

**PLANNING ADVISORY COMMISSION MEETING
May 19, 2010**

A meeting of the Planning Advisory Commission was held Wednesday, May 19, 2010 in the Council Chambers on the Plaza Level of the Government Center.

Commissioners Present:

Chairperson Cathy Hodge
 Vice Chairperson Ronny Smith
 Commissioners: Scott Boyce
 Walter Calhoun
 Travis Chambers
 Gladys Ford
 Ralph King
 Lucy Sheftall

Staff Members: Daniel Stegall – Zoning Administrator and Tina Trant – Planning Technician

Commissioners Absent: Glen Heinzelman

Others Present: Bill Pound, Frank Comer, Harlan Price, George Mize, Todd Reaves, Ken Henson, Anthony Wallace, Justin King, Pace Burt.

CALL TO ORDER: Chairperson Cathy Hodge called the meeting to order at 9:02a.m. She explained the rezoning process to the audience.

APPROVAL OF MINUTES: Commissioner Calhoun made a motion to approve the minutes of April 21, 2010. Commissioner Chambers seconded. It was approved unanimously.

1ST CASE:

TEXT AMENDMENT

1. **REZN-04-10-3976:** Text Amendment Changes to the UDO Regarding Existing Buildings Greater Than 5,000 SF Under Roof in the NC Zoning District. Request to amend the text of the Unified Development Ordinance (UDO).

1. Explanation of Revisions: Amend Section 2.3.4.D.2 by adding Subsections (A) & (B).

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
Sec. 2.3.4. Neighborhood Commercial Zoning District - (NC). Section 2.3.4.D.2. Existing Uses	Sec. 2.3.4. Neighborhood Commercial Zoning District - (NC). Section 2.3.4.D.2. Existing Uses

<p>D. <i>Maximum Size for Commercial, Retail and Office Establishments.</i></p> <p>1. <i>Maximum Size.</i> Maximum size for a use shall not exceed 5,000 gross square feet.</p> <p>2. <i>Existing Uses.</i> Existing commercial, retail, and office establishments that are in excess of 5,000 gross square feet on the effective date of this unified development code shall be considered a conforming use. However, such uses shall not increase in number of existing square feet without obtaining a variance or rezoning to a district that allows an increased building size.</p> <p>XXX</p>	<p>D. <i>Maximum Size for Commercial, Retail and Office Establishments.</i></p> <p>1. <i>Maximum Size.</i> Maximum size for a use shall not exceed 5,000 gross square feet.</p> <p>2. Existing Uses and Buildings.</p> <p>(A) Existing commercial, retail, and office establishments that are in excess of 5,000 gross square feet on the effective date of this unified development code shall be considered a conforming use. However, such uses shall not increase in number of existing square feet without obtaining a variance or rezoning to a district that allows an increased building size, unless such uses are located within a building that has been granted a special exception pursuant to Section 10.2.7.C of the UDO.</p> <p>(B) Buildings in existence as of March 1, 2005, that have more than 5,000 square feet under roof may be granted a special exception use pursuant to Section 10.2.7.C of the UDO to allow, at any time, one or more permitted uses within such buildings that occupy more than 5,000 gross square feet under roof.</p>
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UNIFIED DEVELOPMENT ORDINANCE REVISIONS – CHAPTER 10
(Explanation of Revisions)

2. Explanation of Revisions: Amend Section 10.2.7 by amending Subsection C.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 10.2.7. Standards for Zoning Changes.</p> <p>Section 10.2.7.C. Change in Conditions of Approval.</p> <p>C. <i>Change in Conditions of Approval.</i> Any application that proposes a change in the conditions of approval previously established by the City Council through action on a zoning change shall be reviewed in light of the standards set forth in this section for a map amendment or</p>	<p>Sec. 10.2.7. Standards for Zoning Changes.</p> <p>Section 10.2.7.C. Special Exception for Existing Buildings in Neighborhood Commercial Districts.</p> <p>C. <i>Special Exception for Existing Buildings in Neighborhood Commercial Districts.</i> A special exception may be granted for existing buildings located in Neighborhood Commercial zoning districts that were in existence as of March 1,</p>

