of $745,00.00.

IMPACT. The additional improvements will better utilize the structure footprint, improve chemical handling ,and free up space within the current plant .Also, expansion of a new pump gallery and clear well will provide space and flexibility for future transfer pumps that would be needed should a second stage filtration barrier be required for more stringent treatment requirements in the future. These improvements will not only enhance current operations, but will also, provide the capability to meet the needs for the future.

MOTION: I make a motion to engage Carter & Sloope for additional engineering services identified as Addendum #7 to Water Treatment Plant Improvements Proposal dated March 19, 2018 by Carter & Sloope Engineers in the total adjusted agreement amount of $745,00.00.

Carter & Sloope
CONSULTING ENGINEERS

November 13, 2019

Mr. Pete Zorbanos
Public Works Director
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

RE: City of Villa Rica, Georgia
Addendum No. 7 to Water Treatment Plant Improvements Proposal
C&S Project No. V8150.001

Dear Mr. Zorbanos:

Carter & Sloope, Inc. (C&S or Engineer) is pleased to submit this Addendum No. 7 to the Proposal/Scope of Services letter for the referenced project (Project) to provide engineering services to the City of Villa Rica (Client or Owner) for the proposed Water Treatment Plant Improvements (proposal letter originally dated March 19, 2018). This addendum covers a change in engineering fees associated with the revised project scope as requested by the Owner. The scope of services described below is based on our understanding of the project from discussions and meetings with Client's personnel.

Description of Modifications:

The water treatment plant rehabilitation scope of work has expanded to incorporate other treatment processes and components beyond those originally identified. Additional engineering design services are required to integrate the added components into the plant rehabilitation scope of work and additional construction phase services are required for the extended construction time anticipated. A summary of the expanded work items follows:

- Improvements to raw water pumping
- Modifications to flash mixing and chemical contact
- Expanded redundancy for flocculation and sedimentation processes
- Improvements to and centralization of chemical storage and handling
- Expanded pipe and pumping gallery
- Additional clearwell storage, yard piping, and site modifications
- 1st & 3rd floor building renovations

The financial impact of the expanded work items increased estimated construction costs from $4,000,000 to $7,745,000. An itemized table of the original and amended engineering fees are below.

Item	Original Fee	Amended Fee	Difference
Funding	$10,000	$10,000	$0
WTP Evaluation	$26,000	$26,000	$0
Design Development Report	$16,000	$25,000	$9,000
Engineering Design & Permitting	$146,300	$279,000	$132,700
Bidding	$10,000	$14,900	$4,900
Construction Administration	$60,500	$106,000	$45,500
Construction Observation	$160,300	$267,000	$106,700
Start-up Assistance	$17,100	$17,100	$0
Total Engineering	$446,200	$745,000	$298,800

Fee Adjustment

We propose to complete our work for Basic Services described herein for the lump sum amounts amounts as scheduled below. No fee amount may be exceeded without prior written approval from the Client.

Description	Fee Basis Basis
Original Agreement Amount	$ 446,200
This Addendum Amount	$ 298,800
Adjusted Agreement Amount	**$ 745,000**

Additional Services

Services not included within the Basic Scope of Services above, which are considered Additional Services, are specifically excluded from the Scope of the Engineer's services, but can be provided on an hourly basis in accordance with our Hourly Fee Schedule or as agreed to in writing by the Client and the Engineer. Additional Services include, but are not limited to, the following:

a. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Engineer or its design requirements including, but not limited to, changes in size, complexity, Client's schedule, character of construction, or method of financing;

and revising previously accepted reports, Drawings or Specifications, or other project related documents when such revisions are required by changes in Laws and regulations enacted subsequent to the date of this proposal or are due to any other causes beyond Engineer's control.