<p>special exception use, as appropriate.</p>	<p>2005 and that have more than 5,000 square feet under roof, to allow, at any time, one or more permitted uses within such buildings that occupy more than 5,000 gross square feet. Such buildings may be granted a special exception provided due consideration is given to the objective criteria listed below as applicable to the specific building proposed:</p> <p>1. <i>Access.</i> Is street access to the building adequate to serve one or more permitted uses that occupy more than 5,000 gross square feet in the building?</p> <p>2. <i>Traffic and Pedestrian Safety.</i> Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles if there are one or more permitted uses that occupy more than 5,000 gross square feet in the building?</p> <p>3. <i>Adequacy of Public Facilities.</i> Are or will public facilities such as water or sewer utilities, and police or fire protection be adequate to one or more permitted uses that occupy more than 5,000 gross square feet in the building?</p>
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3. Explanation of Revisions: Amend Section 10.2.7 by adding new Section D

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 10.2.7. Standards for Zoning Changes.</p> <p>XXX</p>	<p>Sec. 10.2.7. Standards for Zoning Changes.</p> <p>Section 10.2.7.D. Change in Conditions of Approval</p> <p><i>D. Change in Conditions of Approval.</i> Any application that proposes a change in the conditions of approval previously established by the City Council through action on a zoning change shall be reviewed in light of the standards set forth in this section for a map amendment or special exception use, as appropriate.</p>

Mr. Daniel Stegall read the Staff Report for this Text Amendment.

Bill Pound, 7112 Stillwater Drive, came to the podium. He is a representative of the applicant. After

Chapmans went out of business a few years ago, finding a tenant has been a challenge because the building has more than 5,000 sq ft. in an NC zoning district. The owner of the property has no other option other than to divide the building into smaller spaces or to get the building rezoned to GC.

Mr. Will Johnson stated that this Text Amendment would only apply to this building. Any other building more than 5000 sq. ft. in an NC zoning district should come before the Planning Advisory Commission on a case by case basis.

Chairperson Hodge asked for discussion and a motion. Commissioner King made a motion to approve this Text Amendment as written. Commissioner Boyce seconded. It was approved unanimously. Commissioner Sheftall abstained.

2ND CASE:

SPECIAL EXCEPTION USE:

2. EXPC 4-10-3975: William Pound has submitted an application for a Special Exception. The property is located in an NC (Neighborhood Commercial) Zoning District. The purpose of the Special Exception is to allow uses within the building located at 2314, 2328, and 2334 Wynnton Road to allow any uses within said building to exceed the use size limit of 5,000 square feet.

(1) Access: Is street access to the building adequate to serve one or more permitted uses that occupy more than 5,000 gross square feet in the building?

The local streets providing access to the property will be adequate for neighborhood commercial uses (within said building).

(2) Traffic and Pedestrian Safety: Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles if there are one or more permitted uses that occupy more than 5,000 gross square feet in the building?

Currently access is adequate to serve the proposed use. The existing building has been in existence for numerous years and has various access points from numerous streets.

(3) Adequacy of Public Facilities: Are or will public facilities such as water or sewer utilities, and police or fire protection be adequate to one or more permitted uses that occupy more than 5,000 gross square feet in the building?

The proposed use is served by all city services. There will be no school impact.

Twenty-two (22) property owners within 300 feet of the parcel were notified by letter of the proposed Special Exception Use. To date, the Planning Department has not received any comments concerning the Special Exception Use request.

Chairperson Hodge asked for discussion and a motion. Commissioner Calhoun made a motion to

approve this case as written. Commissioner Chambers seconded. It was approved unanimously.

3RD CASE:

TEXT AMENDMENT:

3. **REZN-05-10-4177:** Request to amend the text of the Unified Development Ordinance (UDO) to streamline language as it relates to erosion and sedimentation ordinance changes per the State Model Ordinance.

UNIFIED DEVELOPMENT ORDINANCE REVISIONS – CHAPTER 8
(Explanation of Revisions)

1. Explanation of Revisions: Amend Section 8.4.2 by deleting the Subsections A through YY and simply listing definitions in alphabetical order without Subsection lettering/numbering.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 8.4.2. Definitions.</p> <p>Section 8.4.2. Definitions</p> <p>The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.</p> <p>A. <i>Best management practices (BMP's)</i> [means] a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).</p> <p>THROUGH</p> <p>YY. <i>Wetlands, protected</i> means those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.</p>	<p>Sec. 8.4.2. Definitions.</p> <p>Section 8.4.2. Definitions</p> <p>The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.</p> <p>Best management practices (BMP's) [means] a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).</p> <p>THROUGH</p> <p>Wetlands, protected means those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.</p>

2. Explanation of Revisions: Amend Section 8.4.2 by adding new definitions or amending existing definitions.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 8.4.2. Definitions.</p> <p>Section 8.4.2. Definitions</p> <p><i>DNR</i> means the Georgia Department of Natural Resources.</p> <p><i>Drainage structure</i> means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.</p> <p><i>EPD</i> means the Environmental Protection Division of the Georgia Department of Natural Resources.</p> <p><i>EPD Director</i> means the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.</p> <p><i>Erosion</i> means the process by which land surface is worn away by the action of wind, water, ice, or gravity.</p> <p><i>Erosion and sediment control plan</i> means a plan for the control of soil erosion and sedimentation resulting from a land disturbing activity and identifies all potential sources of pollution which may be expected to affect the quality of storm water discharges from the construction site or common development.</p> <p><i>Fill</i> means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.</p> <p><i>Final stabilization</i> [means] all land disturbing activities at the site have been completed and that for unpaved areas and areas not covered by</p>	<p>Sec. 8.4.2. Definitions.</p> <p>Section 8.4.2. Definitions</p> <p><i>Board</i> means the Board of Natural Resources.</p> <p><i>Buffer</i> means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.</p> <p><i>Certified Personnel</i> means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.</p> <p><i>Commission</i> means the Georgia Soil and Water Conservation Commission (GSWCC).</p> <p><i>CPESC</i> means Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.</p> <p><i>Department</i> means the Georgia Department of Natural Resources (DNR).</p> <p><i>Design Professional</i> means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.</p> <p><i>Director</i> means the Director of the Environmental Protection Division or an authorized representative.</p>

permanent structures, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Land disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including those practices as described in Section 8.4.3.

Stabilization means the process of establishing an enduring cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

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

District means the Pine Mountain Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage Structure means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Ephemeral Stream means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final Stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or

greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished Grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Land-Disturbing Activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 8.4.3.

Nephelometric Turbidity Units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI means a Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT means a Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Outfall means the location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit means the authorization necessary to conduct a land-disturbing activity under the

	<p>provisions of this ordinance.</p> <p><i>Phase or Phased</i> means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.</p> <p><i>Project</i> means the entire proposed development project regardless of the size of the area of land to be disturbed.</p> <p><i>Properly Designed</i> means designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.</p> <p><i>Stabilization</i> means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.</p> <p><i>Watercourse</i> means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.</p> <p><i>Wetlands</i> means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.</p>
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**UNIFIED DEVELOPMENT ORDINANCE REVISIONS – CHAPTER 5
(Explanation of Revisions)**

3. Explanation of Revisions: Amend Section 5.3.2.B.2(A) by adding Subsection (4).

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 5.3.2. Restrictions Affecting Protected Rivers and Streams.</p> <p align="center">Section 5.3.2.B.2(A) Other Streams in General.</p> <p>(1) Except where a stream buffer of greater width is required by this Section, or as provided in Section 5.3.2B.2(B) for trout streams, below, there is established a buffer along the banks of any state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, of 50 feet for all new development projects. For all other lands that are already developed, the undisturbed area must be at least 25 feet.</p> <p>(2) No land-disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a stream buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.</p> <p>(3) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing,</p>	<p>Sec. 5.3.2. Restrictions Affecting Protected Rivers and Streams.</p> <p align="center">Section 5.3.2.B.2(A) Other Streams in General.</p> <p>(1) Except where a stream buffer of greater width is required by this Section, or as provided in Section 5.3.2B.2(B) for trout streams, below, there is established a buffer along the banks of any state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, of 50 feet for all new development projects. For all other lands that are already developed, the undisturbed area must be at least 25 feet.</p> <p>(2) No land-disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a stream buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.</p> <p>(3) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing,</p>