b. Services required as a result of Client providing incomplete or incorrect Project information to Engineer.
c. Furnishing services of Engineer's Sub-Consultants, if any, for other than Basic Services.
d. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to construction management, cost estimating, project peer review, value engineering, and constructability review requested by Client; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
e. Preparing additional Bidding Documents or Contract Documents for alternate bids or prices requested by Client for the Work or a portion thereof.
f. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
g. Providing Construction Phase services beyond the construction Contract Times.
h. Preparing to serve or serving as a consultant or witness for Client in any litigation, arbitration, or other dispute resolution process related to the Project. Preparation time for deposition and trial testimony or arbitration will be charged at hourly rate multiplied by 1.25. Actual time for deposition, trial testimony or arbitration including travel time will be charged at hourly rate multiplied by 2.0. Reimbursable expenses will be charged at actual cost multiplied by 1.15.
i. Providing more extensive services required to enable Engineer to issue notices or certifications requested by Client and not specifically provided in the Basic Services.
j. Services in connection with Work Change Directives and Change Orders to reflect changes requested by Client so as to make compensation commensurate with the extent of the Additional Services rendered.
k. Services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; and services after the award of the Construction Contract in evaluating and determining the acceptability of a substitution which is found to be inappropriate for the Project or an excessive number of substitutions.
l. Additional or extended services made necessary by (1) emergencies or acts of God endangering the Work, (2) the presence at the Site of any Hazardous Materials and/or Environmental Conditions (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials), (3) Work damaged by fire or other cause during construction, (4) a significant amount of defective, neglected, or delayed work by Contractor, (5) acceleration of the progress schedule involving services beyond normal working hours, or (6) default by Contractor.
m. Reviewing Shop Drawings more than two (2) times as a result of repeated inadequate submissions by Contractor. In such an event, the Engineer shall prepare a Change Order for the Client that will deduct the cost of these Additional Services from the Client's contract with the Contractor.
n. Archeological and Historical Preservation consulting;
o. Delineating wetlands or flood plain determinations.
p. U.S. Army Corps of Engineering Permitting;
q. Providing topographic surveys or construction surveys and/or staking to enable Contractor to perform its work and any type of property or boundary surveys or easements or related engineering or surveying services needed for the transfer of interests in real property; and providing other special field surveys not specifically detailed in the Basic Services.
r. Assistance with funding alternative including, but not limited to, loan/funding applications, grant writing, engineering reports, rates studies, etc. unless specifically included in the Basic Services;
s. Environmental Surveys including, but not limited to, wetlands, endangered species, cultural resources, historic preservation resources or special sub-consultants for permits; work related to obtaining a NONSI.

t. Preparing for and participating in public meetings and/or public hearings unless specifically included in the Basic Services;
u. Other services performed or furnished by Engineer not otherwise detailed or provided for in this Agreement.
v. All permit fees

Hourly Fee Schedule

The hourly fee schedule is reflected in the original proposal letter dated March 19, 2018.

Reimbursable Expenses/Sub-Consultants
There are no fees for reimbursable expenses from Carter & Sloope, Inc. for the Basic Services of the Engineer. All costs associated with normal travel, meals, printing/reproduction, etc. are included in our lump sum fees on/or hourly; however, direct reimbursable expenses for Additional Services, if any, including, but not limited to, fees from sub-consultants.

If you have any questions or concerns regarding our proposed Scope of Work and/or proposed fee schedule, please contact me. I would welcome the opportunity to discuss this with you. If the Scope of Services is acceptable, please sign, date, and return one (1) copy to us for our files. Once approved, Carter & Sloope can begin work on this project immediately.

Sincerely,

Matt Smith, P.E.

cc: File

Client Acceptance:
I hereby acknowledge review of this Scope of Services and authorize Carter & Sloope, Inc. to proceed with the work defined in this agreement.

_____ _____
Signature Date

_____
Title

TERMS AND CONDITIONS

The Client herby accepts the following general terms and conditions ("Terms and Conditions") applicable to Carter & Sloope, Inc.'s performance of the services described in the attached Proposal (the "Services"):

1. Method and Terms of Payment: Invoices will be submitted by Carter & Sloope, Inc. ("Carter & Sloope", "C&S", or "Engineer") monthly in proportion to services performed and are due upon receipt. Any amounts not paid by the Client within thirty (30) days of the date of such invoices shall be considered past due and shall accrue interest at a rate of one-and-one-half percent (1.5%) per month or the maximum allowed by law, whichever is less, of the past due amount per month until such time as such amounts are paid in full. Payment thereafter shall first be applied to accrued interest and then the unpaid principal. If the Client fails to make payment to the Engineer in accordance with the payment terms herein, this shall constitute a material breach of this Agreement and the Engineer shall have the right, upon seven (7) days written notice, to suspend performance of all or part of the Services in accordance with Paragraph 2 "Suspension" until 1.) all past due amounts are paid, and 2.) satisfactory assurance of prompt future payment is received by the Engineer. The above right is in addition to all other rights and remedies Engineer may have at law or in equity including termination of this Agreement by the Engineer for cause in accordance with Paragraph 3 "Termination" herein.