<p>within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications are implemented:</p> <p>(a) Stream crossings for water lines; or</p> <p>(b) Stream crossings for sewer lines.</p> <p>XXX</p>	<p>within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications are implemented:</p> <p>(a) Stream crossings for water lines; or</p> <p>(b) Stream crossings for sewer lines.</p> <p>(4) The buffer shall not apply to any ephemeral stream. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director.</p>
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4. Explanation of Revisions: Amend Section 5.3.2 by adding Subsection D.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 5.3.2. Restrictions Affecting Protected Rivers and Streams.</p> <p>Section 5.3.2. Restrictions Affecting Protected Rivers and Streams.</p> <p>XXX</p>	<p>Sec. 5.3.2. Restrictions Affecting Protected Rivers and Streams.</p> <p>Section 5.3.2. Restrictions Affecting Protected Rivers and Streams.</p> <p>D. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.</p>

UNIFIED DEVELOPMENT ORDINANCE REVISIONS – CHAPTER 10
(Explanation of Revisions)

5. Explanation of Revisions: Amend Section 10.4.1 by amending Subsection A.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 10.4.1. Responsibility.</p> <p>Section 10.4.1.A. Permit Required.</p> <p>A. <i>Permit Required.</i> No person shall conduct any land-disturbing activity within the city without first obtaining a site development permit from the Department of Engineering to perform such activity, unless the activity is otherwise exempt from the soil erosion and sedimentation control provisions of the Land Development Activities Chapter of this UDO.</p>	<p>Sec. 10.4.1. Responsibility.</p> <p>Section 10.4.1.A. Permit Required.</p> <p>A. <i>Permit Required.</i> No person shall conduct any land-disturbing activity within the city without first obtaining a site development permit from the Department of Engineering to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable, unless the activity is otherwise exempt from the soil erosion and sedimentation control provisions of the Land Development Activities Chapter of this UDO.</p>

6. Explanation of Revisions: Amend Section 10.5.2 by amending Subsection E.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 10.5.2. Erosion and Sedimentation Control Plan.</p> <p>Section 10.5.2.E. Maps, Drawings and Supportive Computations.</p> <p>E. <i>Maps, Drawings and Supportive Computations.</i></p> <p>1. <i>Seal or Certification.</i> Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, or erosion and sediment control. After December 31, 2006, all persons involved in land development design, reviewed, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the Commission pursuant to O.C.G.A. § 12-7-20.</p> <p>2. <i>Contents.</i> The certified plans shall contain:</p> <p>(A) <i>Scale.</i> Graphic scale and north point or arrow indicating magnetic north.</p> <p>(B) <i>Vicinity Map.</i> Vicinity map showing location of project and existing streets.</p>	<p>Sec. 10.5.2. Erosion and Sedimentation Control Plan.</p> <p>Section 10.5.2.E. Maps, Drawings and Supportive Computations.</p> <p>E. <i>Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.</i></p>

- (C) *Survey Line*. Boundary line survey.
- (D) *Disturbed Areas*. Delineation of disturbed areas within project boundary.
- (E) *Contours*. Existing and planed contours, with contour lines drawn with an interval in accordance with Table 10.5.1.

Table 10.5.1
Minimum Contour Intervals

3. *Adjacent Areas and Features*. Adjacent areas and features such as streams, lakes, residential areas, etc. which might be affected shall be indicated on the plan.

4. *Proposed Structures and Additions*. Proposed structures or additions to existing structures and paved areas.

5. *Stream Buffers and Setbacks*. Delineate the natural stream buffers and setback requirements adjacent to all state waters as established in the Environmental Protection Chapter of this UDO, and the specified width in MRPA areas.

6. *Trout Streams*. Delineate the specified horizontal buffer along designated trout streams where applicable, as established in the Environmental Protection Chapter of this UDO.

7. *Location of Control Measures and Practices*. Location of erosion and sediment control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, Chapter 6. Practices may include, but are not limited to:

- (A) Construction exit;
- (B) Sediment barrier;
- (C) Sediment basin;
- (D) Grassed waterway (open swale); and
- (E) Storm drain outlet protection.

8. *Site Location Map*. A site location drawing of the proposed project indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers.

9. *Temporary and Permanent Control Measures*. A

<p>plan for temporary and permanent vegetative and structural erosion and sediment control measures.</p> <p>10. <i>Specifications for Control Measures.</i> Specifications of soil erosion and sediment control measures in accordance with the standards and specifications of this UDO.</p> <p>11. <i>Other Information.</i> Computations, timing schedule and other supportive data required for review of the applicant's plan.</p> <p>12. <i>100-Year Flood Plain.</i> Delineation of the 100-year flood plain, including a reference to data used in the determination.</p>	
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UNIFIED DEVELOPMENT ORDINANCE REVISIONS – CHAPTER 12
(Explanation of Revisions)

7. Explanation of Revisions: Amend Section 12.4.2.A.1 by amending Subsections 1.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2.A. Periodic Inspections</p> <p>1. The Department of Engineering shall periodically inspect the sites of land disturbing activities to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.</p>	<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2.A. Periodic Inspections</p> <p>1. The Department of Engineering shall periodically inspect the sites of land disturbing activities to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.</p>

8. Explanation of Revisions: Amend Section 12.4.2.A.4 by amending Subsection 4.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2.A. Periodic Inspections</p> <p>4. The Department of Engineering shall periodically inspect the sites of land disturbing activities to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.</p>	<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2.A. Periodic Inspections</p> <p>4. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.</p>

9. Explanation of Revisions: Delete Section 12.4.2.A.5 in its entirety.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2.A. Periodic Inspections</p> <p>5. The Georgia Board of Natural Resources, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a Local Issuing Authority. The Division may periodically review the actions of counties and municipalities, which have been,</p>	<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2.A. Periodic Inspections</p> <p style="text-align: center;">Deleted.</p>

<p>certified as issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinances and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary correction action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as a local issuing authority.</p>	
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10. Explanation of Revisions: Amend Section 12.4.2 by adding Subsections C and D.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2. Land Development Activities</p> <p><i>A. Periodic Inspections.</i></p> <p>1. The Department of Engineering shall periodically inspect the sites of land disturbing activities to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.</p>	<p>Sec. 12.4.2. Land Development Activities.</p> <p>Section 12.4.2. Land Development Activities</p> <p><i>A. Periodic Inspections.</i></p> <p>1. The Department of Engineering shall periodically inspect the sites of land disturbing activities to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.</p>

<p>Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.</p> <p>2. The Department of Engineering shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this UDO, and for this purpose to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of land disturbing activities.</p> <p>3. No person shall refuse entry or access to any authorized representative or agent of the Department of Engineering, the State Soil and Water Conservation Commission, the Soil and Water Conservation District or the EPD, who requests entry for purpose of inspection, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.</p> <p>4. The Soil and Water Conservation District or the State Soil and Water Conservation Commission or both shall periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the EPD and request investigation by the EPD if any deficient or ineffective local program is found</p> <p>5. The Georgia Board of Natural Resources, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a Local Issuing Authority. The Division may periodically review the actions of counties and municipalities, which have been, certified as issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinances</p>	<p>Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.</p> <p>2. The Department of Engineering shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this UDO, and for this purpose to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of land disturbing activities.</p> <p>3. No person shall refuse entry or access to any authorized representative or agent of the Department of Engineering, the State Soil and Water Conservation Commission, the Soil and Water Conservation District or the EPD, who requests entry for purpose of inspection, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.</p> <p>4. The Soil and Water Conservation District or the State Soil and Water Conservation Commission or both shall periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the EPD and request investigation by the EPD if any deficient or ineffective local program is found</p> <p>5. The Georgia Board of Natural Resources, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a Local Issuing Authority. The Division may periodically review the actions of counties and municipalities, which have been, certified as issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinances</p>
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and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary correction action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as a local issuing authority.

B. Notice of Noncompliance. When, through inspection, it is determined that a person engaged in land-disturbing activity, as defined herein, has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with any other provisions relating to land development activities of this UDO, one or more of the following actions may be taken.

1. A written notice to comply shall be served upon that person not in compliance. The notice shall state the nature of the noncompliance, the measure to be taken or the results required and the time allowed for compliance.
2. If the person engaged in the land disturbing activity fails to comply within the time specified, they may be deemed in violation.