    A. *Collection Costs:* If the Client fails to make payments when due and the Engineer incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to the Engineer. Collection costs shall include, without limitation, legal fees, collection agency fees and expenses, court costs, collection bonds and reasonable Engineer staff costs at standard billing rates for the Engineer's time spent in efforts to collect. This obligation of the Client to pay the Engineer's collection costs shall survive the term of this Agreement or any earlier termination by either party.

    B. *Set-offs, Backcharges, Discounts:* Payment of invoices shall not be subject to any discounts or set-offs by the Client unless agreed to in writing by the Engineer. Payment to the Engineer for services rendered and expenses incurred shall be due and payable regardless of any subsequent suspension or termination of this Agreement by either party.

    C. *Disputed Invoices:* If the Client objects to any portion of an invoice, the Client shall so notify the Engineer in writing within seven (7) calendar days of receipt of the invoice. The Client shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with the other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after presentation of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest as stated above shall be paid by the Client on all disputed invoice amounts that are subsequently resolved in the Engineer's favor and shall be calculated on the unpaid balance from the date of the invoice.

    D. *Legislative Action:* If after the Effective Date of this Agreement, any governmental entity takes legislative action that imposes taxes, fees or charges on Engineer's services or compensation under this Agreement, then the Engineer may invoice such new taxes, fees, or charges as a Reimbursable Expense to which a factor of 1.0 shall be applied. Client shall reimburse Engineer for the cost of such invoiced new taxes, fees and charges in addition to the compensation agreed to herein.

2. Suspension: The Client may suspend all or part of the Project for up to ninety (90) days upon seven (7) days written notice to the Engineer. The Engineer may, after giving seven (7) days written notice to the Client, suspend services under this Agreement if Engineer's performance has been substantially delayed through no fault of the Engineer. In the event the Project is suspended for period(s) totaling more than ninety (90) days, Client agrees to pay reasonable costs incurred by the Engineer in: 1.) preserving and documenting services performed or in progress, and 2.) demobilizing and remobilizing services. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Suspended projects may change in many ways due to the passage of time, changes in the size or environment, regulatory modifications, or other issues outside of Engineer's control. Engineer is not and shall not be responsible for any such changes, except to the responsibility or otherwise becomes aware of such issues and the Engineer may rely on information received from the Client or others regarding such issues. Upon payment in full by the Client, the Engineer shall resume services under this Agreement; however, a reassessment of the project scope, fee, and project schedule may be performed by the Engineer as an Additional Service. Upon the conclusion of the project reassessment, the time schedule and Engineer's compensation shall be equitably adjusted to compensate for the period of suspension plus any reasonable time and expense necessary for the Engineer to resume performance.

3. Termination: In the event of termination of this Agreement by either party, the Client shall, within fifteen (15) calendar days of termination, pay the Engineer for the services rendered and fees provided in the invoice and all reimbursable expenses incurred by the Engineer, its agents and subcontractors up to the termination date in accordance with the payment provisions of this Agreement. In the event of any termination that is not the fault of the Engineer, the Client shall pay the Engineer, in addition to payment for services rendered and reimbursable costs incurred, for all expenses reasonably incurred by the Engineer in connection with the orderly termination of this Agreement, including but not limited to demobilization, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, to assemble Project Materials in orderly files, reassignment of personnel, associated overhead costs and all other expenses directly resulting from the termination.

   The obligation to provide further services under this Agreement may be terminated as follows:

   A. *For Cause:* Either party may terminate the Agreement for cause upon giving the other party not less than thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement and through no fault of the terminating party.

      1. Assignment of this Agreement or transfer of the Project by either party to any other entity without prior written consent of the other party; or
      2. If, through any cause, the Engineer shall fail to fulfill in timely and proper manner any material obligations under this Agreement, or if the Engineer shall violate any of the covenants, agreements, or stipulations of this Agreement, the Client shall thereupon give written notice to the Engineer of such failure, violation or breach. If Engineer has not or cannot remedy such failure, violation or breach within thirty (30) days of the giving of such notice by the Client, the Client shall thereupon have the right to terminate this Agreement by giving written notice to the Engineer of such termination and specifying the effective date thereof, at least ten (10) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Engineer under this Agreement shall, at the option of the Client subject to the requirements in Paragraph 11 herein, become its property and the Engineer shall be paid within fifteen (15) calendar days of termination for all services rendered and all reimbursable expenses incurred by the Engineer up to date of termination. Engineer shall have no liability to Client on account of such termination.
      3. Suspension of the Project or the Engineer's services by the Client for more than ninety (90) calendar days, consecutive or in the aggregate; or
      4. If Client demands that Engineer furnish or perform services contrary to Engineer's responsibilities as licensed professional; or
      5. Material changes in the conditions under which this Agreement was entered into, the Scope of Services or the nature of the Project, and the failure of the parties to reach agreement on the compensation and schedule adjustment necessitated by such changes.

   B. *For Convenience*: Either party shall have the right to terminate this Agreement at any time for convenience and without cause upon thirty (30) days written notice.

4. Changes. The Engineer's commitment as set forth in this Agreement is based on the expectation that all of the services described in this Agreement will be provided. The Client may, from time to time, request changes in the scope of the services of the Engineer to be performed hereunder. In the event the Client elects to reduce the Engineer's Scope of Services, the Client hereby agrees to release, hold harmless, defend and indemnify the Engineer from any and all claims, damages, losses or costs associated with or arising out of such reduction in services. Such changes, including any increase or decrease in the amount of the Engineer's compensation, which are mutually agreed upon by and between the Client and the Engineer, shall be incorporated in written amendments to this Contract.

5. Personnel: The Engineer represents that he has, or will secure at his own expense, the personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the Client. All of the services required hereunder will be performed by the Engineer or his sub-consultants under his supervision and personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local Law to perform such services.

6. Reports and Information. The Engineer, at such times and in such forms as the Client may require, shall furnish the Client such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.

7. Certifications. As used herein and throughout this Agreement, the words "certify" and/or "certification" shall mean an expression of the Engineering Consultant's professional opinion to the best of its information, knowledge and belief, and therefore does not constitute a warranty or guarantee by the Engineer.

8. Records and Audits. The Engineer shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement. These records will be made available for audit purposes to the Client or any authorized representative, and will be retained for three years after, the expiration of this Contract unless permission to destroy them is granted by the Client.

9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Engineer under this Agreement are confidential and the Engineer agrees that they shall not be made available to any individual or organization without the prior written approval of the Client unless required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration.

10. Standard of Care, Disclaimer of Warranties. Engineer will strive to perform Services under this Agreement in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. NO OTHER REPRESENTATION AND NO WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED, IS INCLUDED OR INTENDED BY THIS AGREEMENT.

11. Ownership of Documents & Copyright. All documents, including electronic files, prepared or furnished by Engineer are instruments of service, and Engineer retains all common law, statutory and other reserved rights, ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. The Client may make and retain copies of them for information and reference in connection with the use of the Project; however, such copies are not intended or represented to be suitable for reuse by others, and may not be used by others unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration. The Client agrees not to distribute, publish or otherwise disseminate Engineer's documents without first obtaining Engineer's prior written consent. The Client may request and negotiate with the Engineer to acquire ownership of the documents for a mutually agreed amount. If Client acquires ownership of Documents prepared by Engineer, Client agrees: 1.) that any subsequent reuse or modification of them by Client or any party obtaining them through Client will be at Client's sole risk and without liability to engineer, and 2.) Client will defend, indemnify and hold harmless Engineer from and against any claims, damages, and liabilities arising from or related to any use, reuse or modification of Documents by Client or any party obtaining them through Client. Client agrees that Engineer may retain copies of all documents for its files. Electronic communications and CADD data transferred by Email, websites or computer disks (collectively "E-Data") are provided only as an accommodation by Engineer for the benefit of Client. Signed paper prints of documents constitute the contract deliverables. Client assumes the risk that E-Data may differ from the paper deliverable. Client agrees to indemnify and hold harmless Engineer from and against Client, damages, and liabilities for defects or inappropriate use of E-Data created or transmitted by Engineer.

12. Third-Party Beneficiaries and Reliance Upon Documents. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third-party against either the Client or the Engineer. Engineer's performance of the Services, as set forth in this Agreement, is intended solely and exclusively for the Client's benefit and use. No party may claim under this Agreement as a third-party beneficiary, unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation or arbitration. Client agrees not to distribute, publish or otherwise disseminate Engineer's Documents, without first obtaining Engineer's prior written consent. No third-party may rely upon Engineer's documents or the performance or non-performance of services unless Engineer has agreed to such reliance in advance and in writing. The Client and Engineer agree to require a similar provision in all contracts with contractors, subcontractors, sub consultants, vendors and other entities involved in this Project to carry out the intent of this provision.