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and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary correction action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as a local issuing authority.

B. Notice of Noncompliance. When, through inspection, it is determined that a person engaged in land-disturbing activity, as defined herein, has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with any other provisions relating to land development activities of this UDO, one or more of the following actions may be taken.

1. A written notice to comply shall be served upon that person not in compliance. The notice shall state the nature of the noncompliance, the measure to be taken or the results required and the time allowed for compliance.
2. If the person engaged in the land disturbing activity fails to comply within the time specified, they may be deemed in violation.

C. Conformance with Erosion and Sedimentation Act of 1975. The Columbus Consolidated Government will amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

D. Certification Requirements.

1. Persons involved in land development design, review, permitting, construction, monitoring, or

	<p>inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.</p> <p>2. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.</p> <p>3. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.</p> <p>4. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.</p>
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Will Johnson came to the podium to explain this case. The State of Georgia changed their language regarding sedimentation and erosion for 2010 and we have to amend our language to make ourselves compliant with the state.

Chairperson Hodge asked for discussion and a motion. Commissioner Chambers made a motion to approve this case as written. Commissioner Sheftall seconded. It was approved unanimously.

4th CASE:

REZONING CASE:

4. **REZN 4-10-3840:** A request to rezone the property located at 1242 6th Avenue. The current zoning is Light Manufacturing Industrial. The proposed zoning is Uptown zoning district. The property will be used for offices. George Mize, Jr. is the applicant.

Mr. Daniel Stegall read the Staff Report for this case.

Future Land Use Map: It is consistent with the Future Land Use Map. It is in Planning Area D. The Land Use Designation shows Mixed Use.

Policy Statements: N/A.

Compatible with Existing Land Uses: Yes.

Environmental Impacts: The property does not lie within a floodway and floodplain area. The developer will need an approved drainage plan prior to issuance of a Site Development Permit.

City Services: The property is served by all city services.

Traffic Impact: The proposed project is not expected to have a negative impact on the transportation network.

Traffic Engineering: The site shall meet the codes and regulations of the Columbus Consolidated Government for commercial usage.

School Impact: None.

Buffer Requirement: No buffer required.

Fort Benning Recommendation: None.

DRI Recommendation: None.

Conditions: None.

Attitude of Property Owners: Ten (10) property owners within 300 feet were notified of this rezoning request. The Planning Department has not received any calls concerning this rezoning request.

George Mize, Jr. representative of the applicant, came to the podium. Todd Reaves is the owner of the property. Mr. Reaves has a parking variance from the BZA. This property is underneath the 13th Street Viaduct. They want to develop this property for offices. Past use has been warehouses.

Chairperson Hodge asked for discussion and a motion. Commissioner Boyce made a motion to

approve this rezoning request because it is consistent with the future land use map and it is compatible with existing uses. Commissioner Ford seconded. It was approved unanimously.

5th CASE:

REZONING CASE:

5. **REZN 4-10-3841:** A request to rezone the property located at 219 26th Street. The current zoning is Residential Multi-Family 2. The proposed zoning is General Commercial. The property will be used for a parking lot. Harlan Price is the applicant.

Mr. Daniel Stegall read the Staff Report for this case.

Future Land Use Map: It is consistent with the Future Land Use Map. It is in Planning Area F. The Land Use Designation shows General Commercial.

Policy Statements: N/A.

Compatible with Existing Land Uses: Yes.

Environmental Impacts: The property does not lie within a floodway and floodplain area. The developer will need an approved drainage plan prior to issuance of a Site Development Permit.

City Services: The property is served by all city services.

Traffic Impact: The proposed project is not expected to have a negative impact on the transportation network.

Traffic Engineering: The site shall meet the codes and regulations of the Columbus Consolidated Government for commercial usage.

School Impact: None.

Buffer Requirement: The proposed General Commercial development shall have a Category C buffer requirement along all property lines bordered by the RMF1 and RMF2 zoning districts.

Fort Benning Recommendation: None.

DRI Recommendation: None.

Conditions: None.

Attitude of Property Owners: Thirty-nine (39) property owners within 300 feet were notified of this rezoning request. The Planning Department received one call concerning this rezoning request.