13. Compliance with Local Laws. The Engineer shall exercise usual and customary professional care in its effort to comply with applicable laws, codes and regulations as of the date of the execution of this Agreement. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the Engineer to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provisions of this Agreement.

14. Public Responsibility. Both the Client and the Engineer owe a duty of care to the public that requires them to conform to applicable codes, standards, regulations and ordinances, principally to protect the public health and safety. The Client shall make no request of the Engineer that, in the Engineer's reasonable opinion, would be contrary to the Engineer's professional responsibilities to protect the public. The Client shall take all actions and render all reports required of the Client in a timely manner. Should the Client fail to take any required actions or render any required notices to appropriate public authorities in a timely manner, the Client agrees that the Engineer has the right to exercise its professional judgment in reporting to appropriate public officials or taking other necessary action. The Client agrees to

take no action against or attempt to hold the Engineer liable in any way for carrying out what the Engineer reasonably believes to be its public responsibility. Furthermore, the Client agrees the Engineer shall not be held liable in any respect for reporting said conditions. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer, its officers, directors, employees and sub-consultants (collectively, Engineer) against all damages, liabilities or costs arising out of or in any way connected with the Engineer's notifying or failing to notify appropriate public officials.

15. Accessibility. It is recognized that the Client has certain obligations under local, state and Federal accessibility laws and regulations that could affect the design of the Project. It is further recognized that Federal accessibility laws and regulations are not part of, or necessarily compatible with, State or local laws, codes and regulations governing construction. Consequently, the Engineer will be unable to make recommendations or professional determinations that will ensure compliance with the Federal accessibility laws and regulations, and the Engineer shall, accordingly, not have any liability to the Client in connection with the same. The Engineer strongly advises the Client to obtain appropriate legal and financial counsel with respect to compliance with the appropriate disability access laws. The Engineer will endeavor to design for accessibility by persons with disabilities in conformance with the provisions and references in applicable State or local building codes and the technical design requirements of the Americans with Disabilities Act (ADA) and/or the Fair Housing Act (FHA) in effect as of the date of completion of the design to the extent those statutes apply to the Project. The Client will determine the full extent of its obligations under the ADA and Fair Housing Act Amendments (FHAA), including whether the ADA and/or the FHAA apply to the Project, the extent that modifications are readily achievable under the ADA, and the extent that modifications to improve disability access are necessary during an alteration and provide the Engineer with such information. The Client acknowledges that it has been advised by the Engineer to retain a consultant (Accessibility Consultant) to review the project plans, specifications, and construction for compliance with the Americans with Disability Act, the Fair Housing Act, and other Federal, state, and local accessibility laws, rules, codes, ordinances, and regulations (hereinafter referred to as "Accessibility Issues"). If Client fails to retain an Accessibility Consultant, the Client agrees to release defend, indemnify and hold harmless the Engineer, its officers, directors, employees and subconsultants (collectively, Engineer) from any claim, damages, liabilities or costs arising out of or in any way connected with Accessibility Issues.

16. Specification of Materials. The Client understands and agrees that products or building materials that are permissible under current building codes and ordinances may, at some future date, be banned or limited in use in the construction industry because of presently unknown hazardous and/or defective characteristics. The Engineer is only expected to meet current industry standards and may rely on manufacturers' information and representations. The Client agrees that if any product or material specified for this Project by the Engineer shall, at any future date be suspected or discovered to be defective or a health or safety hazard, then the Client shall waive all claims as a result thereof against the Engineer. The Client further agrees that if the Client directs the Engineer to specify any product or material after the Engineer has informed the Client that such product or material may not be suitable or may embody characteristics that are suspected of causing or may cause the product or material to be considered a hazardous substance in the future, the Client waives all claims as a result thereof against the Engineer, and the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer from any damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising in any way from the specification or use of any products or materials which, at any future date, become known or suspected health or safety hazards

17. Opinions or Estimates of Costs. If included in the Services, the Engineer will provide preliminary opinions of probable costs of materials, installation, remediation or construction and/or total project costs based on the Engineer's experience on similar projects, which are not intended for Client's or others' use in developing firm budgets or financial models, or making investment decisions. Client agrees that any opinion of cost is still merely an estimate.

18. Limit of Liability. The inclusion of this Limitation of Liability provision is a material consideration for the Engineer's willingness to perform the services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that, to the fullest extent permitted by law, Client and Engineer: 1.) waive against each other, and the other's employees, owners, partners, officers, directors, shareholders, agents, insurers, and sub-consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expert-witness fees and costs arising out of, resulting from, or in any way related to the Project; and 2.) **agree that Engineer's total aggregate liability to Client under this Agreement shall be limited to the total amount of compensation received by Engineer on this Project or $50,000, whichever is greater.** This limitation shall apply to any and all liability regardless of the cause of action or legal theory placed or asserted unless otherwise prohibited by law. Upon Client's request, Engineer may negotiate an increase to this limitation in exchange for an additional agreed consideration for the increased limit. Client and Engineer agree to limit liability to the other in the following respects to the fullest extent permitted by law: Neither party will have liability to the other for any specials, indirect or consequential, incidental, exemplary, or penal losses or damages including, but not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation, unavailability of the other party's property or facility, shutdowns or

service interruptions, and any other consequential damages or claims related to the Project that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the Client and the Engineer shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this Project.

19. Insurance. Throughout the term of this Agreement, Engineer shall maintain insurance in amounts not less than shown:

a)	Worker's Compensation	Statutory amount where services are performed
b)	Automobile	$1,000,000 combined single limit
c)	General Liability	$1,000,000 per occurrence / $2,000,000 General Aggregate
d)	Professional Liability	$1,000,000 per claim and aggregate
e)	Excess Umbrella	$5,000,000 on "b" & "c"

Client agrees to require all third parties engaged by or through Client in connection with the Project to provide Engineer with current Certificates of Insurance Endorsed to include Engineer as an additional insured on their "b", "c" and "e" policies of insurance and authorizes Engineer to enforce this provision directly with all Project related third parties.

20. Indemnification.

A. Indemnification of Client: Subject to the provisions and limitations of this Agreement, Engineer agrees to indemnify and hold harmless Client, its shareholders, officers, directors and employees from and against any and all liabilities, damages, expenses (including without limitation reasonable attorney's fees) or other losses (collectively "Losses") to the extent caused by Engineer's negligent performance of its Services under this Agreement.

B. Indemnification of Engineer: To the extent allowed to a municipality by Georgia law and subject to the provisions and limitations of this Agreement, Client agrees to defend, indemnify and hold harmless Engineer from and against any and all claims by third parties related to services provided by Engineer under this Agreement, and against any and all Losses to the extent caused by the negligence of Client, its employees, agents and contractors. In addition, except to the extent caused by Engineer's sole negligence, Client expressly agrees to defend, indemnify and hold harmless Engineer from and against any and all Losses arising from or related to the existence, disposal, release, discharge, treatment or transportation of Hazardous Materials, or the exposure of any person to Hazardous Materials, or the degradation of the environment due to the presence, discharge, disposal, release of or exposure to Hazardous Material.

21. Dispute Resolution. Claims, disputes, and other matters in controversy between Engineer and Client caused by or any way related to this Agreement will be submitted to non-binding mediation as a condition precedent to litigation. The Client and the Engineer further agree to include a similar mediation performed with rules as established by The American Arbitration Association provision in all agreements with independent contractors and consultants retained for the Project and to require all independent contractors and consultants also to include a similar mediation provision in all agreements with their subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution among the parties to all those agreements. The cost for mediation including the mediator's fees, reproduction of documents, and miscellaneous out-of-pocket expenses will be borne equally by each party to this Agreement. The laws of the State of Georgia will govern the validity of these terms, their interpretation and performance. Client and Engineer agree that venue for any litigation will be in the courts of the State of Georgia and Engineer and Client both hereby waive any right to initiate any action in or remove any action to, any other jurisdiction.

22. Severability. This agreement reflects the entire agreement of the parties with respect to its terms and supersedes all prior agreements, whether written or oral. If any portion of this Agreement is void or voidable, such portion will be deemed stricken and the Agreement reformed to as closely approximate the stricken portions as the law allows.

CITY OF VILLA RICA
FINANCIAL UPDATE
October 2019

CASH

	10-31-2018	10-31-2019
Total Cash & CD	$ 10,125,793	$ 13,227,885
General Fund	$ 4,204,015	$ 5,725,992
Water/Sewer Fund	$ 2,071,852	$ 3,211,070
Sanitation/Solid Waste	$ (51,998)	$ (195,553)
2008 Carroll SPLOST	$ 357,197	$ 262,673
2015 Carroll SPLOST	$ 282,783	$ 1,153,623
2016 Douglas SPLOST	$ 110,051	$ 626,757