Additional Information: This request came before the Planning Advisory Commission on February 9, 2009. The commission recommended DENIAL based upon the fact that the immediate area is in transition from a commercial area to a stable neighborhood. Subsequently at the April 14, 2009 City Council meeting, the applicant requested to withdraw the rezoning which was granted. The proposed development will serve as a parking lot for the property located at 221 26th Street. The applicant has

indicated that the adjacent property will be used for office space.

Harlan Price, representative for the owner Roger Gamboa, came to the podium. The rezoning request from 2009 was denied so they had to wait a year to bring it back. During the last year Mr. Price stated he has worked with Mr. Gamboa on this project. He was unable to be here today. They have tried to work with Habitat for Humanity in this area. Mr. Gamboa wants to put his office in the adjacent building and he needs this property rezoned for parking.

Ken Henson, 874 Graystone Drive, came to the podium. He represents Anthony Wallace who lives next door to this property. Habitat has built 45 homes in this area. No one in the area wants this building used for a laundry mat or a parking lot. Mr. Wallace does not want a parking lot 20 feet from his house.

Anthony Wallace came to the podium. The hours of operation is what concerns Mr. Wallace.

Justin Kreig, 1546 16th Avenue, came to the podium. He has a few concerns. If this property gets rezoned to GC for a parking lot, will Mr. Gamboa then be able to have a Laundromat next door, and if the property sells, can another owner put in a Laundromat and parking? Mr. Stegall says conditions can be placed on the property to limit uses.

Chairperson Hodge asked for discussion and a motion. Commissioner Chambers made a motion to table this request until both parties could meet and talk. It was not seconded.

Commissioner Boyce made a motion to deny this case because the neighborhood is against it. Commissioner King seconded. It was denied six (Boyce, King, Calhoun, Chambers, Sheftall, Ford), to one (Smith).

6th CASE:

Rezoning Case

6. REZN 4-10-3966: A request to rezone the property located at 1410, 1426, 1508 and 1510 6th Avenue. The current zoning is Light Manufacturing Industrial. The proposed zoning is Uptown. The property will be used for offices and residential. Swift Mill Commercial Park, LLC is the applicant.

Mr. Daniel Stegall read the Staff Report for this case.

Future Land Use Map: It is consistent with the Future Land Use Map. It is in Planning Area D. The Land Use Designation shows Mixed Use.

Policy Statements: N/A.

Compatible with Existing Land Uses: Yes.

Environmental Impacts: The property does not lie within a floodway and floodplain area. The developer will need an approved drainage plan prior to issuance of a Site Development Permit.

City Services: The property is served by all city services.

Traffic Impact: The proposed project is not expected to have a negative impact on the transportation network.

Traffic Engineering: The site shall meet the codes and regulations of the Columbus Consolidated Government for commercial usage.

School Impact: Elementary age students would attend Downtown Elementary, Middle School would attend Marshall, High School would attend Jordan High School.

Buffer Requirement: The UDO does not address buffering in the UPT zoning district abutting LMI zones.

Fort Benning Recommendation: None.

DRI Recommendation: None.

Conditions: None.

Attitude of Property Owners: Thirty-four (34) property owners within 300 feet were notified of this rezoning request. The Planning Department has not received any calls concerning this rezoning request.

Additional Information: None.

Ernie Smallman, 2927 Madden Drive, representative of Swift Mill Commercial Park, LLC came to the podium. He introduced Pace Burt who will be developing the mill for offices and residential. Pace Burt, of Albany, Georgia stated that this is the 3rd textile mill he has developed in the last four years. The others are in South Carolina. They have owned the Swift Mill for two years. It is on the Historical Register. It is an excellent location for mixed use. Plans are to begin renovation in the next 90 days. The water tower and smoke stack will be preserved. There will be four phases.

Chairperson Hodge asked for discussion and a motion. Commissioner Boyce made a motion to approve this request because it is consistent with the future land use plan. Commissioner Smith seconded. It was approved unanimously.

NEW BUSINESS: None.

OLD BUSINESS: None.

ADJOURNMENT: 10:34 a.m.

Cathy Hodge, Chairperson

Daniel Stegall, Zoning Administrator