SELF-FUNDED INSURANCE

TOTAL SAVINGS **$ 687,802**

Contributions		Expenses		Savings
Employer + Employee		*Admin + Claims Paid*		*Difference*
Oct '19	130,389	Oct '19	52,012	78,376
				-
				-
				-
TOTALS	**$ 130,389**		**$ 52,012**	**$ 78,376**

OTHER HIGHLIGHTS

	Oct 2018	Oct 2019
Insurance Premium Tax	$ 1,006,675	$ 1,069,008
Water Purchases	$ 37,358	$ 79,189
Total # of Employees (Excludes Seasonal)	158	164

GROWTH

	Oct 2018		Oct 2019	
Residential	*#*	*Amount*	*#*	*Amount*
Building Permits	35	$ 66,231	18	$ 56,364
Water Taps	35	$ 52,500	15	$ 22,500
Sewer Taps	34	$ 136,000	17	$ 68,000
Commercial	*#*	*Amount*	*#*	*Amount*
Building Permits	-	$ -	1	$ 11,031
Water Taps	-	$ -	-	$ -
Sewer Taps	-	$ -	-	$ -

BUSINESS ACTIVITY

WATER/SEWER	Oct 2018	Oct 2019
Water Revenue	$ 273,932	$ 285,383
Sewer Revenue	273,680	342,616
Misc. Revenue	194,825	110,912
Total Revenue	$ 742,437	$ 738,911
Utility Administrator	$ -	$ 11,818
Water Expenses	51,865	119,783
Sewer Expenses	90,084	88,621
Dist./Coll. Expenses	75,805	48,330
Debt Expense	197,119	313,134
Depreciation	130,083	130,083
Total Expenses	$ 544,956	$ 711,769
Net Income (Loss)	$ 197,481	$ 27,141

SANITATION/ SOLID WASTE	Oct 2018	Oct 2019
Sanitation Revenue	$ 57,949	$ 71,238
Solid Waste Revenue	34,110	34,095
Misc. Revenue	-	-
Total Revenue	$ 92,059	$ 105,333
Sanitation Expenses	$ 63,315	$ 64,715
Solid Waste Expenses	23,989	21,237
Depreciation	5,393	3,750
Total Expenses	$ 92,697	$ 89,702
Net Income (Loss)	$ (638)	$ 15,631

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: 2019 Budget Amendment
AGENDA DATE: 11-26-2019

DATE PREPARED: 11-14-2019
PREPARED BY: Sarah Andrews

AMOUNT: See Exhibit A
GL ACCOUNT #:
FUNDING SOURCE:
BUDGETED ITEM?

PURPOSE: To adopt ordinance amending the 2019 budget.

MOTION: I make a motion to adopt the ordinance to approve an amendment to the budget for the fiscal year 2019 for the City pursuant to Section 2-71 of the City Charter.

City of Villa Rica **November 26, 2019**

Exhibit A

Proposed 2019 Budget Amendments

GENERAL FUND

	Item	*Account Name*	*Account Type*		*Notes*	*Amount*
94	100-7550-573010	Rise-N-Shine	Expense	Increase	Purchase of Tumblers for Rise-N-Shine	1,508.00
95	100-381000	Use of Fund Balance	Fund Balance	Increase	Use of previously received Rise-N-Shine Sponsorship money	1,508.00
96	100-7550-573010	Rise-N-Shine	Expense	Increase	Rise N Shine expenditures in excess of budget	450.00
97	100-347620	Sponsorships - Rise N Shine	Revenue	Increase	More Rise N Shine sponsorship than budgeted.	450.00

Total Change	
Expenditures	1,958.00
Revenues	1,958.00
	-

STATE OF GEORGIA **ORDINANCE NO. _____**

CITY OF VILLA RICA

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BUDGET FOR THE FISCAL YEAR 2019 FOR THE CITY PURSUANT TO SECTION 2-71 OF THE CITY CHARTER

WHEREAS, the Mayor and City Council adopted the 2019 Budget on _September 13, 2018__, which incorporated all of the various funds of the City; and

WHEREAS, the Mayor and Council have determined it appropriate to amend the budget for the reasons set forth herein.

WHEREAS, the Mayor and Council have reviewed the proposed budget; and

WHEREAS, each of the funds, as amended, has a balanced budget, such that anticipated revenues equal or exceed proposed expenditures.

NOW, THEREFORE, the Mayor and City Council of the City of Villa Rica, Georgia, hereby ordain as follows:

Section 1. That the City of Villa Rica, Georgia, hereby amends the Budget for Fiscal Year 2019, said budget amendment being described as Amendment No. _94-97___, attached hereto and incorporated as Exhibit A.

Section 2. That any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those expectations provided for herein, shall require approval of the City Council.

Section 3. That the City Manager and his/her designee may promulgate all necessary internal rules, regulations and policies to ensure that this Budget Amendment Ordinance is followed.

Section 4. This Resolution shall be effective immediately upon its adoption.

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence,

clause or phrase of same. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of same.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the same and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are expressly repealed.

5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the _____ day of _____, 2019.

Approved:

_____
Jeff Reese, Mayor

Attest:

_____
Alisa Doyal, City Clerk

Agenda Item:_____

CITY OF VILLA RICA

City Council Meeting
Agenda Item Cover Sheet

SUBJECT: 2020 Budget Amendment
AGENDA DATE: 11-26-2019

DATE PREPARED: 11-14-2019
PREPARED BY: Sarah Andrews

AMOUNT: See Exhibit A
GL ACCOUNT #:
FUNDING SOURCE:
BUDGETED ITEM?

PURPOSE: To adopt ordinance amending the 2020 budget.

MOTION: I make a motion to adopt the ordinance to approve an amendment to the budget for the fiscal year 2020 for the City pursuant to Section 2-71 of the City Charter.

City of Villa Rica **November 26, 2019**

Exhibit A

Proposed 2020 Budget Amendments

GENERAL FUND

	Item	*Account Name*	*Account Type*		*Notes*	*Amount*
1	100-1540-523400	Printing & Binding	Expense	Increase	Printing of Handbooks and Benefit Enrollment Packets	1,400.00
2	100-323120	Building Permits	Revenue	Increase	Expected Permit revenue over budget	1,400.00
3	100-1510-511100	Salaries	Expense	Increase	Upgraded Finance Clerk to Accountant	14,000.00
4	100-1510-512200	FICA Taxes	Expense	Increase	Upgraded Finance Clerk to Accountant	1,100.00
5	100-323120	Building Permits	Revenue	Increase	Expected Permit revenue over budget	15,100.00
6	100-9000-611021	Transfer to Capital Projects	Expense	Increase	Increased expense from Community Square Blvd	2,500.00
7	100-323120	Building Permits	Revenue	Increase	Expected Permit revenue over budget	2,500.00
8	100-1330-523850	Contract Labor	Expense	Increase	Election expense over budget	4,200.00
9	100-323120	Building Permits	Revenue	Increase	Expected Permit revenue over budget	4,200.00

Total Change	
Expenditures	20,700.00
Revenues	20,700.00
	-

GENERAL FUND CAPITAL PROJECTS

	Item		*Account Type*		*Notes*	*Amount*
10	350-4210-541411	Roads	Expense	Increase	Increased expense from Community Square Blvd	2,500.00
11	350-391100	Transfers from GF	Revenue	Increase	Increased transfer from GF	2,500.00

Total Change	
Expenditures	2,500.00
Revenues	2,500.00
	-

STATE OF GEORGIA **ORDINANCE NO. _____**

CITY OF VILLA RICA

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BUDGET FOR THE FISCAL YEAR 2020 FOR THE CITY PURSUANT TO SECTION 2-71 OF THE CITY CHARTER

WHEREAS, the Mayor and City Council adopted the 2020 Budget on _September 24, 2019__, which incorporated all of the various funds of the City; and

WHEREAS, the Mayor and Council have determined it appropriate to amend the budget for the reasons set forth herein.

WHEREAS, the Mayor and Council have reviewed the proposed budget; and

WHEREAS, each of the funds, as amended, has a balanced budget, such that anticipated revenues equal or exceed proposed expenditures.

NOW, THEREFORE, the Mayor and City Council of the City of Villa Rica, Georgia, hereby ordain as follows:

Section 1. That the City of Villa Rica, Georgia, hereby amends the Budget for Fiscal Year 2020, said budget amendment being described as Amendment No. _1-11___, attached hereto and incorporated as Exhibit A.

Section 2. That any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those expectations provided for herein, shall require approval of the City Council.

Section 3. That the City Manager and his/her designee may promulgate all necessary internal rules, regulations and policies to ensure that this Budget Amendment Ordinance is followed.

Section 4. This Resolution shall be effective immediately upon its adoption.

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence,

clause or phrase of same. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of same.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the same and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are expressly repealed.

5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the _____ day of _____, 2019.

Approved:

_____
Jeff Reese, Mayor

Attest:

_____
Alisa Doyal, City Clerk